



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-third session
6–17 May 2019

Compilation on Brunei Darussalam

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child encouraged Brunei Darussalam to consider ratifying the core human rights instruments to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.³ The Committee on the Rights of the Child recommended that Brunei Darussalam consider ratifying the two Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.⁴

3. The Committee on the Elimination of Discrimination against Women encouraged Brunei Darussalam to accept, as soon as possible, the amendment to article 20 (1) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning the meeting time of the Committee.⁵ The Committee was



concerned that Brunei Darussalam had not ratified the Equal Remuneration Convention, 1951 (No. 100) or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and recommended that it ratify both conventions⁶ and the Domestic Workers Convention, 2011 (No. 189)⁷ without delay, and consider ratifying other relevant international conventions.⁸ The Committee on the Rights of the Child recommended that Brunei Darussalam ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and other relevant international instruments.⁹ The same Committee recommended that Brunei Darussalam consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.¹⁰

4. The United Nations High Commissioner for Refugees (UNHCR) recommended that Brunei Darussalam accede to the Convention relating to the Status of Refugees, of 1951, and its 1967 Protocol.¹¹ UNHCR and the Committee on the Rights of the Child recommended that Brunei Darussalam accede to the Convention relating to the Status of Stateless Persons, of 1954, and the Convention on the Reduction of Statelessness, of 1961.¹²

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Brunei Darussalam to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.¹³

6. The Committee on the Elimination of Discrimination against Women noted with concern the wish of Brunei Darussalam to retain its general reservation to the Convention on the Elimination of All Forms of Discrimination against Women that may be contrary to its Constitution and to the beliefs and principles of Islam. The Committee considered that the general reservation was impermissible under the Convention. The Committee strongly encouraged Brunei Darussalam to consider withdrawing or narrowing down its general reservation, including its reservation to article 9 (2) of the Convention.¹⁴ UNHCR made a similar recommendation.¹⁵

7. The Committee on the Rights of the Child noted the partial withdrawal by Brunei Darussalam of its reservations to articles 20 (1) and (2) and 21 (a) of the Convention on the Rights of the Child and encouraged it to withdraw its reservations to articles 14, 20 (3) and 21 (b)–(e).¹⁶

8. The Committee on the Elimination of Discrimination against Women urged Brunei Darussalam to give priority attention to the implementation of its concluding observations and recommendations.¹⁷ The Committee on the Rights of the Child made a similar observation in respect of its recommendations.¹⁸

9. The Committee on the Rights of the Child recommended that Brunei Darussalam cooperate with, *inter alia*, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children.¹⁹

III. National human rights framework²⁰

10. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child remained concerned that no progress had been made towards establishing an independent national human rights institution. They recommended that Brunei Darussalam establish an independent institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²¹ The Committee on the Rights of the Child recommended that Brunei Darussalam seek technical cooperation from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).²²

11. While noting the establishment in 2008 of the National Council on Social Issues, the Committee on the Rights of the Child recommended that Brunei Darussalam ensure that the Council was provided with a clear mandate, and the human, technical and financial resources necessary for its effective operation.²³

12. The same Committee welcomed the adoption of the long-term development framework under *Wawasan Brunei 2035* (Brunei Vision 2035), which set out eight strategies relating to various sectors. However, it was concerned at the absence of a specific comprehensive policy and strategy on children's rights encompassing all areas covered by the Convention. It recommended that Brunei Darussalam prepare a comprehensive policy on children, and develop a strategy that included the elements necessary for its implementation and that was supported by sufficient resources.²⁴

13. The Committee remained concerned at the lack of reliable disaggregated data, the lack of coordination and collaboration among government agencies in data collection and the inadequate technical capabilities for data collection, analysis and reporting. It urged Brunei Darussalam to expeditiously improve the system. It recommended that Brunei Darussalam take into account the conceptual and methodological framework set out in the OHCHR report entitled *Human Rights Indicators: A Guide to Measurement and Implementation* and that it strengthen its technical cooperation with, inter alia, UNICEF and regional mechanisms.²⁵

14. The Committee urged Brunei Darussalam to strengthen its efforts to disseminate the Convention on the Rights of the Child and sensitize the public in general, and children, including those in rural areas and in vulnerable situations, about the rights of children, and to seek technical assistance from, inter alia, OHCHR, UNICEF and UNESCO.²⁶

15. UNESCO strongly encouraged the promotion of human rights education, especially on children's rights, and its integration into national curricula – as this was at a low level in the country and represented a major challenge.²⁷

16. The Committee on the Rights of the Child noted the country's efforts to strengthen its cooperation with civil society. However, concerned that coordination remained weak, it called upon Brunei Darussalam to systematically involve communities and civil society in the planning, implementation, monitoring and evaluation of policies, plans and programmes.²⁸

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁹

17. Concerned at the absence of a definition of discrimination in national legislation, the Committee on the Elimination of Discrimination against Women recommended that Brunei Darussalam incorporate into its Constitution or other relevant legislation a definition of discrimination against women, encompassing both direct and indirect discrimination in both the public and the private spheres, in line with article 1 of the Convention.³⁰

18. While noting the efforts of Brunei Darussalam to combat discrimination, the Committee on the Rights of the Child reiterated its previous concern that discrimination against certain groups of children, particularly girls, children with disabilities, children belonging to ethnic and religious minorities, lesbian, gay, bisexual, transgender and intersex children and stateless children, still existed in practice. It urged Brunei Darussalam to adopt a comprehensive strategy, including awareness-raising, for the elimination of gender stereotypes and of de jure and de facto discrimination against all groups of children in marginalized and disadvantaged situations, as well as against girls.³¹

19. The same Committee was gravely concerned at insufficient measures taken to change the prevalent gender stereotypes concerning the roles of women and girls in the family, and to eradicate norms and practices discriminating against women and girls. It urged Brunei Darussalam to ensure that mothers and fathers shared equally the parental responsibility for their children, and to revise without delay the Syariah Penal Code Order 2013 (sharia code) which discriminated against women and girls and negatively affected

children.³² The Committee on the Elimination of Discrimination against Women also urged Brunei Darussalam to immediately review the sharia code with a view to repealing its direct and indirect discriminatory provisions affecting women.³³

2. Development and human rights³⁴

20. The Committee on the Elimination of Discrimination against Women called for the integration of a gender perspective, in accordance with the provisions of its Convention, into all efforts aimed at the achievement of the post-2015 development framework.³⁵

B. Civil and political rights

1. Right to life, liberty and security of person³⁶

21. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were gravely concerned at the restrictive interpretation by Brunei Darussalam of sharia law and at the adverse impact on women's human rights of the sharia code adopted in 2013 which, in its third phase of implementation, was to impose the death penalty by stoning for several "crimes", particularly adultery and extramarital relations (*zina*).³⁷ While noting that the same penalties applied to women and men, it was seriously concerned that women were disproportionately affected by punishment for "crimes" involving sex and were at a higher risk of being convicted of adultery and extramarital relations, owing to discriminatory investigative policies and provisions on the weighing of evidence. In particular, it noted with concern that women would face greater difficulty in collecting the evidence necessary to prove rape, meaning that the fear of being accused of *zina* was likely to prevent women from reporting rape.³⁸ The Committee on the Rights of the Child was also deeply concerned that the sharia code of 2013 prescribed capital punishment, hand-cutting and whipping of children for several crimes. It urged Brunei Darussalam to review it, to undertake law reform to eliminate all discrimination against children and to develop institutional capacity for the effective implementation of child-related laws.³⁹ It urged taking measures, including amendments to laws and awareness-raising campaigns.⁴⁰

2. Administration of justice, including impunity, and the rule of law⁴¹

22. The Committee on the Rights of the Child remained concerned about the lack of information regarding the practical implementation of the right of the child to express his or her views in judicial and administrative proceedings. It urged Brunei Darussalam to ensure the incorporation of that right into all laws, policies and programmes relating to children, particularly regarding the administration of justice, and to develop awareness-raising programmes to promote the meaningful and empowered participation of all children in judicial proceedings, school, the community, the family and alternative care settings.⁴²

23. The same Committee reiterated its previous concern that the minimum age of criminal responsibility was very low (7 years). It also remained deeply concerned that no progress had been made towards abolishing the sentence of whipping for boys. Furthermore, it was concerned at the lack of adequate training for probation officers working with children. It urged Brunei Darussalam to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards, raise without delay the minimum age of criminal responsibility to an internationally acceptable standard, abolish the sentence of whipping/flogging for boys, ensure that staff working with children, particularly probation officers, specialized judges, legal representatives and social workers, were provided with appropriate training, and seek technical assistance in the area of juvenile justice.⁴³

3. Fundamental freedoms and the right to participate in public and political life⁴⁴

24. The Committee on the Rights of the Child was deeply concerned that Brunei Darussalam imposed several measures limiting the observance of religions other than Islam, prohibiting public celebration of Christmas, Chinese New Year and other festivities, and providing for prosecution measures under section 209 (1) of the sharia code, which

constituted undue limitations on the right to freedom of thought, conscience and religion of children and disproportionately affected children belonging to religious minorities. It was also concerned that Islamic religious knowledge was taught as a mandatory subject in all schools and that children of other religions could not be exempted from that course. It urged Brunei Darussalam to amend its national legislation in order to guarantee effectively those rights and to combat intolerance on the grounds of religion or belief, to promote religious dialogue in society and to ensure that religious teachings promoted tolerance and understanding among all communities. It also urged Brunei Darussalam to revise its school curricula to exempt children belonging to religions other than Islam from the mandatory course on Islamic religious knowledge.⁴⁵

25. UNESCO reported that the Constitution of Brunei Darussalam did not contain articles or provisions for freedom of expression or freedom of the press, which were restricted under various laws. It urged Brunei Darussalam to consider following up on the related rejected recommendations of the first universal periodic review cycle and to repeal or amend the Sedition Act and the Local Newspapers Order (1958/2001) so that they conformed with international human rights standards, and to halt prosecutions of individuals for possessing “seditious” material critical of the State and the royal family. It encouraged the Government to assess the appointment system for the broadcast licensing authority to ensure that that body was independent. It noted that article 500 of the Penal Code criminalized defamation with up to five years’ imprisonment, and recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards.⁴⁶

26. UNESCO noted that a freedom of information law did not currently exist. It encouraged Brunei Darussalam to introduce a law that was in accordance with international standards and to ensure progress on target 16.10 of the Sustainable Development Goals concerning public access to information and fundamental freedoms.⁴⁷

4. Prohibition of all forms of slavery⁴⁸

27. The Committee on the Elimination of Discrimination against Women noted with concern that laws on trafficking of women and girls did not address the issue systematically. It also noted with concern the criminalization of women in prostitution and the heavy prison sentences and fines imposed for their involvement. It recommended that Brunei Darussalam adopt a comprehensive law on trafficking; increase international, regional and bilateral cooperation with countries of origin, transit and destination; amend existing laws and regulations to decriminalize women in prostitution; adopt a comprehensive approach to address the phenomenon of prostitution; and provide exit programmes for women who wished to leave prostitution.⁴⁹

28. The ILO Committee of Experts on the Application of Conventions and Recommendations was concerned that the explanations accompanying the Penal Code prohibition on procuring or offering children under the age of 18 years for prostitution or illicit intercourse referred to a “female under the age of 18 years” but that clients’ use of children under 18 years for prostitution did not appear to be prohibited under the Code.⁵⁰ The Committee on the Rights of the Child was concerned at the lack of a proactive system to identify victims of trafficking, especially among vulnerable groups such as children in prostitution. The same Committee was also concerned that the use of children for prostitution and the procurement or offering of a child for pornography were not explicitly criminalized.⁵¹ The Committee on the Rights of the Child and ILO recommended that Brunei Darussalam explicitly prohibit the use of children in prostitution, procurement and pornography, and prosecute and punish perpetrators; and strengthen its cooperation with South Asian countries to combat trafficking in children, and establish a comprehensive and systematic mechanism for disaggregated data collection.⁵² The ILO Committee of Experts requested that the Government redouble its efforts to ensure the effective monitoring of the sale and trafficking of children.⁵³

5. Right to privacy and family life⁵⁴

29. The Committee on the Rights of the Child noted the introduction of the temporary foster care scheme, which provided for the placement of children deprived of a family

environment with a foster family. It was, however, concerned about the lack of an independent complaint mechanism for children in care. It recommended that Brunei Darussalam support and facilitate family-based care for children wherever possible, monitor the quality of care therein, and ensure the allocation of adequate human, technical and financial resources to alternative care centres and relevant child protection services.⁵⁵

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁶

30. While appreciating the increased participation of women in the labour force, the Committee on the Elimination of Discrimination against Women was concerned at the persistent gender wage gap and the lack of a provision on equal pay for women and men for work of equal value in the Employment Order of 2009, and at continued segregation in the labour market. It recommended that Brunei Darussalam intensify its efforts to create an enabling environment for women to become economically more independent, adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace, and guarantee equal pay for work of equal value.⁵⁷

2. Right to health⁵⁸

31. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were deeply concerned at the criminalization of abortion and the absence of exceptions in cases of rape or incest, and urged Brunei Darussalam to amend the Penal Code to decriminalize abortion.⁵⁹

32. UNESCO was alarmed by the absence of sexual and reproductive health education.⁶⁰ The Committee on the Rights of the Child urged Brunei Darussalam to adopt a comprehensive sexual and reproductive health policy for adolescents; ensure that sexual and reproductive health education was part of the mandatory school curriculum and targeted at adolescent girls and boys, paying special attention to preventing early pregnancy and sexually transmitted infections; and develop and implement a policy to protect the rights of pregnant girls and adolescent mothers and their children and combat discrimination against them.⁶¹

33. The same Committee was concerned at the shortage of qualified local health personnel, which had a negative impact on the health of children. It recommended that Brunei Darussalam allocate sufficient financial and human resources to health services.⁶²

34. The Committee recommended that Brunei Darussalam take measures to ensure that adolescents had access to mental health counselling services.⁶³

35. While noting initiatives by Brunei Darussalam to combat child obesity, the Committee was concerned about the prevalence of obesity among children and recommended that Brunei Darussalam intensify its efforts in combating it.⁶⁴

3. Right to education⁶⁵

36. UNESCO noted that the Constitution, as amended in 2008, did not guarantee the right to education and did not specify the principle of non-discrimination. UNESCO was disappointed with the Strategic Plan 2018–2022 as it considered it poorly developed, and questioned how the Strategy's objectives and long-term outcomes could be achieved. Progress also needed to be made regarding the quality of teaching. UNESCO encouraged Brunei Darussalam to develop its legislative framework on education in order to guarantee the right to education for all and the principle of non-discrimination.⁶⁶

37. The Committee on the Elimination of Discrimination against Women and UNESCO acknowledged the high literacy rate and the high level of enrolment of women and girls in tertiary education, while noting that national budget allocation for education remained relatively low, well below the international reference point encouraged in the 2030 Agenda for Sustainable Development. They were concerned, however, that women and girls continued to choose traditionally female-dominated fields of education and remained

underrepresented in technical and vocational education, and recommended that Brunei Darussalam eliminate the structural barriers to the enrolment of girls in non-traditional fields.⁶⁷ The Committee on the Elimination of Discrimination against Women also remained concerned about the persistence of some negative stereotypes against women in textbooks and curricula, and recommended that Brunei Darussalam give priority to eliminating these, and that it intensify efforts to review textbooks and curricula to eliminate any stereotypical images of the roles of women.⁶⁸ UNESCO had similar concerns.⁶⁹

38. UNESCO was concerned at pervasive child labour, with poor enforcement of national legislation in this field. This inherently had some consequences on children's access to education. UNESCO urged Brunei Darussalam to address harmful practices such as child labour that had an impact on the right to education.⁷⁰

39. The Committee on the Rights of the Child welcomed the adoption of the Compulsory Education Order 2007, which provided for nine years of compulsory education for all children. However, it was concerned that the human rights education provided in school curricula, in particular on children's rights, was not sufficient. Building on its previous recommendations, it urged Brunei Darussalam to include education on human rights, in particular children's rights, in school curricula on the development of and respect for human rights, tolerance and gender equality, and religious and ethnic minorities.⁷¹

D. Rights of specific persons or groups

1. Women⁷²

40. The Committee on the Elimination of Discrimination against Women noted with concern the inadequate knowledge among all branches of the Government of the rights of women and of the concept of substantive equality of women and men. It recommended that Brunei Darussalam enhance women's awareness of their rights and of the remedies available to them to claim violations of their rights under the Convention on the Elimination of All Forms of Discrimination against Women, and ensure that the Convention was sufficiently known and applied by all branches of the Government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women.⁷³

41. The Committee was concerned that the focus on women in the context of the family might perpetuate discriminatory stereotypes and detract from the full advancement of women. It was also concerned about the lack of a coordinated gender mainstreaming strategy – including the use of gender-responsive budgeting in all public institutions, as well as adequate human and financial resources. It recommended that Brunei Darussalam develop a gender mainstreaming strategy and accord greater visibility, increased capacity and authority to the national machinery for the advancement of women by ensuring the provision of sufficient and sustainable budgetary allocations and adequate staff with the necessary technical capacity. It also recommended that this process include strengthening the capacity of all ministries and other government bodies to use the gender mainstreaming strategy effectively, particularly through training and capacity-building for all public officials, including law enforcement personnel.⁷⁴

42. The Committee was concerned at the persistence of deep-rooted patriarchal attitudes that were reflected in women's academic and professional choices, and in their unequal position in the labour market and in marriage and family relations. It recalled that such stereotypes were also root causes of violence against women and was deeply concerned at the high prevalence of harmful practices against women. It urged Brunei Darussalam to put in place a comprehensive strategy with proactive and sustained measures targeted at women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and in society, and about harmful practices discriminating against women, in conformity with the Convention.⁷⁵

43. The Committee was concerned at the absence of specific legislation on violence against women and on domestic violence, and that marital rape was not criminalized. It

noted that women rarely reported such cases. It was also concerned at the low number of investigations, prosecutions and convictions of perpetrators. It urged Brunei Darussalam to adopt specific legislation to criminalize all forms of violence against women, including domestic violence and marital rape; provide appropriate redress to all women, including female migrant and domestic workers, and stateless women; and prosecute and punish perpetrators. It also recommended the Brunei Darussalam amend the Penal Code with a view to criminalizing marital rape, strengthen support services for women victims of violence, and provide gender-sensitive training for the judiciary, law enforcement officers and health professionals.⁷⁶

44. The Committee was concerned at the low participation of women in political and public life, particularly in decision-making positions at all levels, owing to persistent traditional and patriarchal attitudes regarding the role of women in society. It was also concerned at the lack of policies and measures to increase their participation. It urged Brunei Darussalam to increase their participation at all levels, build the capacity and self-esteem of women politicians, and conduct awareness-raising activities for politicians, community leaders, journalists and the general public on the importance of women's participation in decision-making.⁷⁷ It was further concerned that no temporary special measures, such as a system of quotas aimed at accelerating equality between women and men, had been adopted or were envisaged in the near future as part of a strategy to accelerate the achievement of de facto or substantive equality between women and men in all areas. It recommended that Brunei Darussalam adopt and implement such measures where women were underrepresented or disadvantaged, including in political and public life and decision-making, and include in its legislation provisions to encourage the use of temporary special measures in both the public and private sectors.⁷⁸

45. The Committee was concerned at women facing multiple and intersecting forms of discrimination, particularly women with disabilities, women migrant workers, women domestic workers and stateless women. It recommended that Brunei Darussalam ensure equal rights and opportunities for those women, improve their access to education, employment and health care, and protect them from violence, abuse and exploitation.⁷⁹

46. The Committee was concerned at the persistence of a significant number of discriminatory laws, including provisions relating to marriage and divorce, particularly in personal status laws, and at unequal and limited rights for women in relation to divorce and inheritance. It recommended that Brunei Darussalam reform the Islamic Family Law Act, taking into consideration the experiences of countries with similar religious backgrounds and legal systems that had successfully harmonized their national legislation with their legally binding obligations, specifically with regard to matters of property, divorce, inheritance, and the requirement of authorization from the guardian (*wali*) in order to enter into marriage. It recommended repealing the law that penalized unmarried women who left their parents or *wali*.⁸⁰

47. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were deeply concerned about the high prevalence of child marriages among girls, including at the very low minimum age of marriage, which was 14 years under customary marriage laws, 15 years for ethnic Chinese, and 16 years for Muslim girls, as compared with 18 years for Muslim boys, and about the negative effects of such marriages on young girls. Both urged that Brunei Darussalam raise it for all girls and boys to 18 years, take effective measures to prevent and combat child marriage, and develop awareness-raising campaigns and programmes.⁸¹

48. The Committee on the Elimination of Discrimination against Women was concerned at the general lack of updated and disaggregated statistical data, and called upon Brunei Darussalam to develop a gender indicator system to improve the collection of data to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.⁸²

2. Children⁸³

49. The Committee on the Rights of the Child remained concerned about the persistence of the practice of corporal punishment in families, in schools and institutions, particularly

by school headmasters and principals, and in alternative care settings and penal institutions, and as a sentence for crimes. It urged Brunei Darussalam to explicitly prohibit corporal punishment in all settings, implement these laws effectively, and introduce sustained public education, awareness-raising and social mobilization programmes, with the whole society, including children, being involved in the design and implementation of preventive strategies.⁸⁴

50. The ILO Committee of Experts observed that children of migrant workers were at an increased risk of becoming victims of sale and trafficking. It requested that they be protected from this worst form of child labour and that information be provided on the progress made in this regard.⁸⁵

51. The Committee on the Rights of the Child welcomed the explicit inclusion of the principle of the best interests of the child in the Children and Young Persons Order 2006, and recommended that this right be appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions.⁸⁶

52. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child were deeply concerned at the high prevalence and denial of the grave nature of female genital mutilation and circumcision in Brunei Darussalam.⁸⁷ They urged Brunei Darussalam to eliminate this practice, expeditiously adopt legislation to specifically criminalize it, and prosecute and punish perpetrators.⁸⁸ The Committee on the Rights of the Child urged Brunei Darussalam to set up awareness-raising campaigns and educational programmes on the harmful impact of female genital mutilation on the physical and psychological health of the girl child and ensure that those campaigns and programmes were systematically and consistently mainstreamed and targeted at all segments of society.⁸⁹

53. The ILO Committee of Experts asked about any measures taken or envisaged to ensure that the minimum age applied to all types of work, including work outside a contractual employment relationship. It asked whether the provisions of the Employment Order 2009 applied equally to migrant children and, if not, requested that the Government identify the laws and regulations that regulated the minimum age of employment for those workers.⁹⁰

54. The same Committee requested that the Government take the necessary measures to combat child labour, by adopting a national policy for its progressive abolition and implementing relevant programmes of action.⁹¹ It requested that the Government ensure that sufficient up-to-date data on the prevalence of the worst forms of child labour were made available.⁹²

55. Concerned at the absence of a list of hazardous work in which children should not be involved, the Committee on the Rights of the Child urged Brunei Darussalam to enforce its national legislation to ensure that child labour, including in the informal sector and in family businesses, was in full compliance with international standards. It also recommended that Brunei Darussalam revise the relevant provisions of the Employment Order 2009, strengthen the implementation of labour laws by establishing labour inspections, and ensure that anyone violating legislation on child labour was held accountable.⁹³ The same Committee and the ILO Committee of Experts hoped that the list of types of hazardous work prohibited to young persons under the age of 18 years would be finalized.⁹⁴

56. Concerned at the limited number of leisure, recreational and cultural facilities for children, the Committee on the Rights of the Child recommended that Brunei Darussalam allocate resources to initiatives promoting and facilitating children's playtime and other self-organized activities in public places, schools and children's institutions and at home.⁹⁵

3. Persons with disabilities⁹⁶

57. While noting with appreciation the establishment of the Special Committee on Persons with Disabilities and the Elderly, the Committee on the Rights of the Child was concerned at the lack of reliable disaggregated data on children with disabilities. It urged Brunei Darussalam to adopt a human rights-based approach to disability; set up a

comprehensive strategy for the inclusion of children with disabilities; establish a system for collecting data on children with disabilities, focusing on types of disability; develop an efficient system for the early detection and diagnosis of disability; and put in place appropriate policies and programmes, including rehabilitation and reintegration programmes for children suffering from multiple and intersecting forms of discrimination.⁹⁷

58. The Committee on the Rights of the Child was also concerned that a number of children with disabilities were deprived of education, and that most schools were not accessible to such children and did not provide inclusive education. It recommended that Brunei Darussalam ensure that all children with disabilities had access to education and that the country allocate adequate human, financial and technical resources for schools to effectively strengthen inclusive education.⁹⁸ UNESCO reiterated those concerns and noted that despite the commitments of the Ministry of Education, progress remained to be achieved regarding access to education for children with special needs. UNESCO encouraged further efforts to ensure equal access to education for all, especially vulnerable groups such as children with special needs.⁹⁹

4. Stateless persons¹⁰⁰

59. UNHCR, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women noted with concern that a woman of Brunei Darussalam married to a foreign national was required to submit an application under the Nationality Act (chap. 15) in order to transmit her citizenship to her children, whereas the children of a father who was a national of Brunei Darussalam and a mother who was not automatically acquired nationality of Brunei Darussalam. They were also concerned that the foreign husband of a woman who was a national of Brunei Darussalam and the foreign wife of a man who was a national of Brunei Darussalam did not enjoy equal status when applying for permanent residence. They encouraged Brunei Darussalam to amend the Act with a view to bringing it into full compliance with the Committee on the Elimination of Discrimination against Women and enabling women nationals of Brunei Darussalam to transmit their nationality to their children and foreign spouses on a basis of equality with male nationals of Brunei Darussalam.¹⁰¹ UNHCR recommended removing the racially discriminatory provisions, and that this amendment be made retroactive in effect.¹⁰²

60. The Committee on the Rights of the Child noted with appreciation efforts to naturalize and assimilate a large number of stateless permanent residents. Nevertheless, barriers remained for the naturalization of the majority of stateless persons, particularly stateless children. It recommended that Brunei Darussalam provide birth registration and access to basic rights, such as health and education, to all stateless children and their families on the country's territory, irrespective of their legal status.¹⁰³

61. The Committee on the Rights of the Child was concerned at the lack of awareness among parents and guardians of stateless children regarding the need to register their children as citizens, under the Nationality Act. It urged Brunei Darussalam to naturalize stateless children and conduct awareness-raising campaigns among parents and guardians of stateless children.¹⁰⁴ UNHCR noted that the Births and Deaths Registration Act (chap. 79) provided that all children born in Brunei Darussalam should have their births registered. It recommended that Brunei Darussalam conduct a comparative review of regional good practices and implement policies to ensure that the births of all children were registered without discrimination.¹⁰⁵

62. The Committee on the Rights of the Child remained concerned that children were not always registered at birth, despite the measures taken to ensure this. The Committee reiterated its previous recommendation and urged Brunei Darussalam to intensify its efforts in taking all the measures necessary to ensure the registration at birth of all children, in both rural and urban areas, of children in migration circumstances, including irregular migration, and of children in Kampong Ayer (the "water village").¹⁰⁶

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Brunei Darussalam will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BNIndex.aspx.
- ² For relevant recommendations, see A/HRC/27/11, paras. 113.1–113.38, 113.55, 113.83, 113.98, 113.107 and 113.112–113.120.
- ³ CEDAW/C/BRN/CO/1-2, para. 49; and CRC/C/BRN/CO/2-3, paras. 50 and 72.
- ⁴ CRC/C/BRN/CO/2-3, paras. 50 and 72.
- ⁵ CEDAW/C/BRN/CO/1-2, para. 44.
- ⁶ *Ibid.*, paras. 32–33.
- ⁷ *Ibid.*, para. 23 (e).
- ⁸ *Ibid.*, para. 33 (d).
- ⁹ *Ibid.*, paras. 24–25.
- ¹⁰ CRC/C/BRN/CO/2-3, para. 71.
- ¹¹ UNHCR submission for the universal periodic review of Brunei Darussalam, pp. 2 and 5. For the relevant recommendation, see A/HRC/27/11, para. 113.36 (Uruguay).
- ¹² CRC/C/BRN/CO/2-3, paras. 63–64; and UNHCR submission, p. 4.
- ¹³ UNESCO submission for the universal periodic review of Brunei Darussalam, para. 24.
- ¹⁴ CEDAW/C/BRN/CO/1-2, paras. 8–9 and 29.
- ¹⁵ UNHCR submission, p. 3. For the relevant recommendation, see A/HRC/27/11, para. 113.53 (Argentina).
- ¹⁶ CRC/C/BRN/CO/2-3, paras. 7–8. See also CRC/C/15/Add.219, para. 5.
- ¹⁷ CEDAW/C/BRN/CO/1-2, para. 47.
- ¹⁸ CRC/C/BRN/CO/2-3, para. 74.
- ¹⁹ *Ibid.*, para. 73.
- ²⁰ For relevant recommendations, see A/HRC/27/11, paras. 113.59, 113.73, 113.84–113.90, 113.92–113.93, 113.95–113.96, 113.102–113.106, 113.110–113.111, 113.168, 113.175 and 113.180.
- ²¹ CEDAW/C/BRN/CO/1-2, paras. 40–41; and CRC/C/BRN/CO/2-3, paras. 17–18.
- ²² CRC/C/BRN/CO/2-3, paras. 17–18.
- ²³ *Ibid.*, paras. 13–14.
- ²⁴ *Ibid.*, paras. 11–12.
- ²⁵ *Ibid.*, paras. 15–16.
- ²⁶ *Ibid.*, paras. 19–20. See also CRC/C/15/Add.219, para. 21.
- ²⁷ UNESCO submission, p. 5.
- ²⁸ CRC/C/BRN/CO/2-3, paras. 21–22.
- ²⁹ For relevant recommendations, see A/HRC/27/11, paras. 113.53, 113.56, 113.69–113.72, 113.121–113.123 and 113.125.
- ³⁰ CEDAW/C/BRN/CO/1-2, paras. 14–15.
- ³¹ CRC/C/BRN/CO/2-3, paras. 25–26. See also CRC/C/15/Add.219, para. 24.
- ³² CRC/C/BRN/CO/2-3, paras. 45–46 (a).
- ³³ CEDAW/C/BRN/CO/1-2, paras. 12–13.
- ³⁴ For relevant recommendations, see A/HRC/27/11, paras. 113.159–113.160, 113.166 and 113.181.
- ³⁵ CEDAW/C/BRN/CO/1-2, para. 46.
- ³⁶ For relevant recommendations, see A/HRC/27/11, paras. 113.41, 113.48, 113.52, 113.58, 113.60–113.61, 113.64, 113.66, 113.94, 113.126–113.132, 113.134, 113.136–113.137 and 113.143–113.149.
- ³⁷ CEDAW/C/BRN/CO/1-2, para. 12; and CRC/C/BRN/CO/2-3, paras. 9–10. See also CRC/C/BRN/CO/2-3, para. 45.
- ³⁸ CEDAW/C/BRN/CO/1-2, paras. 12–13.
- ³⁹ CRC/C/BRN/CO/2-3, paras. 9–10.
- ⁴⁰ *Ibid.*, paras. 45–46.
- ⁴¹ For relevant recommendations, see A/HRC/27/11, paras. 113.56, 113.62–113.63, 113.68 and 113.74–113.77.
- ⁴² CRC/C/BRN/CO/2-3, paras. 29–30.
- ⁴³ *Ibid.*, paras. 69–70. See CRC/C/15/Add.219, para. 55.
- ⁴⁴ For relevant recommendations, see A/HRC/27/11, paras. 113.43, 113.45–113.51, 113.53, 113.67, 113.79–113.80, 113.125 and 113.150–113.151.
- ⁴⁵ CRC/C/BRN/CO/2-3, paras. 35–36.
- ⁴⁶ UNESCO submission, paras. 3–8 and 19–22.
- ⁴⁷ *Ibid.*, paras. 9 and 18.
- ⁴⁸ For relevant recommendations, see A/HRC/27/11, paras. 113.52, 113.94, 113.134 and 113.140–113.149.
- ⁴⁹ CEDAW/C/BRN/CO/1-2, paras. 24–25.

- ⁵⁰ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3242312.
- ⁵¹ CRC/C/BRN/CO/2-3, paras. 67–68.
- ⁵² *Ibid.*, and see www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3185761.
- ⁵³ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3185761.
- ⁵⁴ For relevant recommendations, see A/HRC/27/11, paras. 113.91, 113.101, 113.108, 113.135 and 113.183.
- ⁵⁵ CRC/C/BRN/CO/2-3, paras. 47–48.
- ⁵⁶ For the relevant recommendation, see A/HRC/27/11, para. 113.51.
- ⁵⁷ CEDAW/C/BRN/CO/1-2, paras. 32–33.
- ⁵⁸ For relevant recommendations, see A/HRC/27/11, paras. 113.81, 113.109 and 113.169–113.174.
- ⁵⁹ CEDAW/C/BRN/CO/1-2, paras. 34–35; and CRC/C/BRN/CO/2-3, paras. 53–54.
- ⁶⁰ UNESCO submission, p. 4.
- ⁶¹ CRC/C/BRN/CO/2-3, paras. 53–54.
- ⁶² *Ibid.*, paras. 51–52.
- ⁶³ *Ibid.*, paras. 55–56.
- ⁶⁴ *Ibid.*, paras. 57–58.
- ⁶⁵ For relevant recommendations, see A/HRC/27/11, paras. 113.97, 113.167, 113.170, 113.176–113.177, 113.179, 113.182 and 113.185–113.188.
- ⁶⁶ UNESCO submission, pp. 2 and 4–5.
- ⁶⁷ CEDAW/C/BRN/CO/1-2, paras. 30–31; and UNESCO submission, pp. 3–5.
- ⁶⁸ CEDAW/C/BRN/CO/1-2, paras. 30–31.
- ⁶⁹ UNESCO submission, pp. 3–5.
- ⁷⁰ *Ibid.*, p. 5.
- ⁷¹ CRC/C/BRN/CO/2-3, paras. 59–60. See CRC/C/15/Add.219, para. 50.
- ⁷² For relevant recommendations, see A/HRC/27/11, paras. 113.39, 113.42, 113.54, 113.99, 113.124, 113.133, 113.135, 113.153–113.158 and 113.161.
- ⁷³ CEDAW/C/BRN/CO/1-2, paras. 10–11.
- ⁷⁴ *Ibid.*, paras. 16–17.
- ⁷⁵ *Ibid.*, paras. 20–21.
- ⁷⁶ *Ibid.*, paras. 22–23.
- ⁷⁷ *Ibid.*, paras. 26–27.
- ⁷⁸ *Ibid.*, paras. 18–19.
- ⁷⁹ *Ibid.*, paras. 36–37.
- ⁸⁰ *Ibid.*, paras. 38–39.
- ⁸¹ CRC/C/BRN/CO/2-3, paras. 23–24 and 43–44; and CEDAW/C/BRN/CO/1-2, paras. 38–39.
- ⁸² CEDAW/C/BRN/CO/1-2, paras. 42–43.
- ⁸³ For relevant recommendations, see A/HRC/27/11, paras. 113.40, 113.78, 113.93, 113.138–113.142, 113.144 and 113.184.
- ⁸⁴ CRC/C/BRN/CO/2-3, paras. 39–40.
- ⁸⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3185761.
- ⁸⁶ CRC/C/BRN/CO/2-3, paras. 27–28.
- ⁸⁷ CEDAW/C/BRN/CO/1-2, paras. 34–35; and CRC/C/BRN/CO/2-3, paras. 41–42.
- ⁸⁸ *Ibid.*
- ⁸⁹ CRC/C/BRN/CO/2-3, paras. 41–42.
- ⁹⁰ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3338762.
- ⁹¹ *Ibid.*
- ⁹² See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3185761.
- ⁹³ CRC/C/BRN/CO/2-3, paras. 65–66.
- ⁹⁴ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339590; and CRC/C/BRN/CO/2-3, paras. 65–66.
- ⁹⁵ CRC/C/BRN/CO/2-3, paras. 61–62.
- ⁹⁶ For relevant recommendations, see A/HRC/27/11, paras. 113.31, 113.108, 113.161, 113.168 and 113.189.
- ⁹⁷ CRC/C/BRN/CO/2-3, paras. 49–50.
- ⁹⁸ *Ibid.*
- ⁹⁹ UNESCO submission, pp. 4–5.
- ¹⁰⁰ For relevant recommendations, see A/HRC/27/11, paras. 113.53, 113.79–113.80 and 113.125.
- ¹⁰¹ UNHCR submission, pp. 3–4; CEDAW/C/BRN/CO/1-2, paras. 28–29; and CRC/C/BRN/CO/2-3, paras. 33–34. For the relevant recommendation, see A/HRC/27/11, para. 113.125 (France).
- ¹⁰² UNHCR submission, p. 3–4.
- ¹⁰³ CRC/C/BRN/CO/2-3, paras. 63–64.
- ¹⁰⁴ CRC/C/BRN/CO/2-3, paras. 33–34.

¹⁰⁵ UNHCR submission, p. 4.

¹⁰⁶ CRC/C/BRN/CO/2-3, paras. 31–32. See also CRC/C/15/Add.219, para. 34.
