

## QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON BRUNEI DARUSSALAM

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted-References in the National Report are *in Italics*.

**Recommendations** -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

<b>ISSUE</b>	<b>N Report</b>	<b>Compilation</b>	<b>Summary</b>
<b>Criminalization of same-sex consensual practices</b>			Need to eliminate discriminatory legislation criminalizing consensual sex activity between adults (10)
<b>Sexual Violence</b>			No legal protection when men or boys are raped. (6)
<b>Sexual Violence against children</b>	Children Order 2000: provisions on sexual abuse. Penal Code criminalizes rape and incest (18)	Legislative measures and policies needed for prohibition of institutional and family abuse. No awareness on it. (17)	
<b>Trafficking/sexual exploitation /violence against children</b>	Legislation penalizes children trafficking, forced prostitution and kidnapping (18) No child sexual exploitation and trafficking in the country. Protection and care for children victims of violence (31)	Country destination for trafficking (19)	

## **Criminalization of same-sex consensual practices**

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), ILGA-Europe, ILGA-Asia, the International Gay and Lesbian Human Rights Commission and ARC International in a joint statement noted that Brunei Darussalam maintains criminal sanctions against "carnal intercourse against the order of nature," and such provisions are often applied to **criminalize sexual activity between consenting adults**. Amnesty International (AI) added that these provisions allow for **discrimination against lesbians, gays, bisexuals and transsexuals** (Para 10, Summary).

## **Sexual Violence**

AI ( ) added that the offence of rape is confined to acts against women and girls, thus **providing no protection for men and boy victims of rape**. (Para 6, Summary)

## **Sexual Violence against children**

- **Children Order 2000**: ( ) This Order establishes **Action Team on Child Abuse**. It enumerates situations where a child is in need of protection, such as, if the child is in a substantial risk that he/she will be **physically injured or emotionally injured or sexually abused by his/her guardian**.
- **Penal Code (Cap 22)**: ( ) The Penal Code also **penalizes criminal acts against children**, including:
  - **Rape and incest** of children (Para 18, NR)

CRC welcomed the establishment, in 1997, of the special police unit to deal with child victims of abuse and violence, but remained concerned that there is **insufficient information and awareness** in Brunei Darussalam of the ( ) **abuse** of children **within the family** and **institutions** (Para 17, Compilation)

## **Trafficking/sexual exploitation/violence against children**

- **Children Order 2000** ( ) : The Order also criminalises **begging or any illegal activities; acts of leaving a child without reasonable supervision; and trafficking in children**.
- **Trafficking and Smuggling of Persons Order 2004**: is an Order to criminalise the activities of **human trafficking, human smuggling and exploitation of the trafficked persons**. It also criminalises **children trafficking** in that any person who recruits, transports, transfers, harbour or receives a child by any means for the purposes of exploitation shall be guilty of an offence.
- **Penal Code (Cap 22)**: ( ) The Penal Code also **penalizes criminal acts against children**, including:
  - **Kidnapping or abducting** children;
  - **Selling and buying** children for **prostitution** purposes; (Para 18, NR)

To date, **there is no evidence** of **child labour, commercial sexual exploitation and trafficking of children in this country**. Children who are **victims of violence** are given special attention by the legal system and all other relevant agencies. **Medical, legal services and shelter** through welfare homes are provided for protection and rehabilitation of children. (Para 31, NR)

A 2006 report of the United Nations Economic and Social Commission for Asia and the Pacific lists Brunei Darussalam among the countries that are a **destination for trafficking in persons** in Asia. According to information from the United Nations Office on Drugs and Crime, the specific offence of trafficking in persons was established in Brunei Darussalam in 2004. State authorities provide **temporary stay permits for victims**. (Para 19, Compilation)

## Suggested question and recommendations

### CRC

To conduct a study to assess the nature and extent of abuse of children, and design policies and programmes to address these practices and take legislative measures to prohibit all forms of physical and mental violence, including **sexual abuse** of children, in the family and in institutions. To implement public education campaigns ensuring that the **abused child** is not victimized in legal proceedings (Para 17, Compilation)

### Amnesty International

- To revise Section 375 of the Penal Code so as to criminalize all acts of **rape** without exception and irrespective of the marital status and gender of the victim. (Para 6, Summary)

### ILGA

- That the Human Rights Council urge Brunei to bring its legislation into conformity with international human rights standards by repealing all provisions which criminalize "carnal intercourse against the order of nature or other **sexual activity between consenting adults**" (Para 10, Summary).

### Sexual Rights Initiative

- To enact specific legislation that clearly protects **sexual orientation and gender identity** from any kind of discrimination based on these categories.