



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fourth session

SUMMARY RECORD OF THE 907th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 25 September 2003, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Brunei Darussalam (continued)

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Brunei Darussalam (continued) (CRC/C/61/Add.5; CRC/C/Q/BRN/1; CRC/C/RESP/45)

1. At the invitation of the Chairperson, Ms. Akhbar, Mr. Ampal, Ms. Entunie, Ms. Jackia, Ms. Kamaludin, Ms. Keang, Mr. Salleh and Mr. Suhaili (Brunei Darussalam) took places at the Committee table.
2. Mr. FILALI asked why several legal provisions concerning juvenile justice had yet to be implemented. He did not understand the delay in setting up juvenile courts and detention centres adapted to the needs of young offenders. Given the existence of separate legislation for Muslims and non-Muslims, he wished to know which birth registration rules were applicable to children of mixed parents.
3. Mr. LIWSKI said that, while paragraphs 110 and 111 of the report provided a detailed description of the restrictions on freedom of association, it was unclear how the law promoted and protected the right to freedom of assembly. The definition of torture, pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, referred to acts carried out by public officials or persons acting in an official capacity. In that connection, he asked why the relevant section of the report referred only to protection from domestic violence.
4. Ms. CHUTIKUL asked for more information regarding pre-school educational services. She enquired whether schools had special programmes either for children with learning difficulties or for gifted children. Lastly, she wished to know how the Government planned to address the problem of incest.
5. Ms. KAMALUDIN (Brunei Darussalam) said that the Government was working to develop separate criminal justice arrangements for children in conflict with the law. According to the Code of Criminal Procedure, no child under the age of 7 could be convicted of an offence. Children between the ages of 7 and 12 could face legal action only if they had attained sufficient maturity of understanding to judge the nature and consequences of their conduct. All juvenile offenders enjoyed the same rights as adults with regard to fair and due process. While the age of criminal responsibility might appear low, in reality, the number of minors convicted of offences was relatively small: a total of 142 minors had been convicted in 2000, 76 in 2001 and 123 in 2002. Most of them had been found guilty of minor offences, such as petty theft and misuse of soft drugs.
6. Ms. AL-THANI asked who decided whether or not a child had attained sufficient maturity to face criminal charges. She wished to know under what circumstances the punishment of whipping could be applied to children, and whether the Government intended to abolish it.

7. Mr. AMPAL (Brunei Darussalam) said that the answers to those questions would be supplied in writing.
8. Ms. KEANG (Brunei Darussalam) said that marked fluctuations occurred in infant mortality rates on account of the small number of births per year. Therefore, the increase from 6.8 deaths per 1,000 live births in 2001 to 8.3 in 2002 was not attributable to any setback in health services. High infant mortality rates were linked to cultural factors; for example, few mothers resorted to abortion when scans revealed congenital abnormalities during pregnancy. The figures also included infants born as young as 24 weeks.
9. In accordance with international standards, the Government strongly encouraged breastfeeding for the first six months, with the progressive introduction of milk substitutes over the first two years. While the health authorities were proud of their success in preventing the spread of HIV/AIDS and achieving high immunization coverage, they would continue to focus their efforts on prevention strategies. Trained health workers paid regular visits to schools, including schools in rural areas, to talk to pupils about sexual and reproductive health. Children were encouraged to ask questions, and were given a phone number to call for confidential advice.
10. A nutritional survey had revealed that 9.1 per cent of children under the age of 5 years were overweight, and that many had iron deficiencies. Consequently, the Government had drawn up new dietary guidelines.
11. Ms. JACKIA (Brunei Darussalam) said that the Children's Order 2000 provided for the appointment of a protector for abused and neglected children. While the modalities for appointing the protector were still being examined, medical practitioners were required to report all cases of neglect and abuse to the police. Protection was provided for anyone reporting such cases to the authorities.
12. Ms. AL-THANI asked whether teachers were required to report cases of child abuse or neglect that came to their attention.
13. Ms. KEANG (Brunei Darussalam) said that, while teachers had been known to report cases of suspected child abuse, they were not required to do so. Children in Brunei Darussalam were not placed in foster families but rather in government-run homes. The extended family system was an effective means of monitoring families; community leaders and other members of the community also performed that function. The National Orphans' Fund provided assistance to families, for example, when the father of a family died. Other forms of financial assistance were available under the National Welfare Fund, which provided monthly allowances to families. In some cases, the extended family system was an effective means of caring for children; however, in cases such as incest, where the home was no longer considered safe for the child, the Government provided institutional care. The Government currently operated four different homes: one for children in conflict with the law, one for victims of child abuse and neglect and two others for neglected and abused children - a girls' home and a boys' home. A home for juvenile delinquents was under construction.

14. Single parents were allowed to adopt children in Brunei Darussalam. However, as a protective measure, the prospective single parent could adopt only a child of the same sex. Abandoned children underwent the usual registration procedure and could be adopted legally under the Registration of Adoption Act. The Government provided counselling to abused or neglected children and to child abusers; however, there were no specialized counsellors to deal with child abusers.
15. The CHAIRPERSON said that the delegation should clarify whether orphans were children who had lost their father, their mother, or both.
16. Ms. JACKIA (Brunei Darussalam) said that orphans were those who had lost their father or both parents. Children who lost only their mothers were not considered orphans.
17. The CHAIRPERSON enquired whether juvenile delinquents were placed in the same institutions as other children requiring protection. He wished to know how long children remained in such homes and what the Government's policy was with regard to reuniting juvenile delinquents with their families.
18. Ms. JACKIA (Brunei Darussalam) said that juvenile delinquents were not placed in the same institutions as abused children. The amount of time that juvenile offenders spent in institutions depended on how quickly their cases were processed; the same applied to abused children. On their release, children were sent back to their families, provided that their home environment was considered safe.
19. Ms. AL-THANI asked whether the Taman Noor Hidayah centre sheltered both abused children and children requiring rehabilitation.
20. Mr. LIWSKI said that the delegation should provide more information on homes for juvenile delinquents, including their methods of operation, and should indicate whether parents were allowed to visit their children in such homes.
21. Ms. JACKIA (Brunei Darussalam) said that, following publication of the initial report, the Government had begun building a second centre to separate juvenile delinquents from abused children.
22. Mr. AMPAL (Brunei Darussalam) said that there were two Taman Noor Hidayah centres, one for abused children and one for children requiring rehabilitation.
23. Ms. JACKIA (Brunei Darussalam) said that parents were allowed to visit their children in rehabilitation centres once every two weeks. The Government was currently developing a family-friendly programme to ensure that parents could resume responsibility for their children after they were released from the homes.
24. Mr. AMPAL (Brunei Darussalam) said that victims of incest were placed in the Taman Noor Hidayah protection home, while the perpetrators, who were exclusively male adults, were brought to justice under the provisions of the Penal Code.

25. Ms. KAMALUDIN (Brunei Darussalam) said that the role of the children's protector would be to receive complaints of child abuse or neglect, obtain court orders to remove children from harmful home environments and provide them with the necessary medical care.
26. Judges were responsible for determining the level of maturity of juvenile offenders. In Brunei Darussalam, the punishment of whipping was never inflicted on females. The law stipulated that whipping should be used as a disciplinary measure in schools and provided specific instructions on its use. The courts could sentence convicted juvenile offenders to whipping only in cases involving serious offences, such as rape, drug trafficking or kidnapping. A provision in the Criminal Procedure Code allowed the court to admonish or send home certain juvenile offenders instead of sentencing them to prison. The court could also release an offender on probation for good conduct. While it was true that the investigation procedure could sometimes be lengthy, bail was always provided for juvenile offenders, except in cases involving serious offences.
27. Mr. FILALI enquired what the status would be of a child born of a de facto marriage between a Muslim and a non-Muslim and what procedures were required to legalize both the marriage and the birth.
28. Mr. AMPAL (Brunei Darussalam) said that, in Brunei Darussalam, there were no marriages between persons of different religions. In cases in which a non-Muslim became involved with a Muslim, the non-Muslim, invariably converted and the child was always brought up as a Muslim.
29. The CHAIRPERSON enquired whether the Book of Discipline was intended as a general guideline or aimed at a specific category of professionals. He wished to know whether corporal punishment was prohibited in Brunei Darussalam and whether there was a campaign to raise awareness about its negative effects.
30. Ms. AKHBAR (Brunei Darussalam) said that the Book of Discipline had been published in 1984 as a guideline for teachers and school administrators for enforcing discipline in school. The Government was in the process of preparing a new book, which did not provide for the use of corporal punishment. Discipline in schools was subject to the directives of the Ministry of Education.
31. Ms. AL-THANI asked whether corporal punishment would be prohibited in the new book.
32. Ms. AKHBAR (Brunei Darussalam) said that corporal punishment was not applied in Brunei Darussalam. Disciplinary cases were referred to the Ministry of Education.
33. Ms. SMITH enquired whether both corporal punishment as a court sentence and corporal punishment at home and at school were prohibited.
34. Mr. AMPAL (Brunei Darussalam) said that, while corporal punishment had traditionally been part of Brunei Darussalam's culture, it had never been intended to harm children. The law ensured that the practice was not abused, and there had been cases in which parents had been

prosecuted for misusing corporal punishment at home. In the past, only school principals had been allowed to administer corporal punishment, which was currently only rarely applied in schools. In short, while the law permitted corporal punishment, people in Brunei Darussalam were reluctant to use it.

35. The CHAIRPERSON said that, if corporal punishment was increasingly being viewed as unacceptable, the next step for Brunei Darussalam might be to amend its legislation in order to abolish that practice, or to include provisions to that effect in the new guidelines. If parents did not accept corporal punishment at school, they should not use it at home. He urged the Government to discuss the issue more publicly and conduct awareness campaigns with a view to eliminating corporal punishment.

36. Mr. AMPAL (Brunei Darussalam) said that the courts rarely sentenced people to corporal punishment and only for serious offences in order to protect the public interest.

37. Ms. AKHBAR (Brunei Darussalam) said that in Brunei Darussalam the school council was known as the prefectorial board and was composed of students who were appointed by teachers or school administrators. Brunei Darussalam's high literacy rate could be explained by the fact that education at the pre-school, primary and secondary levels was free for all citizens and non-citizens.

38. Mr. KRAPPMANN said that some girls in Brunei Darussalam married very early, and he wondered whether they remained in school after marriage.

39. Mr. CITARELLA enquired whether the very high rate of school attendance, at least in the early years, was attributable to the fact that education was compulsory and free for all.

40. Mr. AMPAL (Brunei Darussalam) said that, while education was not yet compulsory, the Government was considering legislation to that effect. The reason for the high rate of school attendance was that community leaders in each village were required to report children who did not attend school. That practice was effective in ensuring school attendance even in the absence of legislation on compulsory education. The Minister of Education visited families to ensure that children were in school. While there was no law to prevent married students from going to school, cultural practices were such that a girl most likely would not return to school after marriage.

41. Mr. KRAPPMANN asked the delegation to provide confirmation that children were not kept from school in order to work in family businesses.

42. Mr. FILALI enquired whether persons convicted of serious crimes, such as rape or kidnapping, could be subjected to both whipping and imprisonment.

43. Mr. CITARELLA said that the delegation should explain why, if schooling was free, the Government had created a Sponsorship Fund to pay for the school fees, books and clothing of children in need of economic assistance. Moreover, it appeared that government agencies provided monthly financial assistance for all children for the same purpose.

44. Mr. AMPAL (Brunei Darussalam) said that helping in the family business was traditional in Brunei Darussalam's culture; such activities did not interfere with a child's schooling.

Financial assistance was provided to needy children to cover not only the cost of their schoolbooks but also other needs. Under the law, a person found guilty of a serious offence could receive a sentence of both whipping and imprisonment.

45. Ms. AKHBAR (Brunei Darussalam) said that the Ministry of Education had set up a Special Education Unit in 1997 to research, plan and implement special education programmes to assist children with special needs within the regular school environment. Each school had a specially trained homeroom teacher to provide assistance to such children. A special school for gifted children had been established on a pilot basis.

46. Ms. Yanghee LEE said that she wished to know whether the Emergency (Education) Order 2000, which provided for children with special educational needs, had been ratified. She noted with disappointment that there was no national registry on children with disabilities in Brunei Darussalam. She could not understand why the Government had been able to provide data on the number of children with special education needs who attended school but had been unable to indicate how many such children were living at home.

47. Ms. AKHBAR (Brunei Darussalam) said that the Emergency (Education) Order 2000 was being finalized and would be adopted shortly. All children with special educational needs who attended school lived at home.

48. Mr. AMPAL (Brunei Darussalam) said that there had previously been no need to establish a national registry on children with disabilities, since there were so few cases in Brunei Darussalam. He agreed that such a registry could be useful, and the Government would endeavour to compile one. Although there were no institutions for children with special needs in Brunei Darussalam, there were a number of centres for such children.

49. Mr. LIWSKI expressed concern that the provisions of the Penal Code that set out the offence of unlawful assembly not only restricted freedom of association but prevented young people from expressing their views.

50. Ms. AKHBAR (Brunei Darussalam) said that, although the Government had no pre-primary education programme, parents could send their children to a privately run nursery or pre-primary school if they wished.

51. Mr. KRAPPMANN enquired whether the Government had a programme to assist school dropouts and other young people who might find it difficult to obtain employment.

52. Mr. AMPAL (Brunei Darussalam) said that a youth development centre had recently been established to provide two years of vocational training for young people who dropped out of school. So far, it had been very successful, and 80 per cent of its graduates had found employment. The Government was currently focusing on dropouts who had chosen not to attend vocational training courses.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

53. Mr. AMPAL (Brunei Darussalam) said that efforts were being made to streamline Brunei Darussalam's education system. All types of schools, including Islamic religious schools, were under the purview of the Ministry of Education. Religious education was taught at religious schools from pre-primary level up to grade 6. The Government intended to incorporate religious education into the curricula of mainstream schools.

54. Mr. SALLEH (Brunei Darussalam) said that all Muslim couples wishing to marry had to attend a 16-hour prenuptial training course run by the Ministry of Religious Affairs. Such courses had been introduced a decade earlier in order to teach couples how to become good husbands and wives and responsible parents. The courses also provided women with information about their rights under Islamic law. The multi-agency committee that had recently been established to review the contents of such courses would take into account the provisions of the Convention and incorporate new elements in order to make such courses available to non-Muslim couples.

55. Mr. AMPAL (Brunei Darussalam) said that, under Islamic law, a woman whose husband habitually assaulted, raped or neglected her could seek a court order to dissolve the marriage. If her husband was found guilty of cruel conduct, he could be fined or imprisoned for up to six months.

56. Regarding the freedom of association, he said that a number of organizations existed in Brunei Darussalam that allowed citizens to gather together and serve a common cause. People were also allowed to hold social gatherings in their homes. Problems arose only when permission to hold an assembly was not given in advance and when there were complaints about the assembly. The aim of the restrictions on unlawful assembly was to maintain the peace.

57. Ms. JAKIA (Brunei Darussalam) said that the Narcotics Control Bureau was the main agency responsible for enforcing drug laws and prevention measures, while the Prisons Department was responsible for the treatment and rehabilitation of drug addicts. Young offenders caught experimenting with drugs for the first time were usually placed under supervision for a period of 6 to 12 months, while regular abusers were placed in rehabilitation.

58. A committee comprising members of various agencies, including the Community Development Department, the Police Force and the Ministry of Religious Affairs, had been established to consider all cases of child abuse brought to the attention of the hospital authorities. As a last resort, the committee could decide to place the child in care. Wherever possible, a solution was sought that would allow the child to remain in his or her family environment.

59. Ms. OUEDRAOGO wished to know what steps were being taken to encourage children to report incidents of abuse. She expressed concern that there were no rehabilitation programmes for perpetrators of child abuse.

60. Mr. AMPAL (Brunei Darussalam) said that in Brunei Darussalam cases of child abuse were reported to the relevant authorities by family members and friends.

61. The CHAIRMAN asked whether there was a helpline for children who wished to report cases of abuse. If so, he wished to know who operated the helpline and whether it was free of charge.
62. Ms. JACKIA (Brunei Darussalam) said that the Community Development Department had a hotline and received calls on a number of issues, including child abuse. The hotline was operated by the Department's staff and was free of charge.
63. Ms. VUCKOVIC-SAHOVIC wished to know whether the Government considered the Chinese as a minority and whether they were treated on an equal footing with the rest of the population. She also wished to know whether there was a system for dealing with problems encountered by children in Chinese families.
64. Ms. KEANG (Brunei Darussalam) said that the Government did not consider the Chinese a minority. Children were treated equally and had the same opportunities regardless of their ethnic background. Students received scholarships on the basis of their abilities and qualifications, not their ethnic origin. The situation with regard to employment was the same. A special representative of the Chinese community registered marriages of non-Muslim Chinese and dealt with a range of other issues.
65. The CHAIRMAN asked whether the Government was involved in international cooperation and was providing assistance to other countries.
66. Mr. AMPAL (Brunei Darussalam) said that international cooperation was carried out by the Ministry of Foreign Affairs. Brunei Darussalam was a member of a number of international organizations, including the United Nations, the Association of South-East Asian Nations (ASEAN) and Organization of Islamic Countries.
67. Ms. KAMALUDIN (Brunei Darussalam) said that financial assistance for children and spouses was provided through the court system. Shariah courts dealt with Muslim families, and civil courts dealt with non-Muslim families.
68. The CHAIRMAN asked whether non-Muslim and Muslim children received the same level of financial assistance.
69. Ms. KAMALUDIN (Brunei Darussalam) said that the level of such assistance depended on the amount claimed by the child's parents.
70. Ms. OUEDRAOGO asked how the Government was helping disadvantaged families. She would be interested in knowing how the Government ensured that people living in remote areas had safe drinking water.
71. Ms. KEANG (Brunei Darussalam) said that most of the population lived in coastal areas and had access to piped water. However, about 1 per cent of the population lived in the interior of the country and used rainwater. The Government advised people to boil rainwater before drinking it. When necessary, the Department of Water Services supplied water to remote areas.
72. Ms. JACKIA (Brunei Darussalam) said that the Community Development Department had a special programme to provide financial assistance to needy families. The programme

targeted families in which the breadwinner had either died or was unable to work owing to health problems, and also families with children under 18 years of age. The Government paid 200 Brunei dollars (B\$) to any head of a family who was unable to work. Orphans were paid B\$ 65 each and an additional B\$ 60 each for education purposes. Some families received over B\$ 1,000 a month.

73. Mr. AL-SHEDDI asked what the Government's objective had been in ratifying the Convention and what steps it was taking to ensure that the Convention was being implemented.

74. Mr. AMPAL (Brunei Darussalam) said that the Government had ratified the Convention because it shared the international community's goals with regard to children. It would continue to work towards achieving those goals. The National Children's Council, which coordinated activities related to the implementation of the Convention, was composed of representatives of important ministries, each of whom was committed to ensuring that the Council's decisions were translated into action.

75. Ms. AL-THANI said that, in its concluding observations, the Committee would recommend that the Government should withdraw its reservations to the Convention. The Committee would take note of the fact that the Government had not ratified any other international instruments or the two optional protocols to the Convention. Other issues would include the need for a more independent monitoring system; the minimum age for marriage; legislation to protect children from discrimination; corporal punishment; and the minimum age of criminal responsibility.

76. Mr. AMPAL (Brunei Darussalam) said the Government would make every effort to correct its weaknesses with regard to the implementation of the Convention and to implement the Committee's recommendations.

The meeting rose at 5.30 p.m.