

Mandate of the Working Group on the issue of discrimination against women in law and in practice

REFERENCE: OL
BRN 2/2014:

14 November 2014

Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 23/7.

The Working Group is following up on the information on Brunei Darussalam, published by the UN High Commissioner for Refugees in its 2014 annual note regarding **gender equality in legal provisions in nationality laws**. According to this information, current nationality law in Brunei Darussalam discriminates against women in that, Bruneian women cannot transmit their nationality to their foreign husband and children on an equal basis with Brunei men married to foreign nationals. Furthermore, children of Bruneian women married to foreign nationals need to follow an application process to be accorded Brunei citizenship, pursuant to Section 6 of the Brunei Nationality Act.

The Working Group would like to recall the recommendations made in the context of the Universal Periodic Review Second Cycle of Brunei, which are under consideration or are supported by Brunei, which called on the State to adopt reforms allowing women the transmission of citizenship and withdrawing its reservation to Article 9 (2) of the CEDAW (see recommendations 113.12, 113.79, 113.125 in A/HRC/27/11).

The Working Group would like to draw to the attention of your Excellency's Government the existence of wide spread good practices by States in your region which, in recent years, have repealed legislative provisions which discriminate against women in the matter of nationality.

In order to clarify the measures being taken by your Excellency's Government to repeal the discriminatory legislative provisions on nationality, the Working Group would be grateful if you could address the following matters:

1. Please provide any additional information on the current status of the relevant legislation with regard to the right of women to pass their nationality to the children and to their spouses of foreign nationality on an equal footing with men;
2. Please provide information on any measures that your Excellency's Government has taken or intend to take in order to implement the recommendations by UN human rights mechanisms, referred to above, and to bring its legislation into compliance with international human rights law.

The Working Group would appreciate a response within 60 days and remains available for any type of technical advice on legislative reform that your Excellency's Government may require.

This communication and your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice