

**Universal Periodic Review**  
**(19<sup>th</sup> session, May –June 2014)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**Brunei Darussalam**

**I. BACKGROUND AND FRAMEWORK**

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

I.1. Table:

<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>
Convention against Discrimination in Education (1960)	Notification of succession 25/01/1985	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education

Convention on the Elimination of All Forms of Discrimination against Women	24 May 2006 accession	<i>Reservations: "</i> The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and		SHS Special Themes of Gender Equality and Social Inclusion
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		to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9 and paragraph 1 of Article 29 of the Convention."		
Convention on the Rights of the Child	27 Dec 1995 accession	Reservation: "The Government of Brunei Darussalam] expresses its reservations on the provisions of the said Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State, religion, and without prejudice to the generality of the said reservations, in particular expresses its reservation on articles 14, 20 and 21 of the Convention."		SHS Special Theme of Social Inclusion and Youth

Convention on the Rights of Persons with Disabilities	Signature only 18 Dec 2007	-		SHS Theme of Human Rights Based Approach
International Convention of Civil and Political Rights	Not signed	-	-	<i>CI: Right to freedom of expression</i>
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	12/08/2011 Ratification	-	-	<i>Right to take part in cultural life</i>
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	12/08/2011 Ratification	-	-	<i>Right to take part in cultural life</i>
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	-	-	-	<i>Right to take part in cultural life</i>

**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

**Right to education**

**Constitutional Framework:**

2. The 1959 Constitution of Brunei Darussalam<sup>1</sup>, as last amended in 2008, does not guarantee the right to education. It does not specify any provision regarding education nor the principle of non-discrimination. However, in the speech by his majesty Sultan Haki Hassanal Bolkhiah Mu'izzaddin Waddaulah Ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa' Adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam at the official signing ceremony of the Constitution of Brunei Darussalam (Amendment) proclamation, at the Lapau, Bandar Seri Begawan, Brunei Darussalam on 29 September 2004, his majesty stated that "Independence has

<sup>1</sup> [http://193.5.93.81/wipolex/fr/text.jsp?file\\_id=198527](http://193.5.93.81/wipolex/fr/text.jsp?file_id=198527) (Accessed 6/06/11)

given us responsibility. I willingly, and by placing my trust in Allah the Almighty, accept this responsibility in order to shape the country's future by focusing on the economy, the securing of employment for the people, and **improving the education** and health. That responsibility also involves the **improvement of the quality of the public service and the development of infrastructure.**"

### **Legislative Framework:**

3. The basic legislative framework for education in Brunei Darussalam is made up of:

- The **1984 Education (Non-Government Schools) Act (Chapter 55)**<sup>2</sup>, which was repealed by the **Education Order of 31 December 2003**<sup>3</sup>.
- The **Compulsory Education Order 2007**<sup>4</sup>.
- The **Child Care Centre Order 2006**<sup>5</sup>.
- The **1984 Education (Brunei Board of Examinations) Law**<sup>6</sup>.

### **Policy Framework:**

4. The **Strategic Plan (2007-2011)**<sup>7</sup> in the area of Education was promulgated in December 2005. Some Education Strategies outlined in the Brunei Vision 2035 were taken into consideration, such as, investing in early childhood education, adopting international best practices in teaching and learning, etc. It outlined the direction which the Ministry of Education would pursue during the 5-year period, particularly in its endeavour to develop the fullest potential of a child through the provision of high quality education. It aims to upgrade the quality of the teaching and learning in schools with the aim of improving educational achievement and the holistic development of the individual in Brunei Darussalam. The national education System Review Committee was then formed with the mandate to review and make improvements to the current system, in aligning it to the Ministry of Education Strategic Plan (2007-2011). The new education system was named the "**National Education System for the 21st Century**" or "system Pendidikan Negara Abad Ke 21", in short, **SPN 21**<sup>8</sup>. It aims to achieve Quality education through the provision of a balanced, relevant and differentiated curriculum and provides multiple pathways for students to choose programmes that suit their capabilities, interests, inclination, etc. Its intention is to fit the system to the students rather than the other way.

5. The right to education is highlighted in the **Brunei Darussalam Education Policy 1992**, where at least 12 years education is offered for all children, that is a year of pre-school, 6 years of formal primary education, 3 years of lower secondary and 2 years of upper secondary or

<sup>2</sup> <http://www.agc.gov.bn/agc1/images/LOB/PDF/Chp.55.pdf> (Accessed 6/06/11)

<sup>3</sup> [http://www.agc.gov.bn/agc1/images/LOB/Order/DEF/Education%20Order.%202003%20\(S%2059\).pdf](http://www.agc.gov.bn/agc1/images/LOB/Order/DEF/Education%20Order.%202003%20(S%2059).pdf) (Accessed 6/06/11)

<sup>4</sup> <http://www.agc.gov.bn/agc1/images/LOB/Order/ABC/C/S56%20Compulsory%20Education%20Order.%202007.pdf> (Accessed 6/6/11)

<sup>5</sup> <http://www.agc.gov.bn/agc1/images/LOB/Order/ABC/C/Child%20Care%20Centres%20Order.pdf> (Accessed 6/6/11)

<sup>6</sup> <http://www.agc.gov.bn/agc1/images/LOB/PDF/Chp.56.pdf> (Accessed 6/06/11)

<sup>7</sup> <http://planipolis.iiep.unesco.org/upload/Brunei%20Darussalam/Brunei%20Darussalam%20Education%20Strategic%20Plan.pdf> (Accessed 6/6/11)

<sup>8</sup> <http://www.moe.edu.bn/web/spn21> (Accessed 6/6/11)

vocational/technical education. The policy reads “to give all Bruneian children the opportunity to achieve at least an upper secondary or vocational education,” and “to provide opportunities for all children in Brunei Darussalam to develop their full potential, so that they play a useful role in the development of the country.”<sup>9</sup>

6. In 1994, Brunei Darussalam joined representatives of 92 governments, and 25 international organizations to endorse the provision of Inclusive Education as stipulated in the Salamanca Statement. The statement produced in Clause 3 of the 1994 Salamanca Statement states, “We call upon all governments and urge them to adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise” (UNESCO, 1994).<sup>10</sup> The **Special Education Policy Guidelines (1997)** emphasized that “a student requiring a special education programme will be provided with a programme appropriate for the student’s needs, age and level of educational achievement.”<sup>11</sup>

7. The **Bilingual Policy** was introduced in **1984** in schools to enable the child to acquire fluency in the national language, Malay, as well as the proficient in the English language. The Curriculum Development Department, Ministry of Education, placed a strong emphasis in the reading and Language acquisition (RELA) programme to improve the English language proficiency of learners in primary schools.<sup>12</sup>

#### - Adult Education

8. The **Department of Technical Education (DTE)** which was established in January 1993 is the major provider for technical and vocational education ad adult and continuing education programmes in Brunei Darussalam. The provision of adult and continuing education has been in existence in Brunei Darussalam since 1958 when the **language & Literacy Bureau** initiated classes with the objective to eradicate illiteracy amongst adults. Currently, the financing of **Adult Learning and Education (ALE)** in the country comes from the annual budget allocation given to the Ministry of Education. From the annual budget allocated to the Department of Technical Education, a share of this budget is subsequently allocated to the **Continuing Education Section** under DTE for the financing of ALE in the country. Today, the Continuing Education Section under the DTE, with its motto “*It is never too late to learn*”, coordinates all the LEA in the country for the Ministry of Education. The Section plays a vital role in upgrading the knowledge, skills, attitude/values and standard of living of the people in the country through the provision and implementation of non-formal educational opportunities and programmes oriented to the society needs.<sup>13</sup>

#### Cooperation:

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<sup>9</sup> The Development of education: national report; Brunei Darussalam for the 48<sup>th</sup> International Conference on Education in Geneva in 2008, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/brunei\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/brunei_NR08.pdf)

<sup>10</sup> The Development of education: national report; Brunei Darussalam for the 48<sup>th</sup> International Conference on Education in Geneva in 2008, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/brunei\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/brunei_NR08.pdf)

<sup>11</sup> The Development of education: national report; Brunei Darussalam for the 48<sup>th</sup> International Conference on Education in Geneva in 2008, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/brunei\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/brunei_NR08.pdf)

<sup>12</sup> The Development of education: national report; Brunei Darussalam for the 48<sup>th</sup> International Conference on Education in Geneva in 2008, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/brunei\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/brunei_NR08.pdf)

<sup>13</sup> [http://www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/National\\_Reports/Asia%20-%20Pacific/Brunei\\_Darussalam.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/National_Reports/Asia%20-%20Pacific/Brunei_Darussalam.pdf)

9. Brunei Darussalam is party to the 1960 UNESCO Convention against Discrimination in Education (CADE) since 1985. However, it did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).
- Eighth Consultation of Member States (covering the period 2006-2011).

10. Brunei Darussalam did not report within the framework of the Fourth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

11. Brunei Darussalam reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

12. Brunei Darussalam is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

### **Cultural rights**

#### Freedom of creative activity, artistic freedoms, right to conduct cultural practices – cultural heritage practice

#### Normative Framework: constitutional and legislative frameworks

13. The Government of Brunei Darussalam has recently taken important steps towards protecting cultural rights through the ratification of the 1972 Convention and the 2003 Convention. The ratification of the 2003 Convention is particularly significant as States Parties to the Convention are required to place the rights of communities, as the experts of their intangible cultural heritage, at the heart of the safeguarding process. On the legislative level, while the Law on Antiquities (amended in 1991) provides adequate protection for built heritage, it does not cover the intangible cultural heritage, which has a strong relationship with communities and cultural rights. However, as of 2013, the government of Brunei Darussalam is now looking at developing legislation especially for the safeguarding of intangible cultural heritage.

#### Policy measures:

14. On a policy level cultural rights have yet to be articulated in to national strategies. This is demonstrated in the limited role that culture is given in Brunei Darussalam's 9th National Development Plan (2007-2012) and overall national strategy, "Vision Brunei 2035". However, the implementation of the UNESCO Conventions in the field of culture offers scope for improving cultural rights. One key challenge for Brunei Darussalam concerns the need to increase capacity of key stakeholders, especially community members, as well as government,

NGOs and organizations about the mechanisms for safeguarding tangible and intangible cultural heritage. This is especially the case with regard to the protection of intangible cultural heritage (ICH), where Brunei Darussalam faces a number of challenges including acquiring sufficient national funds and expertise available for this specific area of ICH protection, the need to develop legal and institutional frameworks for ICH safeguarding, and greater capacity and knowledge among government staff, NGOs and community groups involved in the protection of ICH. Increased capacity in this area will help ensure that the implementation of the 2003 Convention with a focus on community based inventorying thereby helping to ensure that a diverse cross section of Brunei society has a voice in safeguarding their intangible cultural heritage.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

15. Freedom of expression and press freedom are limited in Brunei Darussalam by various legal provisions. The Local Newspapers Order (1958/2001) makes it mandatory to obtain annual publishing permits from the Minister of Home Affairs for starting a newspaper.<sup>14</sup> The Minister could refuse, suspend or revoke licenses without giving a reason, which is not subject to appeal or judicial review.<sup>15</sup>

16. The Sedition Act includes a penalty of up to three years of imprisonments for publishing materials with seditious intentions including materials critical of the royal family.

17. The Undesirable Publication 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.

18. The Internal Security Act allows the authorities to detain an individual without charge or trial for a period of up to two years, which could be further lengthened in the name of maintaining public order indefinitely.

19. Penal Code of Brunei Darussalam, under Article 500, further criminalizes defamation with up to 5 years of imprisonment and a fine.

20. A freedom of information law does not currently exist in Brunei Darussalam.

#### Media Self-Regulation:

21. Media self-regulation mechanisms are nonexistent in Brunei Darussalam.

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<sup>14</sup> [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](http://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)

<sup>15</sup> Same as above

Safety of Journalists:

22. UNESCO recorded no killing of journalists in Brunei Darussalam between 2008 and 2012.

### **III. RECOMMENDATIONS**

#### **Right to education**

23. Brunei Darussalam should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

24. Brunei Darussalam could be encouraged to further its efforts to promote human rights education and training.

25. Brunei Darussalam could be encouraged to implement awareness-raising projects and activities to combat discriminative attitudes and to promote the right to education for all.

#### **Cultural rights**

26. Brunei Darussalam should take steps to further increase its capacity in the area of safeguarding intangible cultural heritage.

27. Brunei Darussalam is also encouraged to ratify the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

#### **Freedom of opinion and expression**

28. Brunei Darussalam is recommended to implement reforms to bring its laws and practices in line with international standards for press freedom and freedom of expression including to the Sedition Act, the The Local Newspapers Order (1958/2001), Undesirable Publication Act, Internal Security Act, and the Penal Code.

29. Brunei Darussalam is encouraged to begin introducing a freedom of information law that is in line with international standards.

30. Brunei Darussalam is encouraged to introduce self-regulatory mechanisms of the media.

#### **Freedom of scientific research**

31. With regard to contribution of science and technology to development, Brunei Darussalam is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.