

Responses to Recommendations

BRUNEI DARUSSALAM

Review in the Working Group: 8 December 2009
 Adoption in the Plenary: 19 March 2010

Brunei Darussalam’s responses to recommendations (as of 03.01.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
33 REC accepted; 27 rejected; 25 pending	The 25 pending recs. were commented without giving a clear position	No additional information provided	Accepted: 33 Rejected: 27 No clear position: 25 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/13/14:

A - 1. Consider acceding to the remaining major international human rights law instruments (Egypt); consider acceding to the core international human rights instruments (Azerbaijan); consider accession to core international human rights instruments, as appropriate (Jordan); accede to the core international human rights instruments in a timely manner (Japan); continue with its efforts leading to the signing and ratifying of the main human rights treaties (Argentina); consider acceding to other international human rights instruments to which it is not yet party (Algeria); ratify the core international human rights conventions and ILO conventions (Slovenia); consider acceding to core human rights treaties to which it is not yet a party (Bangladesh);

A - 2. Consider becoming a party to the Convention on the Rights of Persons with Disabilities (CRPD) (Thailand); become a party to CRPD as soon as it completes the work necessary for ratifying the Convention, which is currently being undertaken by the National Committee led by the Department of Community Development (Republic of Korea);

A - 3. Continue to harmonize its legislation with the international human rights norms (Indonesia); continue on its path of aligning its national legislation with its international obligations according to the instruments to which it has acceded (United Arab Emirates);

A - 4. Undertake, as recommended by the Committee on the Rights of the Child, a comprehensive review of existing legislation from a rights-based perspective, to ensure its conformity with the principles and provisions of CRC (Turkey);

A - 5. Carry on relentlessly with more effective measures in further bolstering the implementation of sharia law in the country (Islamic Republic of Iran);

A - 6. Continue efforts aimed at strengthening the roles, functions and capacities of national institutions and mechanisms responsible for the promotion and protection of human rights and fundamental freedoms, including the sharia legal system (Malaysia);

A - 7. Consider potential areas of expansion for the National Council on Social Issues to enable it to further promote respect for fundamental rights and freedoms for all Brunei Darussalam Darussalam's citizens (Australia);

A - 8. Continue its efforts to further strengthen its human rights infrastructure (Pakistan); continue its efforts to develop its legal and institutional framework with respect to the promotion and protection of human rights (Jordan);

A - 9. Further enhance human rights education (Jordan); continue to promote human rights education and training for both Government officials and the general public in order to ensure the further nurturing of a human rights culture within the country (Thailand);

A - 10. Adopt further measures and programmes and continue efforts in strengthening human rights in accordance with the values and customs in Brunei Darussalam (Oman); take more concrete measures with a view to fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious backgrounds (Islamic Republic of Iran); continue efforts to promote and protect human rights while preserving the institution of the family in all its components and preserving religious tolerance (Syrian Arab Republic); continue to pursue social policies in keeping with family values and not be intimidated by suggestions on social norms that are controversial, non-universal and specific to certain societies (Bangladesh);

A - 11. Continue to cooperate with the United Nations and other international organizations to strengthen human rights (Lao People's Democratic Republic); continue its cooperation with the international human rights mechanisms with the aim of strengthening and protecting human rights in Brunei Darussalam (Saudi Arabia);

A - 12. Consider taking necessary steps to develop technical expertise to gain a better understanding of its obligations in ensuring effective implementation of human rights instruments (Pakistan); consider creating, with international technical assistance, the required national human and institutional expertise that would contribute to gaining a better understanding of its obligations and to the implementation of human rights-related treaties to which it is a party (Egypt);

A - 13. Establish an effective and inclusive process to follow up on the recommendations emerging from the universal periodic review (Norway);

A - 14. Continue ongoing efforts for the betterment of the rights of children and women and other vulnerable groups (Viet Nam); continue to strengthen the promotion and protection of the rights of vulnerable groups, such as women, children, persons with disabilities and the elderly (Thailand); continue its efforts in strengthening, promoting and protecting the rights of women (Bahrain);

A - 15. Intensify efforts to eliminate all forms of discrimination against women, inter alia through advocating and promoting women's empowerment, capacity building, gender sensitivity training and public awareness-raising activities (Malaysia);

A - 16. Take concrete measures to increase the proportion of women in senior management positions in the civil service (Norway);

A - 17. Continue efforts to combat ill-treatment of children and design policies and programmes to address these practices (Brazil);

A - 18. Specifically prohibit corporal punishment at home and in schools and undertake appropriate campaigns to educate families on alternative forms of discipline (Germany);

A - 19. Prohibit corporal punishment at home and in schools and sensitize families in this respect (Italy);

- A - 20. Establish an appropriate system of juvenile justice in conformity with international standards and its international commitments (Argentina);
- A - 21. Take further practical steps to enhance the administration of juvenile justice (Belarus);
- A - 22. Take measures to clarify which terms and conditions apply for the granting of publishing permits to newspapers (Norway);
- A - 23. Further promote the proper use of technologies, with particular attention to the Internet, based on human values, respect for self and others and children's rights (Islamic Republic of Iran);
- A - 24. Maintain the momentum given to positive social policies relating to health care; allocate the necessary resources to ensure the institutional capacity required for its health-care system (Bolivarian Republic of Venezuela); continue and deepen efforts already under way to promote full enjoyment of the right to health for all (Cuba);
- A - 25. Continue its efforts to promote human rights, in particular in the area of education and in providing health services (Saudi Arabia);
- A - 26. Maintain and strengthen efforts geared to fulfilling the Millennium Development Goals (Cuba);
- A - 27. Continue to carry out its excellent effort to ensure nine years' compulsory education for all children from the age of six (Bhutan);
- A - 28. Continue to strengthen economic, political and social development with full participation of the population of all strata (Lao People's Democratic Republic);
- A - 29. Share its experience with other developing countries with respect to its achievements, especially in welfare, education and health sectors (Cambodia); share its experience on achievements in areas such as education and health care (Viet Nam); consider sharing best practices from its health-care system through relevant United Nations agencies (Bhutan);
- A - 30. Share with other Member States its experiences and best practices in achieving almost all targets of the Millennium Development Goals and eradicating extreme poverty (Islamic Republic of Iran);
- A - 31. Share its positive experience and best practices with other countries regarding the high level of ethnic and religious tolerance in Brunei Darussalam (Azerbaijan);
- A - 32. Persevere with implementation of its vision of Brunei Darussalam for 2035 and share its experience in this regards with the international community (Morocco);
- A - 33. Continue its pro-people policies and share its experiences with countries in a comparable situation (Bangladesh).

90. The following recommendations did not enjoy the support of Brunei Darussalam:

- R - 1. Take early action to become a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) (New Zealand); become a party to other treaties, such as ICCPR and ICESCR, as soon as possible (Republic of Korea);
- R - 2. Sign and ratify ICCPR (Sweden);
- R - 3. Ratify ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (France);
- R - 4. Ratify ICCPR, ICESCR and CAT (Netherlands);
- R - 5. Ratify core international human rights instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ICESCR, ICCPR and CAT, within the

context of Council resolution 9/12(Brazil); take the necessary steps for the ratification of ICESCR, ICCPR, ICERD and CAT (Germany);

R - 6. Sign and ratify the main ILO conventions , and the main international human rights instruments, particularly ICCPR, ICESCR, CAT and the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Spain);

R - 7. Consider signing or ratifying, as appropriate, the following international human rights instruments: the Optional Protocols to ICCPR, CAT, the Rome Statute of the International Criminal Court and the Convention on the Prevention and Punishment of the Crime of Genocide (Chile);

R - 8. Consider an early ratification of the Optional Protocols to ICCPR and ICESCR, CAT and the Rome Statute (Slovakia);

R - 9. Sign the Second Optional Protocol to ICCPR, Aiming at the Abolition of the Death Penalty (Portugal);

R - 10. Adhere to principles of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and consider favourably possibly ratifying it (Mexico);

R - 11. Consider the possibility of ratifying CED (Argentina);

R - 12. As the nominal state of emergency has unintended consequences for government accountability, review it and produce a timetable on how it might be ended (United Kingdom);

R - 13. Establish a national human rights institution, in accordance with the Paris Principles, to provide additional protection for the human rights of its citizens (New Zealand);

R - 14. Establish a moratorium on executions with a view to abolishing the death penalty (Brazil); establish a moratorium on the use of the death penalty, in accordance with General Assembly resolution 62/149, taking into account that the death penalty has not been applied since 1957 (Chile); consider the establishment of a legal moratorium on the death penalty with a view to its abolition (Italy); establish a moratorium on executions with a view to abolishing the death penalty (Portugal);

R - 15. Abolish the death penalty definitively and commute all such sentences to periods of imprisonment; and put an end to caning and flogging (Spain); abolish permanently the death penalty (France); amend the concerned legislation with a view to abolishing capital punishment in line with General Assembly resolutions 62/149 and 63/168 and convert the existing death sentences to imprisonment terms (Slovakia); abolish the death penalty completely and replace it in its legislation with other sanctions that do not include cruel, inhuman or degrading treatment (Argentina);

R - 16. Revise its Penal Code so as to criminalize all acts of rape without exception and irrespective of the marital status and the gender of the victim (Netherlands); revise section 375 of the Penal Code so as to criminalize all acts of rape without exception and irrespective of the marital status and gender of the victim (Slovenia); review section 375 of the Penal Code in order to criminalize all acts of sexual violence, regardless of matrimonial status or the victim's gender (Spain); strengthen the protection of women and children by modifying section 375 of the Penal Code, which does not recognize marital rape even when the spouse is a minor (France);

R - 17. Repeal or amend all provisions in domestic laws which provide for caning for administrative offences involving immigration law (Canada);

R - 18. Specifically prohibit corporal punishment in institutions (Germany); prohibit corporal punishment in other public institutions and abolish whipping as a form of punishment (Italy); abolish the practice of corporal punishment (France); legally prohibit any form of corporal punishment of children and adolescents (Chile);

R - 19. Repeal or amend the Internal Security Act so as to abolish all forms of administrative detention (Canada); abrogate or amend the Internal Security Act and all legislation allowing for detention without trial (Spain); review the Internal Security Act of 1982 in order to bring it into line with international standards (Slovakia);

R - 20. Repeal or amend the section of the Penal Code which provides for criminal sanctions against “carnal intercourse against the order of nature” and may thus be applied to criminalize sexual activity between consenting adults, so as to ensure that it does not discriminate against lesbians, gays, bisexuals and transsexuals (Netherlands); decriminalize sexual activity between consenting adults and bring its legislation into conformity with international human rights standards by repealing legislative provisions which criminalize “carnal intercourse against the order of nature” or other sexual activity between consenting adults (Canada); abrogate or amend section 377 of the Penal Code to guarantee non-discrimination on the grounds of sexual orientation or gender identity (Spain); amend section 377 of the Penal Code in order to decriminalize consensual sexual activity among persons of the same sex (Sweden);

R - 21. End censorship of the media and ensure full freedom of expression (Sweden);

R - 22. Amend its press-related legislation to comply with the international standards to eliminate the censorship of the printed media through annual licensing (Slovakia);

R - 23. Repeal or amend the Sedition Act and the Newspaper Act 1958 to ensure that they conform with international human rights standards, including by guaranteeing the right to freedom of expression (Canada); consider revising the Sedition Act and the Newspaper Act to ensure that they conform with international human rights standards (Slovenia); offer guarantees for the respect of civil and political rights, specifically abrogating or amending the Sedition Act and the Newspaper Act of 1958 in order to ensure compatibility with international standards and to ensure respect for freedom of expression (Spain); consider reviewing the Sedition Act (Italy); amend the Newspaper Act of 1958 to ensure that it respects and protects the right to freedom of expression in accordance with international standards (Norway); rescind the Sedition Act and the Newspaper Act and bring its laws and practices regarding freedom of the media and freedom of speech into line with the Universal Declaration on Human Rights (United States);

R - 24. Halt prosecutions of individuals for possessing “seditious” material critical of the State and the royal family (United States);

R - 25. Cease restricting media outlets from printing opinions critical of the Government of Brunei Darussalam in line with the right to freedom of expression (United States);

R - 26. Give an opportunity to newspapers whose permits have been rejected to appeal the decision to a third party (Norway); establish an open and transparent licensing process for newspapers that is subject to independent review (United States);

R - 27. Repeal or amend the Societies Order to ensure that it does not violate the right to peaceful association or assembly (Canada).

91. Brunei Darussalam notes the following recommendations and will provide appropriate responses in due time. The responses will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

NC - 1. Consider ratification of core international human rights instruments to which it is not yet a party, such as ICCPR and ICESCR (Philippines);

NC - 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);

NC - 3. Consider signing/acceding to the main international human rights instruments, including ICCPR, ICESCR, ICERD and ICRMW (Nigeria);

NC - 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);

NC - 5. Consider the possibility of acceding to ICRMW (Algeria);

NC - 6. Remove its reservations to CRC and the Convention on the Elimination of All Forms of Discrimination against Women (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);

NC - 7. Withdraw its reservations to CEDAW and CRC (Slovakia);

NC - 8. Withdraw its reservations to CRC and CEDAW that are contrary to their objective and scope (Slovenia);

NC - 9. Adopt measures for full implementation of the principles of CEDAW and eliminate its reservations to this instrument so that it can be better implemented (Mexico);

NC - 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);

NC - 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);

NC - 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);

NC - 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);

NC - 14. Consider favourably reviewing its national legislation to prevent victims of trafficking in persons from being punished (Mexico);

NC - 15. Raise the minimum age of criminal responsibility (Brazil, Belarus); raise the age of criminal responsibility for minors (Argentina);

NC - 16. Raise the minimum age of criminal responsibility to an age in accordance with CRC (Portugal);

NC - 17. Remove restrictions on religious freedoms (Canada);

NC - 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);

NC - 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);

NC - 20. Allow individuals to peacefully exercise their right to freedom of expression (United States);

NC - 21. Ensure that the procedures governing registration of civil society organizations 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 organizations to provide a complete list of the organization's members to the Government (Norway);

NC - 22. Take effective measures to guarantee respect for the rights of migrant workers (Algeria);

NC - 23. Seek to better enforce statutes protecting immigrant workers from exploitation and mistreatment (United States);

NC - 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);

NC - 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).

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