



# General Assembly

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## Human Rights Council

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9–27 September 2019

Agenda item 6

Universal periodic review

### Report of the Working Group on the Universal Periodic Review

#### Brunei Darussalam

#### Addendum\*

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.



1. The Government of Brunei Darussalam has carefully examined the 220 recommendations that it received during the thirty-third session of the Working Group of the Universal Periodic Review of the Human Rights Council. Brunei Darussalam accepts **108** recommendations, including those that have already been put into practice or are being implemented.
2. The partial acceptance of **7** recommendations means that Brunei Darussalam agrees on a part of the recommendation and takes note of the other part, because they may be contrary to the Constitution of Brunei Darussalam; the official religion of Brunei Darussalam; its national legislation; and without prejudice to the generality of the recommendations.
3. Brunei Darussalam does not accept **81** recommendations because they may be contrary to the Constitution of Brunei Darussalam; the official religion of Brunei Darussalam; its national legislation; and without prejudice to the generality of the recommendations.
4. Brunei Darussalam takes note of **24** recommendations.
5. The specific replies are as follows:

<i>Recommendation</i>	<i>Position</i>
<b>121.1</b>	Partially Accepted  Brunei Darussalam remains committed to its international human rights obligations which it is party to namely Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC).  Brunei Darussalam is currently taking steps towards ratification of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
<b>121.2</b>	Partially Accepted  See 121.1
<b>121.3</b>	Partially Accepted  See 121.1
<b>121.4</b>	Not Accepted
<b>121.5</b>	Not Accepted
<b>121.6</b>	Not Accepted
<b>121.7</b>	Not Accepted
<b>121.8</b>	Not Accepted
<b>121.9</b>	Not Accepted
<b>121.10</b>	Accepted  Brunei Darussalam is currently taking steps towards ratification of CAT.
<b>121.11</b>	Noted  See 121.10
<b>121.12</b>	Partially Accepted  See 121.10

<i>Recommendation</i>	<i>Position</i>
<b>121.13</b>	Partially Accepted See 121.10 The Vienna Convention on the Law of Treaties gives all sovereign states the right to make reservations.
<b>121.14</b>	Accepted See 121.10
<b>121.15</b>	Not Accepted
<b>121.16</b>	Not Accepted
<b>121.17</b>	Not Accepted
<b>121.18</b>	Not Accepted
<b>121.19</b>	Not Accepted
<b>121.20</b>	Partially Accepted See 121.1
<b>121.21</b>	Not Accepted
<b>121.22</b>	Partially Accepted See 121.10
<b>121.23</b>	Not Accepted
<b>121.24</b>	Not Accepted Brunei Darussalam is currently focused on ratification of the fundamental International Labour Organization (ILO) Conventions, of which two has been ratified. Current labour legislation as well as enforcement practices sufficiently ensures that all migrant workers in Brunei Darussalam are protected, provided adequate housing, are employed in conditions that are not harmful to their individual safety as well as have access to dispute settlement mechanisms.
<b>121.25</b>	Not Accepted
<b>121.26</b>	Not Accepted
<b>121.27</b>	Accepted
<b>121.28</b>	Not Accepted Brunei Darussalam maintains its reservation on Article 9 (2) of the Convention. Procedures are available for children of women citizens married to foreign nationals to be accorded Brunei citizenship through an application process, pursuant to Section 6 of the Brunei Nationality Act. In view that Brunei Darussalam has a policy of single nationality, children of women citizens may either be registered as Brunei nationals or the nationals as that of the father.
<b>121.29</b>	Not Accepted
<b>121.30</b>	Not Accepted

<i>Recommendation</i>	<i>Position</i>
<b>121.31</b>	Not Accepted
<b>121.32</b>	Not Accepted
<b>121.33</b>	Accepted
<b>121.34</b>	Accepted
<b>121.35</b>	Accepted
<b>121.36</b>	Not Accepted <p>The promulgation of the Syariah Penal Code Order, 2013 (SPCO) is to preserve and protect religion, life, intellect, lineage and property. It is applied uniformly regardless of gender and in line with Brunei Darussalam's religious and cultural norms that are highly valued in our society.</p> <p>The corporal punishments in the SPCO will not be carried out arbitrarily and are intended to protect the society against serious crimes through the mechanism of deterrence, ensuring justice for the victims and their family and generally to preserve peace, morality and decency of the public.</p> <p>The basic rights of the accused are guaranteed throughout all stages of criminal proceedings, with various stringent safeguards to ensure a fair and proper administration of justice as well as high evidential threshold required for prosecution for offences of hadd and qisas.</p> <p>A de facto moratorium on the execution of death penalty for cases under the common law has been extended to cases under the SPCO which provides a wider scope for remission.</p>
<b>121.37</b>	Not Accepted See 121.36
<b>121.38</b>	Not Accepted See 121.36 <p>The law is there to respect and protect the religion and social fabric and values of Brunei society.</p> <p>On the issue of homosexual acts, Brunei Darussalam affirms the right of privacy of individuals.</p>
<b>121.39</b>	Not Accepted See 121.36
<b>121.40</b>	Not Accepted See 121.38
<b>121.41</b>	Not Accepted See 121.38
<b>121.42</b>	Not Accepted See 121.36
<b>121.43</b>	Not Accepted See 121.36
<b>121.44</b>	Not Accepted See 121.36

<i>Recommendation</i>	<i>Position</i>
<b>121.45</b>	Not Accepted See 121.36
<b>121.46</b>	Not Accepted A de facto moratorium on the execution of death penalty for cases under the common law has been extended to cases under the SPCO which provides a wider scope for remission.
<b>121.47</b>	Not Accepted See 121.36
<b>121.48</b>	Not Accepted See 121.36
<b>121.49</b>	Not Accepted See 121.36
<b>121.50</b>	Not Accepted See 121.38
<b>121.51</b>	Noted Brunei Darussalam upholds its international obligations to the CRC, CEDAW, CRPD, OP-CRC-SC and OP-CRC-AC, and has taken some legislative measures for its effective implementation.
<b>121.52</b>	Not Accepted Individuals may peacefully exercise his/her right to freedom of expression. Nevertheless, such rights and freedoms must be exercised responsibly within a legal framework. The relevant laws are necessary to ensure national security and public order, as well as to maintain a balance between freedom of expression and the need to protect persons or any race or religion from defamation or denigration.
<b>121.53</b>	Not Accepted See 121.52
<b>121.54</b>	Not Accepted See 121.52
<b>121.55</b>	Not Accepted See 121.52
<b>121.56</b>	Not Accepted See 121.52
<b>121.57</b>	Not Accepted See 121.36
<b>121.58</b>	Not Accepted See 121.36
<b>121.59</b>	Not Accepted See 121.38

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<i>Recommendation</i>	<i>Position</i>
<b>121.60</b>	Not Accepted See 121.36
<b>121.61</b>	Accepted
<b>121.62</b>	Not Accepted See 121.38
<b>121.63</b>	Not Accepted See 121.38
<b>121.64</b>	Not Accepted See 121.36
<b>121.65</b>	Not Accepted See 121.36
<b>121.66</b>	Not Accepted The laws of Brunei Darussalam apply uniformly to sufficiently protect all groups of people.
<b>121.67</b>	Not Accepted See 121.36
<b>121.68</b>	Not Accepted See 121.66
<b>121.69</b>	Not Accepted See 121.38
<b>121.70</b>	Not Accepted See 121.52
<b>121.71</b>	Not Accepted See 121.52
<b>121.72</b>	Not Accepted See 121.52
<b>121.73</b>	Not Accepted See 121.36
<b>121.74</b>	Accepted
<b>121.75</b>	Accepted
<b>121.76</b>	Accepted
<b>121.77</b>	Not Accepted
<b>121.78</b>	Not Accepted
<b>121.79</b>	Accepted
<b>121.80</b>	Noted
<b>121.81</b>	Accepted

<i>Recommendation</i>	<i>Position</i>
<b>121.82</b>	Accepted
<b>121.83</b>	Accepted
<b>121.84</b>	Accepted
<b>121.85</b>	Accepted
<b>121.86</b>	Accepted
<b>121.87</b>	Noted
<b>121.88</b>	Accepted
<b>121.89</b>	Noted
<b>121.90</b>	Not Accepted The law is there to respect and protect the religion and social fabric and values of Brunei society. Brunei society, regardless of their status in relation to sexual orientation or belief, continues to live in peace and harmony and works together for the development and prosperity of the country. On the issue of homosexual acts, Brunei Darussalam affirms the right of privacy of individuals.
<b>121.91</b>	Not Accepted See 121.90
<b>121.92</b>	Not Accepted See 121.90
<b>121.93</b>	Not Accepted See 121.90
<b>121.94</b>	Accepted
<b>121.95</b>	Accepted
<b>121.96</b>	Accepted
<b>121.97</b>	Accepted
<b>121.98</b>	Accepted
<b>121.99</b>	Accepted
<b>121.100</b>	Accepted
<b>121.101</b>	Accepted
<b>121.102</b>	Accepted
<b>121.103</b>	Accepted Brunei Darussalam continues its efforts in the implementation of the SDG in accordance with the SDG Political Declaration, particularly its national policies, priorities and circumstances.
<b>121.104</b>	Accepted Brunei Darussalam will continue its efforts to strengthen the mutually reinforcing links and synergies between human rights and the SDGs in

<i>Recommendation</i>	<i>Position</i>
	accordance with the SDG Political Declaration, particularly its national policies, priorities and circumstances.
<b>121.105</b>	Accepted
<b>121.106</b>	Accepted
<b>121.107</b>	Accepted
<b>121.108</b>	Noted A de facto moratorium on the execution of death penalty for cases under the common law has been extended to cases under the SPCO which provides a wider scope for remission. Although a de facto moratorium on the execution of death penalty has been put in place, it is important that Brunei Darussalam continues to preserve its sovereign rights to implement laws that protect the society against the most serious crimes and ensure justice for the victims and their family.
<b>121.109</b>	Noted See 121.108
<b>121.110</b>	Not Accepted
<b>121.111</b>	Not Accepted
<b>121.112</b>	Not Accepted See 121.108
<b>121.113</b>	Not Accepted
<b>121.114</b>	Not Accepted A de facto moratorium on the execution of the death penalty for cases under the common law has been extended to cases under the SPCO which provides a wider scope of remission. Brunei Darussalam is currently taking steps towards ratification of CAT.
<b>121.115</b>	Accepted
<b>121.116</b>	Accepted
<b>121.117</b>	Not Accepted Brunei Darussalam highly regards the importance of freedom of religion of its population including those others residing in the country. In accordance with the Constitution, Islam is the official religion and other religion faiths are also practiced in peace and harmony. The importation of religious materials or scriptures regardless of any faith is not banned in the county.
<b>121.118</b>	Noted See 121.117
<b>121.119</b>	Noted See 121.117
<b>121.120</b>	Not Accepted
<b>121.121</b>	Accepted



<i>Recommendation</i>	<i>Position</i>
<b>121.122</b>	Not Accepted
<b>121.123</b>	Noted See 121.117
<b>121.124</b>	Not Accepted
<b>121.125</b>	Not Accepted  Individuals may peacefully exercise his/her right to freedom of expression. Nevertheless, such rights and freedoms must be exercised responsibly within a legal framework.  The relevant laws that regulate freedom of expression and media freedom are necessary to ensure national security and public order.  There is a need to maintain a balance between freedom of expression and the need to protect persons or any race or religion from defamation or denigration as well as from misrepresentations and falsehood.
<b>121.126</b>	Not Accepted See 121.125
<b>121.127</b>	Noted
<b>121.128</b>	Noted See 121.108
<b>121.129</b>	Accepted
<b>121.130</b>	Accepted
<b>121.131</b>	Accepted
<b>121.132</b>	Accepted
<b>121.133</b>	Accepted
<b>121.134</b>	Accepted
<b>121.135</b>	Accepted
<b>121.136</b>	Accepted
<b>121.137</b>	Accepted
<b>121.138</b>	Accepted
<b>121.139</b>	Accepted
<b>121.140</b>	Accepted
<b>121.141</b>	Accepted
<b>121.142</b>	Accepted
<b>121.143</b>	Accepted
<b>121.144</b>	Accepted
<b>121.145</b>	Accepted
<b>121.146</b>	Accepted
<b>121.147</b>	Accepted

<i>Recommendation</i>	<i>Position</i>
<b>121.148</b>	Accepted
<b>121.149</b>	Accepted
<b>121.150</b>	Accepted
<b>121.151</b>	Accepted
<b>121.152</b>	Accepted
<b>121.153</b>	Noted  The law allows for a woman to undergo abortion under certain medical circumstances which threaten her life.
<b>121.154</b>	Accepted
<b>121.155</b>	Accepted
<b>121.156</b>	Accepted
<b>121.157</b>	Accepted
<b>121.158</b>	Accepted
<b>121.159</b>	Accepted
<b>121.160</b>	Accepted
<b>121.161</b>	Accepted
<b>121.162</b>	Accepted
<b>121.163</b>	Accepted
<b>121.164</b>	Accepted  Brunei Darussalam accepts the recommendation on the understanding that its implementation is subject to Brunei Darussalam's policies and priorities.
<b>121.165</b>	Accepted
<b>121.166</b>	Accepted  See 121.164
<b>121.167</b>	Accepted
<b>121.168</b>	Accepted
<b>121.169</b>	Accepted
<b>121.170</b>	Noted
<b>121.171</b>	Accepted
<b>121.172</b>	Accepted  Brunei Darussalam continues to implement its policies to increase the participation of women in the development of the country subject to national circumstances.
<b>121.173</b>	Noted  See 121.28
<b>121.174</b>	Accepted

<i>Recommendation</i>	<i>Position</i>
<b>121.175</b>	Accepted
<b>121.176</b>	Not Accepted
<b>121.177</b>	Accepted
<b>121.178</b>	Accepted
<b>121.179</b>	Noted
<b>121.180</b>	Noted
<b>121.181</b>	Noted
	Procedures are available for children of women citizens married to foreign nationals to be accorded Brunei citizenship through an application process, pursuant to Section 6 of the Brunei Nationality Act. In view that Brunei Darussalam has a policy of single nationality, children of women citizens may either be registered as Brunei nationals or the nationals as that of the father.
<b>121.182</b>	Noted
	The rights and welfare of women in this country are and have always been protected and taken care of. Brunei Darussalam recognizes that gender equality and women's empowerment are crucial for the advancement of women towards national development. Women's rights to education, health, employment, political and public life as well as participation at the international level are recognized and given importance. There are general and specific laws that address criminal acts against women. The laws of Brunei Darussalam apply to everyone without any discrimination.
<b>121.183</b>	Noted
	Provisions under the Married Women Act (Cap 190) and the Islamic Family Law Act (Cap 217) protects women against violence in the household. The two laws provide extensive protection for abused family members, through among others, the issuance of protection orders, the award of compensation to the victims, and the power of police officers to make arrest without warrant.
	Brunei Darussalam objects to any practices that are harmful to female babies and children. Female circumcision in Brunei Darussalam does not result in any disfigurement and neither does it cause any maternal or perinatal morbidity or mortality. Unlike male circumcision, which is globally accepted as a medical intervention, female circumcision in Brunei Darussalam does not involve any cutting or suturing and is virtually a bloodless procedure. Therefore, Brunei Darussalam does not consider female circumcision as practiced in the country as female genital mutilation.
<b>121.184</b>	Accepted
<b>121.185</b>	Noted
	Brunei Darussalam objects to any practices that are harmful to female babies and children. Female circumcision in Brunei Darussalam does not result in any disfigurement and neither does it cause any maternal or perinatal morbidity or mortality. Unlike male circumcision, which is globally accepted as a medical intervention, female circumcision in Brunei Darussalam does not involve any cutting or suturing and is virtually a bloodless procedure. Therefore, Brunei Darussalam does not consider female circumcision as practiced in the country as female genital mutilation.

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<i>Recommendation</i>	<i>Position</i>
<b>121.186</b>	Accepted See 121.172
<b>121.187</b>	Accepted See 121.172
<b>121.188</b>	Accepted
<b>121.189</b>	Accepted
<b>121.190</b>	Noted Brunei Darussalam is currently implementing various measures to improve its institutional capacity for the effective implementation of child-related laws.
<b>121.191</b>	Accepted
<b>121.192</b>	Accepted
<b>121.193</b>	Noted
<b>121.194</b>	Accepted
<b>121.195</b>	Not Accepted
<b>121.196</b>	Not Accepted See 121.114
<b>121.197</b>	Not Accepted See 121.114
<b>121.198</b>	Accepted
<b>121.199</b>	Accepted
<b>121.200</b>	Accepted
<b>121.201</b>	Accepted
<b>121.202</b>	Not Accepted
<b>121.203</b>	Not Accepted
<b>121.204</b>	Not Accepted
<b>121.205</b>	Accepted
<b>121.206</b>	Accepted
<b>121.207</b>	Accepted
<b>121.208</b>	Accepted
<b>121.209</b>	Accepted
<b>121.210</b>	Accepted
<b>121.211</b>	Accepted
<b>121.212</b>	Accepted
<b>121.213</b>	Accepted
<b>121.214</b>	Accepted

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<i>Recommendation</i>	<i>Position</i>
<b>121.215</b>	Accepted
<b>121.216</b>	Accepted
<b>121.217</b>	Accepted
<b>121.218</b>	Accepted
<b>121.219</b>	Accepted
	The Employment Order, 2009 and its regulations ensure the protection of core terms and conditions of employment of all workers in Brunei Darussalam, including migrant workers. The Order provides penalties on non-payment of salary, stipulated working hours and rest days, the requirement to provide medical coverage as well as repatriation.
<b>121.220</b>	Noted
	Brunei Nationality Act operates to mitigate statelessness.

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