



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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28 November 2017

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined initial and second periodic reports of Brunei Darussalam, at the Committee's fifty-ninth session, held in October 2014. At the end of that session, the Committee's concluding observations (CEDAW/C/BRN/CO/1-2) were transmitted to your Permanent Mission. You may recall that in paragraph 50 on follow-up on the concluding observations, the Committee requested Brunei Darussalam to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9, 13 (a) and 39 (a) of the concluding observations.

The Committee welcomes the follow-up report received with a 9-months delay in August 2017 (CEDAW/C/BRN/CO/1-2/Add.1) under the CEDAW follow-up procedure. At its sixty-eighth session, held in November 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 9** of the concluding observations, strongly encouraging the State party to “consider withdrawing or narrowing down its general reservation and withdrawing its specific reservation to article 9 (2) of the Convention, with a view to ensuring that women fully benefit from all the rights enshrined in the Convention. It recommends that the State party use as examples the best practices of States parties with similar social, cultural, religious and legal systems that have withdrawn similar reservations and successfully brought their legislation into conformity with the Convention”: The State party informed that it has carefully examined the reservations made by other States parties and wishes to retain its reservations with respect to Paragraph article 9 (2) and article 29, as well as to any other aspects of CEDAW that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

His Excellency
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The Committee regrets that the State party has not taken steps to withdraw or narrow down its reservations to the Convention. It considers that the recommendation **has not been implemented**. It moreover regrets information received by the State party **reflecting the rejection of the recommendation**.

The Committee, reminds the State party of its obligation to ensure that women fully benefit from all rights laid down in the Convention, including the equal right of women with respect to the nationality of their children. It recommends that, in relation to **paragraph 9** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to withdraw or narrow down its general reservation and to withdraw its specific reservation to article 9 (2) of the Convention.

With regards to the recommendation made in **paragraph 13** of the concluding observations, urging the State party “to immediately review the new Sharia Penal Code Order 2013 with a view to repealing its direct and indirect discriminatory provisions affecting women”: The State party reported that the Syariah Penal Code Order of 2013 is non-discriminatory in nature, and that this legal order is necessary to strengthen the current criminal law and for the protection of human rights, including the rights of women.

The Committee regrets that the State party has not taken steps to repeal direct and indirect discriminatory provisions of the Syariah Penal Code Order of 2013. It considers that the recommendation **has not been implemented**. It moreover regrets information received by the State party **reflecting the rejection of the recommendation**.

The Committee recalls that through the ratification of the CEDAW, the State party accepted its obligation to ensure that its national legislation is in line with the provisions of the Convention. It recommends that, in relation to **paragraph 13**, the State party provide, **in its next periodic report**, information on further actions taken to review the Sharia Penal Code Order of 2013 with a view to repealing its direct and indirect discriminatory provisions affecting women. It reiterates its recommendation that the State party use as examples the best practices of States parties with similar social, cultural, religious backgrounds and legal systems that have withdrawn similar reservations and successfully brought their legislation into conformity with the Convention.

With regards to the recommendation made in **paragraph 39** of the concluding observations, that the State party “reform the Islamic Family Law Act, taking into consideration the experiences of countries with similar religious backgrounds and legal systems that have successfully harmonized their national legislation with their legally binding obligations under the Convention, specifically with regard to matters of property, divorce, inheritance and the requirement of authorization from the guardian (*wali*) in order to enter into marriage.”: The State party reported that its Islamic Family Act incorporates provisions protecting women and does not dilute or minimize its obligations under the Convention.

The Committee regrets that the State party has not taken steps to reform the Islamic Family Act. It considers that the recommendation **has not been implemented**. It moreover regrets information received by the State party **reflecting the rejection of the recommendation**.

Reiterating the obligation to bring the State party’s national legislation in line with the rights enshrined in the Convention, to which the State party committed when ratifying the CEDAW, the Committee recommends that, in relation to **paragraph 39**, the State party provide, **in its next periodic report**, information on further actions taken to reform the Islamic Family Law Act with regard to matters of property, divorce, inheritance and the requirement of authorization from the guardian (*wali*) in order to enter into marriage, taking into consideration the experiences of countries with similar religious backgrounds and legal systems that have



successfully harmonized their national legislation with their legally binding obligations under the Convention.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hilary Gbedemah'.

Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women