UPR 19, May 2, 2014

Recommendations by Canada

**Brunei Darussalam**

**Question**

Noting that the Government of Brunei Darussalam has commenced implementation of the Shariah Penal Code, which includes corporal punishments such as flogging, stoning and severing of limbs, will the Delegation of Brunei Darussalam advise as to whether the government has reviewed and/or reconsidered the implementation of the Penal Code in relation to its obligations under international law as well as other domestic human rights provisions already in place? Could the Delegation of Brunei Darussalam explain how it intends to uphold its human rights obligations on issues such as the rights of women, for example, where there are conflicts with the new Penal Code?

**Recommendations**

Canada recommends that Brunei Darussalam:

1. Reinstitute its suspension of implementation of the Shariah Penal Code. Conduct a comprehensive review of the new Penal Code in relation to obligations under international law.
2. Lift its reservations to Articles 9 of the Convention on the Elimination of All Forms of Discrimination against Women.
3. Decriminalize sexual activity between same-sex consenting adults and ensure the protection of human rights for sexual minorities in conformity with the State’s human rights obligations.

1. Amend the Sedition Act and the Local Newspapers Order 1958 to strengthen freedom of expression in line with international human rights obligations.
2. Promote freedom of religion and belief, including by increasing access to religious literature, places of worship, and public religious gatherings for non-Muslims and non-Shafi’i Muslims.

**Observations (if time allows):**

We welcome the steps taken by Brunei Darussalam to prevent trafficking in persons, including by strengthening the penal code to curb exploitation of children, and by taking steps to improve investigation and law enforcement capacity. We would like to emphasize the importance that authorities in Brunei Darussalam differentiate between human trafficking and people smuggling in order to address both crimes in a manner that respects international human rights obligations.

We also welcome the steps taken by Brunei Darussalam to prohibit corporal punishment at home and in schools, as recommended during the last UPR. We are seriously concerned, however, that the introduction of corporal punishment in the new Shariah Penal Code represents a move to increase rather than diminish the likelihood of inhumane and degrading treatment.