

Universal Periodic Review (33rd session, April-May 2019)
Contribution of UNESCO

Brunei Darussalam

I. Background and framework

Scope of international obligations: human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (25/01/1985)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	12/08/2011 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	12/08/2011 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to Education:

1. The **1959 Constitution of Brunei Darussalam, as last amended in 2008**¹, does not guarantee the right to education. It does not specify any provision regarding education nor the principle of non-discrimination.

2. The 1984 Education (Non-Government Schools) Act was repealed by the **Education Order of 31 December 2003**² (**Article 144** of the latter). This order lays out the formal legislative framework of the educational system under the Constitution of Brunei. **Article 16 (2)** provides that “(...) The Minister shall ensure that a child of school-going age is given the opportunity to attend primary and secondary school and complete the course of study provided therein.” Under **Article 25(3)**, “The minimum age for entry into primary school shall be 6 years old”. In addition, the **Compulsory Education Order 2007**³ ensures that all children receive at least nine years of formal education.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of Brunei does not contain any articles or provisions for freedom of expression of press freedom.⁴

4. Freedom of expression and press freedom are limited in Brunei through various legislations. The Local Newspapers Order (1958/2001) makes it mandatory to obtain annual publishing permits from the minister of Home Affairs for starting a newspaper.⁵ The minister could refuse, suspend or revoke licenses without giving a reason, which is not subject to appeal or judicial review.⁶

5. The Sedition Act includes penalty of up to three years of imprisonment for publishing materials with seditious intentions including materials critical of the royal family.⁷

6. The Undesirable Publications Act empowers the minister to prohibit importation or sales of publications that are deemed to be against public interests. The penalty includes imprisonment of up to four years.

¹ <http://www.unesco.org/education/edurights/media/docs/22f84aff5593f3b21c72eec12aeb6dd1961bc913.pdf>

² <http://www.unesco.org/education/edurights/media/docs/a41717f30ccea3db295f0d9a2083379aeeae2559.pdf>

³ <http://www.unesco.org/education/edurights/media/docs/7492a1df2c9483d924f4ac3cf14aaef2ff22e6a1.pdf>

⁴ http://www.agc.gov.bn/AGC%20Images/LOB/cons_doc/constitution_i.pdf

⁵ www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/southeast-asia/brunei/media-legislation/+press+law+in+brunei+%2B+2001&cd=1&hl=fr&ct=clnk&gl=fr

⁶ www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/southeast-asia/brunei/media-legislation/+press+law+in+brunei+%2B+2001&cd=1&hl=fr&ct=clnk&gl=fr

⁷ http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap024.pdf

7. The Internal Security Act allows the authorities to detain a person indefinitely without trial for up to two years which could be further lengthened in the name of maintaining public order.

8. Brunei's Penal Code⁸, under Article 500, further criminalizes defamation with up to five years of imprisonment.

9. A freedom of information law does not currently exist in the country.

Implementation of Legislation:

10. The Broadcasting Act of 1997 regulates radio and television activities in the country. According to the Act, a Minister responsible for the broadcasting sector exercises licensing and regulatory functions in respect of broadcasting services and broadcasting industry.⁹

Safety of Journalists:

11. UNESCO recorded no killing of journalists in Brunei Darussalam between 2013 and 2017.

III. Review and specific recommendations

12. A number of recommendations was addressed to Brunei Darussalam during the last UPR cycle concerning the necessity to foster the promotion of human rights education and to pursue its efforts to increase access to education for all, especially to vulnerable groups of people including women and girls, children with disabilities and from disadvantaged background.

Legislative framework

- Progress could be made with regard to developing education law in Brunei Darussalam, where the right to education and the principle of non-discrimination have yet to be guaranteed.

Education policy

- **Budget allocations** to education remain relatively low. In 2015, expenditures on education only amounted to 10% of total government expenditures¹⁰, well below the international reference point encouraged in Agenda 2030 whereby at least 15% to 20% of public expenditure should be allocated to education¹¹.
- While the Compulsory Education Order 2007 ensured that all children receive at least nine years of formal education, Brunei's Ministry of Education is **committed to increasing the length of compulsory education from 9 to 12 years**. Thus, the Ministry now affirms that it 'has a policy of providing a minimum of 12 years of education. This comprises 7 years

⁸ <http://www.agc.gov.bn/AGC%20Images/LOB/pdf/Cap22.pdf>

⁹ http://www.wipo.int/wipolex/en/text.jsp?file_id=187489

¹⁰ Global Education Monitoring Report, Accountability in Education: Meeting our Commitments, p398.
<http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

¹¹ Education 2030 – Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4.
http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

in primary education (inclusive of 1 year in pre-school) and 5 years in secondary education¹².

Quality of education

- Brunei Darussalam puts the quality of education at the heart of its **Strategic Plan 2018-2022**¹³ with the aim of providing equitable access to education and achieve equality within society. That said, the Strategy remains **poorly developed**. Besides, no information is provided as to how the Strategy's objectives and long-term outcomes are to be achieved.
- Moreover, concerns were expressed over the **limited number of leisure, recreational and cultural facilities** for children of all ages, including playgrounds and sports facilities¹⁴.
- Progress also needs to be made with regard to the quality of teaching, as evidenced in the significant difference between Brunei's pupil/teacher ratio equal to 17 and its pupil/qualified teacher ratio equal to 58¹⁵.

Gender equality

- Brunei Darussalam has a **high literacy rate** and a **high level of enrolment** of women and girls in education.
- Nevertheless, women and girls continue to choose traditionally dominated fields of education and remain underrepresented in technical and vocational education. On the same line, the persistence of some **negative stereotypes** against women in textbooks and curricula remains high¹⁶.
- Moreover, the **absence of sexual and reproductive health education** is particularly alarming¹⁷.

Inclusive education

- According to the Ministry of Education¹⁸, at the primary level, **students with special needs** see their curriculum modified and/or adapted according to their ability and needs based on the Individualised Education Plan (IEP) and Remedial Education Plan (REP). At the secondary level, the Special Educational Needs Programme is established in continuity of the IEP in primary schools.
- In addition, nine primary and secondary schools were said to have been made into **Model Inclusive Schools (MIS)** in 2008, a project designed to enable schools to cater to the needs

¹² Ministry of Education Website. <http://www.moe.gov.bn/SitePages/Primary%20Education.aspx> (Accessed 28 August 2018)

¹³ Ministry of Education Website.

<http://www.moe.gov.bn/DocumentDownloads/Ministry%20of%20Education%20Strategic%20Plan/MOE%20Strategic%20Plan%202018%20-%202022%20Layout.pdf> (Accessed 28 August 2018)

¹⁴ Concluding observations on the combined second and third periodic reports of Brunei Darussalam, Committee on the Rights of the Child, p11.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRN%2fCO%2f2-3&Lang=en

¹⁵ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p465.

<http://unesdoc.unesco.org/images/0024/002457/245752e.pdf>

¹⁶ Concluding observations on the combined initial and second periodic reports of Brunei Darussalam, Committee on the Elimination of Discrimination against Women, p7.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBRN%2fCO%2f1-2&Lang=en

¹⁷ Global Education Monitoring Report, Education for People and Planet: Creating Sustainable Futures for All, p290.

¹⁸ Ministry of Education Website. <http://www.moe.gov.bn/SitePages/Primary%20Education.aspx> (Accessed 28 August 2018)

of children with special needs¹⁹. That said, no information is provided as to whether this project was successful or not and whether additional schools later developed following this model.

- Despite the Ministry's commitments, progress remains to be achieved with regard to access to education for children with special needs. The Committee on the Rights of the Child raised its concerns regarding the **high number of children with disabilities who remain deprived of education**. Moreover, most schools fail to be accessible to such children and do not provide inclusive education²⁰.
- Language of instruction policy can hold the key to making education more inclusive for disadvantaged groups, and sustained use of the first or home language as a medium of instruction for at least six years of schooling has been highlighted as a way to improve student performance. In Brunei Darussalam however, **only 5% to 20% of children** were estimated to have access to education in their home language²¹.

Human rights education

- The integration of human rights education, especially on children's rights, **remains low** in the country and represents a major challenge.
- In addition to this, this issue of child labour remains pervasive, with poor enforcement of Brunei's national legislation in this field. This inherently has some consequences on children's access to education.

IV. Specific recommendations

13. Brunei Darussalam should be encouraged to develop its legislative framework on education in order to guarantee the right to education for all and the principle of non-discrimination.
14. Brunei Darussalam should be strongly encouraged to intensify its efforts to improve equal access to education for all, especially vulnerable groups such as women and girls, children with special needs and from disadvantaged backgrounds.
15. Brunei Darussalam should be strongly encouraged to increase its human rights education and promote the integration of human rights education, especially on children's rights, into national curricula. On the same line, Brunei Darussalam should be strongly encouraged to address the negative and traditional stereotypes associated with women and girls, as well as harmful practices such as child labour that have an impact on the right to education.
16. Brunei Darussalam should be encouraged to submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
17. Brunei Darussalam should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²².

¹⁹ Ibid.

²⁰ Concluding observations on the combined second and third periodic reports of Brunei Darussalam, Committee on the Rights of the Child, p9.

²¹ Global Education Monitoring Report, Accountability in Education: Meeting our Commitments, p191.

²² <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

Freedom of opinion and expression

18. Brunei is encouraged to introduce a freedom of information law that is in accordance with international standards and to ensure progress on Sustainable Development Goal 16.10 concerning public access to information and fundamental freedoms.
19. Brunei should consider following up on the recommendations of the first cycle of the UPR²³, during which Brunei rejected recommendations:
 - to end censorship of the media and ensure full freedom of expression;
 - to amend its press-related legislation to comply with the international standards to eliminate the censorship of the printed media through annual licensing;
 - to repeal or amend the Sedition Act and the Local Newspapers Order (1958/2001) 1958/2001 to ensure that they conform with international human rights standards, including by guaranteeing the right to freedom of expression;
 - to halt prosecutions of individuals for possessing “seditious” material critical of the State and the royal family.
20. Brunei is further recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
21. Brunei is encouraged to introduce a freedom of information law that is in accordance with international standards.
22. The Government is encouraged to assess the appointment system for the broadcast licensing authority to ensure that this body is independent.

Cultural rights

23. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁴ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁵, Brunei Darussalam is encouraged to fully implement the relevant provisions that promote access to, and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Brunei Darussalam is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and people with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
24. Brunei Darussalam is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access

²³ [http://www.upr-info.org/IMG/pdf/recommendations to brunei darussalam 2009.pdf](http://www.upr-info.org/IMG/pdf/recommendations_to_brunei_darussalam_2009.pdf)

²⁴ Periodic Report available at: <http://whc.unesco.org/document/116967>

²⁵ Periodic Report not available

to, and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

25. **Brunei Darussalam** has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Brunei Darussalam** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.