

BRUNEI 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brunei Darussalam is a monarchy governed since 1967 by Sultan Haji Hassanal Bolkiah. Emergency powers in place since 1962 allow the sultan to govern with few limitations on his authority. The Legislative Council (LegCo), composed of appointed, indirectly elected, and ex officio members, met during the year and exercised a purely consultative role in recommending and approving legislation and budgets.

The sultan maintained effective control over the security forces.

Human rights issues included censorship, criminal libel, and the monitoring of private email and other electronic communications; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; and crimes involving violence or threats targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons including intimidation by police; and exploitation of foreign workers, including through forced labor.

There were no reports of official impunity or allegations of human rights abuses by government officials.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not specifically prohibit torture, and the government has signed but not ratified the UN Convention against Torture and Other Cruel, Inhuman, or

Degrading Treatment or Punishment. Caning may be ordered for 95 offenses under 12 different pieces of legislation including secular law, and it is mandatory for some offenses. The government has not implemented the second phase of the Sharia Penal Code (SPC), which includes offenses punishable by caning. The SPC prohibits caning those younger than 15 years. Secular law prohibits caning for women, boys younger than eight years, men older than 50 years, and those ruled unfit for caning by a doctor. Juvenile boys older than eight may be caned with a “light rattan” stick. Canings were conducted in the presence of a doctor, who could interrupt the punishment for medical reasons. The government generally applied laws carrying a sentence of caning impartially; the government sometimes deported foreigners in lieu of caning.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: A government-appointed committee composed of retired government officials monitors prison conditions and investigates complaints concerning prison and detention center conditions.

The prison system has an ombudsperson’s office through which judiciary officials, legislative council members, community leaders, and representatives of public institutions visit inmates on a monthly basis. A prisoner may complain to a visiting judge, the superintendent, the officer in charge, or, in the case of female prisoners, the matron in charge.

Independent Monitoring: There were no reports of independent nongovernmental organizations (NGOs) monitoring prison conditions.

Improvements: In February, the Prison Department met with local NGOs to seek feedback on prisoner reintegration programs.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these prohibitions but may supersede them by invoking emergency powers.

Role of the Police and Security Apparatus

The Royal Brunei Police Force (RBPF) and Internal Security Department (ISD) are responsible for enforcing laws and maintaining order. The Departments of Labor and Immigration in the Ministry of Home Affairs also hold limited law enforcement powers for labor and immigration offenses. Religious enforcement officers under the Ministry of Religious Affairs are responsible for enforcing sharia (Islamic law). By law, ministry officers have the same powers of arrest as police, but in practice, they exercise their powers only in cases of disturbing the peace or refusing to provide identification. The Ministry of Religious Affairs officers make arrests in cooperation with secular enforcement agencies. There were no reports of impunity involving the security forces during the year. Civilian authorities maintain effective control over the police, the ISD, and the labor, immigration, and religious enforcement departments. The government has effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment of Detainees

A magistrate must endorse a warrant for arrest, except when police are unable to obtain an endorsement in time to prevent the flight of a suspect or when a suspect is apprehended in the act of committing a crime. After an arrest, police may detain a suspect for a maximum of 48 hours for investigation before bringing the suspect before a magistrate. Law enforcement agencies respected and upheld this right. Authorities may hold detainees beyond the initial 48 hours with a magistrate's approval. Police stations maintain a policy of no access to detained individuals during the 48-hour investigative period. Authorities reportedly informed detainees promptly of the charges against them. Authorities made information on detainees public after the 48-hour investigative period. Police may deny visitor access after the 48-hour investigative period in exceptional cases, such as probable cause to suspect witness tampering.

The criminal procedure code allows for bail except in cases designated as "discretionary" by law. There is no provision to afford pro bono legal counsel to poor defendants, except in capital offenses. In noncapital cases, indigent defendants may act as their own lawyers in court and some civil society organizations provided pro bono legal service to indigent defendants in noncapital cases before civil, criminal, and sharia courts. There were no reports of suspects being held incommunicado or without access to an attorney.

Authorities detained persons without a hearing only in cases of detention/arrest under the Internal Security Act (ISA). The ISA permits the government to detain suspects without trial for renewable two-year periods. The government convenes an independent advisory board consisting of executive and judicial branch officials to review individual ISA detentions and report to the Minister of Home Affairs. The minister is required to notify detainees in writing of the grounds for their detention and of relevant allegations of fact. The advisory board must review individual detentions annually. In May a local man was detained under the ISA for alleged links to ISIS.

In March the government published the Sharia Criminal Procedure Code (CPC), a precursor to implementation of SPC Phases 2 and 3, which include corporal and capital punishments. Since 2014 the government has deferred full implementation of the SPC, with only the first phase operating in parallel with the existing common law-based criminal law system. The secular criminal procedure code continues to apply to all criminal proceedings in sharia court unless expressly covered under the first phase of the SPC.

The SPC requires that detainees be brought before a sharia court within a “reasonable” period of time after arrest--ordinarily 48 hours--where a sharia judge will determine whether to keep the accused in detention. The SPC does not specifically provide detainees the ability to challenge the lawfulness of their detention in court.

e. Denial of Fair Public Trial

The law does not provide specifically for an independent judiciary, but the government generally respected judicial independence, and there were no known instances of government interference with the judiciary in the secular courts. In the past, there have been reports of procedural flaws and bias in the sharia courts, but there were no such reports in the year to November. The sultan appoints all higher court judges, who serve at his pleasure.

Trial Procedures

Secular law, based on English common law, provides for the right to a fair trial, and the judiciary generally enforced this right. The ISA, however, which is part of secular law, allows for preventative detention in cases of subversion and organized violence. The sharia procedures do not specifically provide for the right to a fair trial.

In secular law cases, most of the rights of defendants were respected. Defendants in criminal proceedings are presumed innocent and have the right to be informed promptly and in detail of their charges. Trials are public and conducted by a judge or panel of judges. Defendants have the right to fair, timely and public trials, to be present at their trials, and to counsel of their choice. There were no reports of defendants who were not allowed adequate time or facilities to prepare their defense. Defendants have access to an interpreter (if needed) free of charge, and the rights to confront accusers, to cross-examine and call witnesses, to present evidence, to not testify or confess guilt, and to appeal. Lawyers have access to the accused, although not during the initial 48-hour investigatory period unless the investigation is concluded and charges are filed.

The ISA establishes significant exceptions to the rights granted in secular law. Individuals detained under the ISA are not presumed innocent and do not have the right to legal counsel. Those detained under the ISA are entitled to make representation against a detention order to an advisory board, either personally or through an advocate or attorney.

In general, defendants in sharia proceedings had the same rights as defendants in criminal cases under secular law. In the past, there were reports that defendants in sharia courts were not informed promptly and in detail of the charges against them, not allowed adequate time or facilities to prepare their defense or receive adequate interpretation, and not allowed to communicate with an attorney, but there were no such reports in the year to November.

While sharia courts have long had jurisdiction in civil matters where at least one party is Muslim, the SPC applies to non-Muslims as well, depending on the crime. The first phase of the SPC includes fines and jail terms that expanded previous restrictions on drinking alcohol, eating in public during the fasting hours of Ramadan, cross-dressing, and propagating religions other than Islam.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is no specific provision of law for individuals or organizations to seek civil remedies for human rights violations. By customary practice, individuals may present written complaints about rights violations directly to the sultan for review.

Property Restitution

In 2016 the government published amendments to the Land Code that banned non-Bruneians (including foreign investors, permanent residents, and stateless individuals) from holding land via a power of attorney or trust deeds, and retroactively declared all such contracts null and void. The amendments did not provide for any financial compensation or restitution. These amendments, however, had not been implemented as of November.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law permits government intrusion into the privacy of individuals, families, and homes. The government monitored private email, mobile telephone messaging, and internet chat room exchanges suspected of being subversive or propagating religious extremism. An informant system was part of the government's internal security apparatus to monitor suspected dissidents, religious minorities, or those accused of crimes. Persons who published comments on social media critical of government policy, both on public blogs and personal sites such as Facebook, reported that authorities monitored their comments. In some cases, persons were told by friends or colleagues in the government they were being monitored; in other cases it appeared critical comments were brought to the attention of authorities by private complainants.

Long-standing sharia and the SPC permit enforcement of *khalwat*, a prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or close relative. Non-Muslims may be arrested for violating *khalwat* if the other accused party is Muslim. Not all suspects accused of violating *khalwat* were formally arrested.

On October 7, city authorities in Bandar Seri Begawan ordered a health and beauty establishment to close for allowing a female worker to perform a treatment on a male patron, an act prohibited by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including of the Press

Under the law and emergency powers, the government restricted freedom of expression, including for the press.

Freedom of Expression: There is no provision for freedom of speech in the constitution or laws. Members of the LegCo may “speak their opinions freely” on behalf of citizens, but they are prohibited from using language or exhibiting behavior deemed “irresponsible, derogatory, scandalous, or injurious.” Under the law, it is an offense to challenge the royal family’s authority. The law also makes it an offense to challenge “the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept.” This philosophy identifies Islam as the state religion and monarchical rule as the sole form of government to uphold the rights and privileges of the Brunei Malay race. The law also criminalizes any act, matter, or word intended to promote “feelings of ill will or hostility” between classes of persons or “wound religious feelings.”

The SPC includes provisions barring contempt for or insult of the sultan, administration of sharia, or any law related to Islam. There were no known cases of persons charged under these sections, but online criticism of the law was largely self-censored, and online newspapers did not permit comments on stories.

All public musical or theatrical performances require prior approval by a censorship board composed of officials from the Prime Minister’s Office, the Ministry of Home Affairs, and the Ministry of Religious Affairs. In September a Slovakian tourist was deported for putting on street performances without prior approval from the censorship board. The government interpreted the SPC to prohibit public celebration of religions other than Islam, including displaying Christmas decorations.

Press and Media Freedom: The law allows the government to close a newspaper without giving prior notice or showing cause. The law requires local newspapers to obtain operating licenses and prior government approval for hiring foreign editorial staff, journalists, and printers. The law also gives the government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit.

Foreign newspapers generally were available, although the government must approve their distribution. Internet versions of local and foreign media were generally available without censorship or blocking.

The government owned the only local television station. Three Malaysian television channels were also available, along with two satellite television services. Some content was subject to censorship based on theme or content, including sexual or religious content, but such censorship was not consistent.

Censorship or Content Restrictions: The law provides for prosecution of newspaper publishers, proprietors, or editors who publish anything with an alleged seditious intent. Punishments include suspension of publication for a maximum of one year, a prohibition on publishers, printers, or editors from publishing, writing, or editing any other newspaper, and the seizure of printing equipment. Persons convicted under the law also face a maximum fine of 5,000 Brunei dollars (BND) (\$3,640) and a maximum jail term of three years. Journalists deemed to have published or written “false and malicious” reports may be subject to fines or prison sentences. In the past, the government has reprimanded media companies for their portrayals of certain events and encouraged reporters to avoid covering controversial topics, but there were no such reports as of November. The government maintained that most censorship was aimed at stopping violent content from entering the country.

The SPC includes regulations barring publication or importation of publications giving instruction about Islam contrary to sharia. It also bars the distribution of publications related to religions other than Islam to Muslims or persons with no religion. The SPC bars the publication, broadcast, or public expression of a list of words generally associated with Islam (such as Quran) in a non-Islamic context. The SPC also prohibits religious teaching without written approval. There were no reports of charges under these regulations.

Journalists commonly reported practicing self-censorship because of social pressure, reports of government interference, and legal and professional concerns.

Libel/Slander Laws: The law prohibits bringing into hatred or contempt or exciting disaffection against the sultan or the government. Persons convicted under the law face a fine of BND 5,000 (\$3,640) and/or a maximum of three years in prison. In 2017, for the first time in 30 years, the government charged an official, Shahiransheriffuddin bin Sharani Muhammad of the Ministry of Health, with making seditious comments criticizing the Ministry of Religious Affairs following the implementation of the Sultanate’s halal certification standards. Bin Sharani used his personal Facebook page to report about the halal standards’ negative impact on small businesses. In November, following reports that

Shahiransheriffuddin had fled Brunei, the prosecution obtained an arrest warrant and informed the court it intended to apply for judgement in absentia.

Internet Freedom

The government restricts and disrupts access to the internet and censors online content, and there were credible reports that the government monitored private online communications. The government monitors private email and internet chat room exchanges believed to be propagating religious extremism or otherwise subversive views, including those of religious minorities, or material on topics deemed immoral. The Ministry of Communications and the Prime Minister's Office enforce the law that requires internet service providers and internet cafe operators to register with the director of broadcasting in the Prime Minister's Office. The Attorney General's Chambers and the Authority for Info-Communications Technology Industry advised internet service and content providers to monitor for content contrary to the public interest, national harmony, and social morals.

Internet companies self-censor content and reserve the right to cut off internet access without prior notice. The government ran several awareness campaigns throughout the year warning citizens about the misuse of and social ills associated with social media, including the use of social media to criticize Islam, sharia, or the monarchy. In September the government announced it had set up a hotline to encourage people to report fake or malicious information circulated on social media that involved public or national interests.

The government's activities extend beyond the country. In January the government complained to the Indonesian police and requested an investigation into an Instagram account that they alleged defamed the sultan.

According to the ITU, 95 percent of the population uses the internet, and the country had a high rate of social media usage.

Academic Freedom and Cultural Events

Although there are no official government restrictions on academic freedom, government authorities must approve public lectures, academic conferences, and visiting scholars.

Academics reported practicing self-censorship, and some researchers chose to publish from overseas under a pseudonym when they perceived that certain topics would not be well received by the authorities. Religious authorities reviewed publications to verify compliance with social norms.

There were government restrictions on cultural events. A censorship board composed of officials from the Prime Minister's Office, the Ministry of Home Affairs, and the Ministry of Religious Affairs determined the suitability of concerts, movies, cultural shows, and other public performances, and censored, banned, or restricted some activities. Authorities restricted traditional Chinese New Year lion dance performances to Chinese temples, Chinese school halls, and private residencies of Chinese association members.

b. Freedoms of Peaceful Assembly and Association

The government limited/restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government's emergency powers restrict the right to assemble. Public gatherings of 10 or more persons require a government permit, and police may disband an unofficial assembly of five or more persons deemed likely to cause a disturbance of the peace. Permits require the approval of the minister of home affairs. The government routinely issued permits for annual events, but occasionally used the restrictions to disrupt political gatherings. Organizers of events on sensitive topics tended to hold meetings in private rather than apply for permits, or practiced self-censorship at public events. In March the RBPF raided a live music event organized by a local grassroots arts initiative and detained the 176 persons in attendance. A number of those detained were charged with possession of narcotics. The raid was publicized live on national television and followed a clamp down on drugs and alcohol by authorities. The LGBTI community reported that the government would not issue permits for community events or events on LGBTI topics.

Freedom of Association

The law does not provide for freedom of association. The law requires formal groups, including religious, social, business, labor, and cultural organizations, to register with the Registrar of Societies and provide regular reports on membership and finances. Applicants were subject to background checks, and proposed

organizations were subject to naming requirements, including a prohibition on names or symbols linked to triad societies (Chinese organized crime networks). The government reported it accepted the majority of applications to form associations, but some new organizations reported delaying their registration applications after receiving advice that the process would be difficult. The government may suspend the activities of a registered organization if it deems such an act to be in the public interest.

Organizations seeking to raise funds or donations from the general public are required to obtain permission from the Ministry of Home Affairs, and each individual fundraising activity requires a separate permit. Approved organizations dealt with matters such as pollution, wildlife preservation, arts, entrepreneurship, and women in business.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The government generally respected the legal right to freedom of internal movement and the right to emigrate, but imposed restrictions on foreign travel and repatriation.

Foreign Travel: Government employees, including both citizens and foreign residents working on a contractual basis, must apply for exit permits to travel abroad. Government guidelines state no government official may travel alone and unrelated male and female officers may not travel together, but this was enforced inconsistently based on ministry. The country's tourist passports state the bearer may not travel to Israel.

Exile: By law, the sultan may forcibly exile, permanently or temporarily, any person deemed a threat to the safety, peace, or welfare of the country. There have been no cases of banishment since the country became fully independent in 1984.

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees.

Stateless Persons

There is no recent data on the resident stateless population; old studies suggest the number is between 10,000 and 15,000. A significant number of stateless persons were of Chinese or aboriginal descent. The vast majority of stateless persons held a certificate of identity (COI), which functions as a passport. COI holders have some rights, including to subsidized health care and education, similar to those of citizens. The government had no data available on stateless persons who hold no form of residency or COI.

Stateless persons may apply for citizenship if they are permanent residents who have contributed to the country's economic growth, spouses married to citizens for two years, women married to permanent residents for five years, or children of permanent resident fathers older than two years and six months. All applicants must pass a test demonstrating sufficient knowledge of Malay culture and language.

Stateless persons without permanent resident status or a COI were ineligible for most benefits or services from the government and for government employment. Nonetheless, government agencies offered welfare services to stateless parents unable to gain access to basic needs. The Ministry of Home Affairs sought to expedite the permanent resident registration of the country's stateless persons if they met all necessary requirements. The strict procedure for assessing the applications continued to cause prolonged delays. Contacts in the stateless community who passed the Malay culture and language test reported that five to 10 years had elapsed since they passed their test and yet they still had not been granted citizenship.

Section 3. Freedom to Participate in the Political Process

Citizens do not have the ability to choose their government. The sultan rules through hereditary birthright. While the country is a constitutional sultanate, in 1962 the then ruler invoked an article of the constitution that allowed him to assume emergency powers. The present sultan continues this practice.

Elections and Political Participation

Recent Elections: Political authority and control rested entirely with the sultan. The LegCo, composed primarily of appointed members with little independent power, provided a forum for public discussion of proposed government programs, budgets, and administrative deficiencies. It convenes once per year in March for approximately two weeks. Council members serve five-year terms at the pleasure of the sultan.

Persons 18 years of age and older may vote by secret ballot in village consultative council elections. Candidates must be Muslim, approved by the Ministry of Home Affairs, and a citizen or permanent resident for more than 15 years. The councils communicate constituent wishes to higher authorities through a variety of channels, including periodic meetings chaired by the minister of home affairs. The government also meets with groups of elected village chiefs) to allow them to express local grievances and concerns. In September the age for becoming a village chief was lowered from 45 to 30 to encourage younger candidates to the posts and become involved in local politics. In the same month, senior government officials subsequently urged all voters for a high turnout in these elections held on October 31.

Political Parties and Political Participation: The National Development Party is the only registered political party. The party pledged to support the sultan and the government. The party criticized administrative deficiencies, but its few activities received limited publicity, and restrictions limited its membership.

Participation of Women and Minorities: No laws limit the participation of women and /or members of minorities in the political process, and they do participate. The constitution requires that all ministers be of Malay ethnicity and Muslim except as permitted by the sultan. The cabinet included two ethnic Chinese, and members of tribal minorities also held senior government positions. Women accounted for more than half of civil service employees, and many held senior positions. Women are subject to an earlier mandatory retirement age than men (55 versus 60 years), which may inhibit their career progression.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices.

Corruption: Corruption was not pervasive, although there were reports of isolated incidents of low-ranking officials accepting bribes. The national press reported on the government's anticorruption efforts and the sultan's warning to all government officials against cronyism and nepotism. The government indicted two former judges on July 23 for money-laundering and embezzling money from Brunei's court system. The case was particularly noteworthy because the husband-and-wife pair were very well connected--one the son of the minister of religious affairs and the other the daughter of a retired high-ranking military officer.

Financial Disclosure: Government officials are not subject to routine financial disclosure reports, but by law officials must declare their assets if they are the subject of an investigation. The government did not make these declarations public. The Anticorruption Bureau also issued a public warning to all government workers that it is empowered to investigate any official who maintains a standard of living above or disproportionate to his or her past or present emolument.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Neither domestic nor international human rights groups could operate freely due to government restrictions. No registered civil society organizations dealt directly with human rights, mostly due to self-censorship. A few domestic organizations worked on humanitarian issues such as assistance for victims of domestic violence or free legal counsel for indigent defendants. They generally operated with government support, and the government was somewhat cooperative and responsive to their views, although they reported practicing self-censorship and avoiding sensitive issues. Regional and other international human rights organizations occasionally operated in the country but faced the same restrictions as all unregistered organizations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law stipulates maximum imprisonment of 30 years and caning with a minimum of 12 strokes for rape. In 2017, Chapter 22 of the Penal Code Order was amended to increase the minimum sentence for rape from eight years to 10-20 years. The law does not criminalize rape against men or spousal rape and explicitly states that sexual intercourse by a man with his wife is not rape, as long as she is not younger than 14 years (15 years if she is ethnic

Chinese). There is no specific domestic violence law, but authorities arrested individuals in domestic violence cases under the law related to protection of women and girls. The criminal penalty under this law is one to two weeks in jail and a fine for a minor assault; an assault resulting in serious injury is punishable by caning and a longer prison sentence. Islamic family law provides protections against spousal abuse and for the granting of protection orders, and it has been interpreted to cover sexual assault. The penalty for violating a protection order is a maximum fine of BND 2,000 (\$1,460), maximum imprisonment of six months, or both.

Police investigated domestic violence only in response to a report by a victim, but reportedly do respond effectively in such cases.

The government reported rape cases, but the crime did not appear prevalent. A special police unit staffed by female officers investigated domestic abuse and child abuse complaints.

The Department of Community Development in the Ministry of Culture, Youth, and Sports provided counseling for women and their spouses. Some female and minor victims were placed in protective custody at a government-sponsored shelter while waiting for their cases to be scheduled in court. Islamic courts staffed by male and female officials offered counseling to married couples in domestic violence cases. Islamic courts recognized assault as grounds for divorce.

Female Genital Mutilation/Cutting (FGM/C): No law criminalizes FGM/C for women of any age. There were no reports of FGM/C being performed on women older than 18.

There were no statistics on the prevalence of FGM/C, but the government reported that in general it was done within 40 days of birth based on religious belief, health, and custom. The Ministry of Religious Affairs declared circumcision for Muslim girls (*sunat*) a religious rite obligatory under Islam and described it as the removal of the hood of the clitoris (Type I per World Health Organization (WHO) classification). The government does not consider this practice to be FGM/C and expressed support for the WHO's call for the elimination of FGM and the call for member countries to enact and enforce legislation to protect girls and women from all forms of violence, including FGM/C. The government claimed the practice rarely resembled the Type I description and had not caused medical complications or complaints.

Sexual Harassment: The law prohibits sexual harassment and stipulates that whoever assaults or uses criminal force, intending thereby to outrage, or knowing the act is likely to outrage the modesty of a person, shall be punished by caning and a maximum imprisonment of five years. There were reports of sexual harassment, but the crime did not appear to be prevalent.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: In accordance with the government's interpretation of the Quran, Muslim women and men are accorded different rights. Secular civil law permits female citizens to own property and other assets, including business properties. Noncitizen husbands of citizens may not apply for permanent resident status until they reside in the country for a minimum of seven years, whereas noncitizen wives may do so after two years of marriage. Although citizenship is automatically inherited from citizen fathers, citizen mothers may pass their nationality to their children only through an application process in which children are first issued a COI (and considered stateless).

Children

Birth Registration: Citizenship derives from the father, or, following an application process, the mother. Citizenship is not derived by birth within the country's territory. Birth registration is universal and equal for girls and boys, except among indigenous Dusun and Iban persons in rural areas. Stateless parents must apply for a special pass for a child born in the country. Failure to register a birth is against the law, and later makes it difficult to enroll the child in school.

Child Abuse: Child abuse is a crime and was prosecuted, but did not appear prevalent. The RBPF includes a specialized Woman and Child Abuse Crime Investigation Unit, and the Ministry of Culture, Youth, and Sports provided shelter and care to victims.

Early and Forced Marriage: The legal minimum age of marriage for both boys and girls is 14 years with parental and participant consent, unless otherwise stipulated by religion or custom under the law, which generally set a higher minimum age. The Islamic Family Act sets the minimum marriageable age at 16 years for Muslim girls and 18 years for Muslim men and makes it an offense to use force, threat, or deception to compel a person to marry against his or her own will. Ethnic Chinese must be 15 years or older to marry, according to the Chinese Marriage Act, which

also stipulates sexual intercourse with an ethnic Chinese girl younger than 15 years is considered rape even if it is with her spouse.

Sexual Exploitation of Children: By law, sexual intercourse with a girl younger than 14 years constitutes rape and is punishable by imprisonment for a minimum of eight years and a maximum of 30 years and a minimum of 12 strokes of the cane. The law provides for protection of women, girls, and boys from commercial sexual exploitation through prostitution and “other immoral purposes,” including pornography. The government applied the law against “carnal intercourse against the order of nature” to prosecute rape of male children. The minimum age for consensual sex outside of marriage is 16.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There was no known Jewish community in the country. Comments disparaging Jewish persons collectively were posted online and on social media.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities or mandate accessibility or the provision of most other public services to them. The law does not specifically address access to transport and the judiciary for persons with disabilities. All persons regardless of disability, however, received the same rights and access to health care.

Brunei ratified the United Nation’s Convention on the Rights of People with Disabilities in 2016 but national legislation to protect the rights of persons with disabilities was pending at year’s end. Access to buildings, information, transport and communications for persons with disabilities was inconsistent. Although not

required by law, the government provided inclusive educational services for children with disabilities in both government and religious schools and persons of disabilities may participate in local village elections.

In early 2018 the Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

In his New Year's national speech, the sultan announced all children with disabilities under the age of 15 were eligible to receive a monthly disability allowance BND 450 (\$333). Nine registered NGOs worked to supplement services provided by the three government agencies that support persons with disabilities. Public officials, including the sultan, called for persons with disabilities to be included in everyday activities.

National/Racial/Ethnic Minorities

The government favors ethnic Malays in society through its national Malay Islamic Monarchy philosophy, which is enshrined in the constitution. Under the constitution, ministers and most top officials must be Malay Muslims, although the sultan may make exceptions. Members of the military must be Malay. The government pressured both public and private sector employers to increase hiring of Malay citizens. In May the Head of Brunei's Traditions and Customs Council, Pengiran Aziz, told members of the Brunei-China Friendship Association, that foreigners residing in the country needed to adopt the national philosophy of Malay Islamic Monarchy and described it as a concept of life and the foundation of national unity. There were no incidents of violence against ethnic minorities, but the government continued policies that favored ethnic Malays in the areas of employment, health, housing, and land ownership.

Indigenous People

Some indigenous persons were stateless. In rural areas, some indigenous persons did not register births, creating difficulties in school enrollment, access to health care, and employment. Indigenous lands were not specifically demarcated, and there were no specially designated representatives for indigenous groups in the LegCo or other government entities. Indigenous persons generally had minimal participation in decisions affecting their lands, cultures, and traditions and in the exploitation of energy, minerals, timber, or other natural resources on and under indigenous lands.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Secular law criminalizes “carnal intercourse against the order of nature.” In 2017 legal amendments increased the minimum sentence for such carnal intercourse to 20 years’ incarceration. The amendment was intended to apply in cases of rape or child abuse wherein both attacker and victim are male, because existing law covers only assault of a woman by a man. The SPC bans “liwat” (anal intercourse) between men or between a man and a woman who is not his wife. The SPC also prohibits men from dressing as women or women dressing as men “without reasonable excuse” or “for immoral purposes.” There were no known convictions during the year

Members of the LGBTI community reported societal discrimination in public and private employment, housing, recreation, and in obtaining services including education from state entities. LGBTI individuals reported intimidation by police, including threats to make public their sexuality, to hamper their ability to obtain a government job, or to bar graduation from government academic institutions. Members of the LGBTI community reported the government monitored their activities and communications. Like all events in the country, events on LGBTI topics were subject to restrictions on assembly and expression. The LGBTI community reported that the government would not issue permits for community events or events on LGBTI topics.

HIV and AIDS Social Stigma

HIV and HIV-related stigma and discrimination occurred. By law, foreigners infected with HIV are not permitted to enter or stay in the country, although no medical testing is required for short-term tourists.

In December the minister of health reported that 62 percent of the 265 known HIV cases in the country had been diagnosed since 2014, indicating an overall increase in HIV infection. The minister called for more effective outreach to high-risk populations, citing stigma and discrimination toward HIV/AIDS patients that caused social isolation and mental health issues. He also noted that Brunei’s health system ensured universal health coverage for all citizens and permanent residents, providing free and comprehensive healthcare that covers all aspects of prevention, care, treatment and support for HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, but it does not provide for collective bargaining and prohibits strikes. The law prohibits employers from discriminating against workers in connection with union activities, but it does not provide for reinstatement for dismissal related to union activity.

By law, unions must register with the government under the same process as other organizations (see section 2.b., Freedom of Association). While the law permits the formation of trade union federations for most professions, it forbids affiliation with international labor organizations unless the minister of home affairs and the ministry's Department of Labor consent. The law requires officers of trade unions to be "bona fide" (without explanation), which has been interpreted to allow broad discretion to reject officers and require that such officers have been employed in the trade for a minimum of two years. Unions are subject to laws limiting freedom of assembly (see section 2.b.).

Penalties for violating laws on unions and other organizations include fines, imprisonment, or both. Penalties were sufficient to deter violations. Data on government enforcement efforts was not available.

There were no active unions or worker organizations in the country. NGOs were involved in labor issues, such as wages, contracts, and working conditions. These NGOs largely operated openly in cooperation with relevant government agencies, but they reported avoiding confrontation with the government and engaged in self-censorship.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, although the government did not always effectively enforce the law, and forced labor occurred. Convictions for forced labor could lead to penalties, including fines, imprisonment, and caning--but most cases alleging forced labor were settled out of court. Penalties were seldom applied and thus did not deter violations.

The government did not investigate any cases of debt bondage or forced labor compelled by threats of deportation, although these practices continued to occur. The heads of Specialist Trafficking Units within the police department continued

to meet regularly to coordinate antitrafficking policy and implement the national action plan to combat trafficking, including for forced labor.

Some of the approximately 100,000 foreign migrant workers in the country faced involuntary servitude, debt bondage, nonpayment of wages, passport confiscation, abusive employers, or confinement to the home. Although it is illegal for employers to withhold wages, some employers, notably of domestic and construction workers, did so to recoup labor broker or recruitment fees or to compel continued service.

For example, media reported that a group of 25 Bangladeshi workers complained to the Bangladesh High Commission's local labor office that they had not been paid for over two months. There were approximately 20,000 Bangladeshi nationals working in the country, generally as laborers in the construction industry. Migrant workers engaged in construction or domestic work were particularly vulnerable to forced labor.

Foreign workers could take legal action against employers for nonpayment of wages. Such cases, usually settled outside of court, were often but not always successful.

Although the government forbade wage deductions by employers to repay in-country agencies or sponsors and mandated that employees receive their full salaries, many migrant workers arrived in debt bondage to actors outside the country. Although prohibited by law, retention of migrant workers' travel documents by employers or agencies remained a common practice.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

Various laws prohibit the employment of children younger than 16. Parental consent and approval by the Labor Commission are required in order for those younger than 18 to work. Female workers younger than 18 may not work at night or on offshore oil platforms. The Department of Labor, which is part of the Ministry of Home Affairs, effectively enforced child labor laws. Penalties for child labor violations include a fine, imprisonment, or both, and were sufficient to deter violations. There was no list of hazardous occupations prohibited for children.

d. Discrimination with Respect to Employment and Occupation

The law does not explicitly prohibit discrimination with respect to employment and occupation. There is no law requiring equal pay for equal work. The law limits employment in certain government positions and the military based on ethnic origin (see section 6).

The law designates some professions as women's professions, and men noted discrimination during hiring. Reflecting government policy, most public and many private employers showed hiring biases against foreign workers, particularly in key sectors such as oil and gas. Some LGBTI job applicants faced discrimination and were often asked directly about their sexual identity. Many foreign workers had their wages established based on national origin, with those from certain foreign countries experiencing lower wages than others.

e. Acceptable Conditions of Work

The law does not set a minimum wage for the private sector. Wages were set by contract between the employee and employer, and were sometimes calculated based on national origin. Published reports calculated the average monthly compensation in the private sector to be BND 1,830 (\$1,330) per worker.

The standard work week for most government agencies and many private companies is Monday through Thursday and Saturday. The law provides for overtime in excess of 48 hours per week. The law also stipulates an employee may not work more than 72 hours of overtime per month. Government regulations establish and identify occupational health and safety standards. Individuals were encouraged to report violations of health and safety standards, but the law does not explicitly protect the right to remove oneself from a hazardous workplace.

The Department of Labor inspected working conditions both on a routine basis and in response to complaints. The number of labor inspectors in the department was adequate to conduct mandated inspections and sufficient to enforce compliance. The government usually moved quickly to investigate allegations of labor law violations, and employers faced criminal and civil penalties, although the focus was primarily on undocumented foreign workers rather than worker protection. The department has the power to terminate the licenses of abusive employers and revoke their foreign labor quotas, and it did so occasionally.

Employers who violate laws regarding conditions of service, including pay, working hours, leave, and holidays, may be fined for a first offense and, for further offenses, fined, imprisoned, or both. Observers did not indicate whether the penalties for violations of wage, hour, and health and safety standards were sufficient to deter violations.

The commissioner of the Department of Labor is responsible for protecting workers' rights. Foreign laborers (predominantly Filipinos, Malaysians, Indonesians, and Bangladeshis) dominated most low-wage professions, such as domestic, construction, maintenance, retail, and food service, in which violations of wage, overtime, and health and safety regulations most frequently occurred.

The government prosecuted employers who employed undocumented foreign workers or did not properly process workers' documents. When grievances cannot be resolved, regulations require employers to pay for the repatriation of foreign workers and all outstanding wages.

Government enforcement in sectors employing low-skilled labor in small-scale construction or maintenance projects was inadequate. This was especially true for foreign laborers at construction sites, where complaints of wage arrears, inadequate safety, and poor, unsafe living conditions were reported. The government did not sufficiently enforce laws on working hours. The Department of Labor reported as of October they had mediated 16 cases of unpaid wages to a successful conclusion.

Many employed citizens received good salaries with numerous allowances, but complaints about low wages were common, especially in entry-level positions. The government found that local employees in the private sector had an average monthly compensation of BND 2,257 (\$1,640), compared with BND 1,565 (\$1,140) for foreign workers. Wages for employed foreign residents were wide ranging. Some foreign embassies negotiated agreements with the government covering minimum wage requirements for their nationals working in the country.

There were some reports of industrial accidents during the year, most commonly in the construction sector, the labor force of which is overwhelmingly foreign. According to local media reports, for example, three foreign workers died August 26 in an accident at the Temburong Bridge construction site, near Bandar. The Ministry of Development issued a press release August 27 stating the cause of the accident was under investigation and all construction work at the site had been temporarily halted. In addition, a Chinese national died on July 16 following an

unspecified accident on Pulau Muara Besar--the island location of the petrochemical facility under construction.