

ADVANCE QUESTIONS TO BRUNEI DARUSSALAM-Add.2

SWEDEN

- Credible reports indicate serious restrictions by the government of freedom of speech and of the press. According to law it is an offense to criticize the government, the sultan and his family or to publish material of a sexual nature. Articles containing Christian elements are censored on a regular basis. Self-censorship on the part of the country's two largest newspapers is reported, while the government owns the only national television station. Foreign television channels are accessible in Brunei but are censored occasionally.
Could the Government of Brunei Darussalam elaborate on what measures it is taking to ensure freedom of speech and of the press?
- Consensual sexual activity among persons of the same sex is forbidden by law in Brunei Darussalam. Section 377 of Brunei's penal code states that same-sex sexual conduct is punishable by 10 years imprisonment or fines. At the same time, there are no known reports of the law being used during the past few years.
Are there any initiatives by the Government of Brunei Darussalam to decriminalize consensual sexual activity among persons of the same sex?

THE NETHERLANDS

- Section 375 of the Penal Code (Cap 22) states that "Sexual intercourse by a man with his own wife, the wife not being under thirteen (13) years of ages, is not rape." How does the government of Brunei ensure the protection of the fundamental right to physical integrity with regard to marital rape?
- Under the Sedition Act, Citizens can be punished for criticising the Sultan or the royal family, 'raising discontent or disaffection amongst inhabitants of Brunei' or 'promoting feelings of ill-will and hostility between different classes of the population of Brunei'. Does the Government of Brunei Darussalam envisage lifting these restrictions on the freedom of expression in conformity with international human rights standards?
- Section 377 of the Penal Code states that "carnal intercourse against the order of nature" can be penalised with imprisonment up to 10 years. Does this article cover consensual same-sex sexual conduct between adults? If so, how would the Government of Brunei Darussalam ensure in this context the right to non-discrimination of lesbians, gays, bisexuals and transsexuals?
- The Netherlands has received reports (*vide* also stakeholders report para. 8) about the treatment of migrant workers who overstay their visa or undocumented migrant workers and who are subsequently imprisoned and caned or whipped under Sections 6 or 15 of the Immigration Act of 1956. In what way can the government of Brunei improve the human rights situation of migrant workers?
