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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

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

Responses by the Government of Brunei Darussalam to the recommendations listed under paragraph 91 of the outcome report of the Universal Periodic Review

With reference to the Report of the Working Group on Brunei Darussalam's Universal Periodic Review (A/HRC/WG.6/6/L.13), the following are the responses to the recommendations contained in paragraph 91:

<i>No.</i>	<i>Recommendation</i>	<i>Response</i>
1.	Consider ratification of core international human rights instruments to which it is not yet a party, such as ICCPR and ICESCR (Philippines)	Brunei Darussalam is currently reviewing the following international human rights treaties and it will also consider looking into other related instruments:
2.	Consider acceding to the main human rights instruments, including ICCPR, ICESCR and CAT (Portugal); consider accession to ICCPR, ICESCR, CAT and other core human rights treaties (Australia)	<ul style="list-style-type: none"> • Convention on the Rights of Persons with Disabilities (a signatory since 17 December 2007);
3.	Consider signing/acceding to the main international human rights instruments, including ICCPR, ICESCR, ICERD and ICRMW (Nigeria)	<ul style="list-style-type: none"> • Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;
4.	Consider signing or ratifying, as appropriate, the following international human rights instruments: ICCPR, ICESCR and ICERD (Chile); consider an early ratification of ICCPR, ICERD and ICESCR (Slovakia); Encourage it to sign and ratify ICERD and OP-CRC-AC (Spain)	<ul style="list-style-type: none"> • International Convention against Apartheid in Sports; • Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and
5.	Consider the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Algeria)	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination.
(Combine Recommendations 1 – 5)		
6.	Remove its reservations to the CRC and the CEDAW (Netherlands); Consider re-examining its reservations to CRC and CEDAW with a view to withdrawing them (Brazil); lift its reservations to articles 9 and 29 of CEDAW and its reservation to CRC (Canada)	Brunei Darussalam held several discussions on those reservations under CRC and CEDAW, whilst taking into account the provisions of the Constitution, national policy and legislations as well as Islamic beliefs and principles. A detailed study is currently being conducted with regard to those reservations under CRC.
7.	Withdraw its reservations to CEDAW and CRC (Slovakia)	
8.	Withdraw its reservations to CRC and CEDAW that are contrary to their objective and scope (Slovenia)	
9.	Adopt measures for full implementation of the principles of CEDAW and eliminate its reservations to this instrument so it can be better implemented (Mexico)	
(Combine Recommendations 6 – 9)		

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10.	Undertake a comprehensive study on the feasibility and relevance of establishing a national human rights institution in conformity with the Paris Principles (Malaysia); consider the establishment of an independent national human rights institution in conformity with the Paris Principles (Egypt)	<p>The existence of an inter-agency consultative mechanism, which works closely with NGOs and civil society, has ensured human rights in the country are well promoted and protected.</p> <p>At the regional level, the ASEAN Intergovernmental Commission on Human Rights (AICHR), where Brunei Darussalam was involved intensively in its establishment, sets the stage for further understanding the roles and functions of a human rights institution.</p>
11.	Provide for training of members of the legal profession to be gender-sensitive and work towards mobilization of religious leaders to support such efforts (Germany)	<p>The Government places great emphasis on the development of human capacity by giving opportunities of relevant trainings to all civil employees, regardless of gender, across all sectors of the civil service. This is in line with national aspirations to have skilled, disciplined, highly knowledgeable, capable and versatile civil employees who can adapt quickly to changing environment and demands.</p>
12.	Extend an open and permanent invitation to the United Nations human rights special procedures mandate-holders (Chile); consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia); substantiate its willingness to cooperate with the special procedures of the Human Rights Council by issuing them with a standing invitation (New Zealand)	Request(s) on such initiatives is welcomed.
13.	Take a human rights approach to issues of race, citizenship and religion to foster an inclusive society in which all are equally protected (United Kingdom)	In the country, the community co-exists peacefully where all persons are equally protected under the national laws.
14.	Consider favourably reviewing its national legislation to prevent victims of trafficking in persons from being punished (Mexico)	<p>Various legislations are enforced to ensure the promotion and protection of human rights, including the welfare of all, especially women and children, such as the Trafficking and Smuggling of Persons Order 2004.</p> <p>This Order criminalises the activities of human trafficking, human smuggling and exploitation of the trafficked persons. It also criminalises trafficking of children in that any person who recruits, transports, transfers, harbour or receives a child by any means for the purposes of exploitation shall be guilty of an offence.</p> <p>Further, it establishes the “Trafficking and Smuggling of Persons Fund”, amongst others, for financing the cost of repatriation of smuggled persons and trafficked persons or such other purposes.</p> <p>In addition, the Women and Girls Protection Act</p>

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		(Chapter 120) is also in force to protect women and girls who are sold, hired or procured for the purposes of prostitution or brought into Brunei Darussalam under false pretense, for the purpose of prostitution.
15.	Raise the minimum age of criminal responsibility (Brazil, Belarus); raise the age of criminal responsibility for minors (Argentina)	In current practice, cases involving child or young person offenders committing less serious offences are rarely brought to court. Instead, they are cautioned by enforcement agencies so that they do not repeat the offence(s).
16.	Raise the minimum age of criminal responsibility to an age in accordance with CRC (Portugal) (Combine Recommendations 15 – 16)	In the event where children or young persons are convicted in court, it may, where appropriate, impose lesser sentences other than fine or imprisonment, such as discharge after due admonition. The Children and Young Persons Order (CYPO) 2006, which entered into force on 1 st March 2010, provides that any child below 18 who has committed an offence be brought before the juvenile court. It also prohibits a child or young persons, to be sent to prison for any offences and instead be sent to a place of detention, approved home or school or undergo probation in the community. The approved homes and approved schools are also provided for children who are in need of protection.
17.	Remove restrictions on religious freedoms (Canada)	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 religious faiths are also practised in peace and harmony.
18.	Lift the ban on the importation of religious teaching materials and scriptures in order to enhance and protect freedom of religion and worship (Italy)	The importation of religious materials or scriptures regardless of any faiths is not banned in the country. Such items, whenever necessary, may be subjected to certain screening procedures.
19.	Permit members of all religious groups to practice their beliefs freely and allow members of other religious minorities to import scriptures, proselytize, establish new places of worship and instruct their believers, in line with the right to freedom of religion (United States) (Combine Recommendations 17 – 19)	The importation of religious materials or scriptures regardless of any faiths is not banned in the country. Such items, whenever necessary, may be subjected to certain screening procedures.
20.	Allow individuals to peacefully exercise their right to freedom of expression (United States)	There is no restriction for an individual to peacefully exercise his/her right to freedom of expression.
21.	Ensure that the procedures governing registration of civil society organisations are transparent, non-discriminatory, expeditious and inexpensive and that they allow for the possibility of appeal, avoid requiring re-registration and are in conformity with international human rights standards (Norway); remove the requirement for civil society organisations to provide a complete list of the organisation's members to the Government (Norway)	The Societies Order 2005 governs the process of registering any societies. All applications must meet the requirements set forth in the Order. Failure to do so may result in the Registrar refusing the application. However, appeal against the decision of the Registrar can be made within 30 days from the date of the decision.

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22.	Take effective measures to guarantee respect for the rights of migrant workers (Algeria)	Other nationalities are welcomed to work in Brunei Darussalam provided that they fulfill the established labour and immigration requirements to ensure that their rights and welfare are protected.
23.	Seek to better enforce statutes protecting immigrant workers from exploitation and mistreatment (United States) (Combine Recommendations 22 – 23)	The Employment Order 2009 and its Employment (Domestic Workers) Regulations 2009, which apply to all local and foreign employees, provide comprehensive measures to further stabilise security welfare, safety and the protection of workers' rights by taking into account the standards of International Labour Organisations (ILO). This Order also incorporates aspects such as legal action in the event of non-payment of salary; workers' health, accommodation and medical care standards; as well as responsibility of repatriation expenses.
24.	Reconsider the practice of confiscating the passports of migrants who bring to the courts a dispute with their employers, or consider an emergency judicial procedure which makes it possible to fully guarantee the rights of migrant workers on its territory (France)	Passports and any relevant documents are not subjected to confiscation but may be retained for the purpose of investigation of any offences under the national laws.
25.	Pursue plans to develop civil rights and citizens' political engagement, drawing inter alia on traditions of grassroots consultation in Brunei Darussalam, with a clearer timetable for development of the Legislative Council, leading to the creation of a more effective mechanism for executive accountability (United Kingdom)	In 2004, twenty-one (21) Legislative Council members were appointed and in September 2005, the membership was expanded to 29 members. The amendment of the Constitution in 2005 provides the Legislative Council shall consist of not more than forty-five (45) members. The 45 members may also include persons who have rendered distinguished public service and achieved distinction in various fields and who are representatives of community activities or particular communities. The District Representatives may increase up to fifteen (15) from the current five (5) members, who shall be elected in accordance with the laws relating to election in force in the country. Therefore, the Legislative consultative mechanism will be continuously observed to see how it could be further strengthened in meeting the needs of the people.