



# STATEMENT

UPR Pre-session on Brunei Darussalam

Geneva, 5 April 2019

Delivered by: The Institute on Statelessness and Inclusion

1. The Institute on Statelessness and Inclusion and our partners welcome the opportunity to participate in this pre-session for the UPR of Brunei Darussalam.
2. The statement by the Global Campaign for Equal Nationality Rights has focused on gender discrimination in Brunei Darussalam's nationality law. Therefore, this statement will consider other pressing issues related to the right to a nationality, statelessness and the enjoyment of fundamental human rights, namely:
  - I. barriers faced by ethnic minority populations in acquiring and confirming citizenship;
  - II. childhood statelessness and barriers to birth registration;
  - III. discriminatory aspects of the naturalisation process; and
  - IV. the impact of statelessness.
3. At the outset, it is important to note that under the Second UPR Cycle, Mexico recommended that Brunei Darussalam adopt reforms allowing for the "*reduction of cases of statelessness*". Further, Iran recommended the "*integration and naturalization of stateless persons who are permanent residents*". Although Brunei Darussalam accepted both of these recommendations, the State is yet to take meaningful steps towards implementing these commitments.

#### **Barriers to acquiring and confirming citizenship, faced by ethnic minority populations**

4. According to government data, in 2017, 20,524 out of a population of 421,300 in Brunei were stateless. This figure has hardly changed since 2012, suggesting that little has been done to address statelessness in the country over the reporting period.
5. There is no publicly available information as to the profile of the 20,524 recorded stateless persons. Further, other sources estimate the stateless population to be closer to 150,000 people.
6. One the key causes of statelessness in the country is the discriminatory provisions, in particular article 4 (1) (a) of the *1961 Brunei Nationality Act*, which exclude a number of ethnic minority populations from automatically acquiring Brunei citizenship. Instead, minorities such as ethnic Chinese, must apply for citizenship by registration or naturalisation.

#### **Childhood statelessness risks arising from barriers to birth registration**

7. Indigenous populations in rural areas such as the Dusun and Iban continue to experience significant barriers in accessing birth registration, creating barriers for indigenous children in acquiring or confirming Brunei Darussalam citizenship.

#### **Discriminatory aspects of the naturalisation process and the impact of statelessness**

8. A stateless person's access to fundamental rights depends on whether or not they are registered by the Government as "*permanent residents*".

9. Stateless permanent residents in Brunei Darussalam can access some but not all rights. For example, stateless permanent residents do not have access to fully subsidized health care or higher education. Additionally, they cannot own property, land or a business. Testimony from a stateless individual demonstrates the impacts of such restrictions:

*"My parents purchased land in Belait District more than 30 years ago with their hard-earned money and built a house for our family. Yet none of us are able to legally put our names on the paper work. It's ridiculous that we couldn't add my father's name to the land he purchased and on the house he built - and calls "home."*

10. Stateless permanent residents are also not entitled to passports, but are instead entitled to a document titled a "Certificate of Identity". These certificates allow for international travel and re-entry to Brunei Darussalam. However, such certificates are often viewed with suspicion by officials at foreign ports of entry and this can lead to extensive questioning or even denial of entry.
11. Stateless persons who are not registered as permanent residents are further disadvantaged. They have no access to government services, such as education, and are not entitled to identity documentation. As long as Brunei Darussalam denies identity documentation to a part of its population, it will be unable to meet Sustainable Development Goal 16.9 to achieve 'legal identity for all' by 2030.

## **Recommendations**

12. Based on the above, we call on States to recommend the following to Brunei Darussalam:
- I. **Reform the 1961 Brunei Nationality Act to remove provisions that discriminate on the basis of race, in particular article 4 (1) (a);**
  - II. **Ensure that stateless persons have their right to a nationality restored;**
  - III. **Fully promote, respect, protect and fulfil its obligations towards stateless persons under international human rights law, including those protected under the CEDAW, CRPD and CRC, which includes the right to nationality;**
  - IV. **Ensure that all stateless persons have equal access government-issued identity documentation and to passports; and**
  - V. **Facilitate universal birth registration by addressing barriers faced by indigenous populations in rural areas, including the Dasun and Iban populations.**
13. In conclusion, the problem of statelessness in Brunei Darussalam could be easily solved. With only a few steps, thousands of individuals who reside in Brunei Darussalam would be able to better contribute to society through the enjoyment of citizenship and corresponding citizenship rights.

Thank you for your attention.