

BRUNEI 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brunei Darussalam is a monarchy governed since 1967 by Sultan Haji Hassanal Bolkiah under emergency powers in place since 1962 that place few limits on his authority. The Legislative Council (LegCo), composed of appointed, indirectly elected, and ex officio members, met during the year and exercised a limited role in recommending and approving legislation and budgets. The sultan maintained effective control over the security forces.

The partial implementation of a sharia-based penal code (SPC) raised significant human rights concerns; however, during the year the government deferred further implementation of the SPC, with only the first phase operating in parallel with the existing common law-based criminal law system. On September 22, the country signed the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, obligating the state to refrain in good faith from acts that would defeat the object and purpose of the UN torture convention during the period between signing and ratification.

The most serious human rights problems were the inability of citizens to choose their government through free and fair elections, restrictions on religious freedom, and exploitation of foreign workers.

Other human rights problems included limitations on freedoms of speech, press, assembly, and association.

No officials were accused of human rights abuses, but the government investigated, prosecuted, and punished police, soldiers, and other officials accused of crimes such as corruption or rape. There were no reports of impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law does not specifically prohibit torture. There were no reports of torture, rape, or sexual abuse by government agents, hazing, or medical abuse during the year. Caning may be ordered for offenses under 12 different pieces of legislation, and is mandatory for some offenses. Caning is prohibited for women, juveniles, men over the age of 50, or those ruled unfit by a doctor. More than three times the number of persons were caned as of September than in all of 2014. Canings were carried out in the presence of a doctor, who could interrupt the punishment for medical reasons. The government generally applied impartially laws carrying a sentence of caning, although there were some reports of foreigners being deported in lieu of caning.

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Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: Prisons for male offenders, designed for 400 but currently housing 650, appeared to be over capacity. Women were housed in separate facilities from men, as were inmates awaiting trial. Prison conditions did not vary by gender, except that women of all religions were required to wear head coverings (hijab). Prisoners had access to potable water.

Juveniles were not subject to imprisonment, although the law permits imprisonment of juveniles who cannot be detained in other facilities. Courts sent juvenile offenders to detention centers, rehabilitation homes, and approved schools. The maximum sentence for juvenile offenders in a detention center is six months, where they are held separately from adult inmates, or three years in an approved school.

There were two unrelated deaths in pretrial detention facilities. After open investigation, officials determined the cause of death was suicide by hanging, with no suspicion of police or government involvement.

Administration: A government-appointed committee composed of retired government officials monitored prison conditions and investigated complaints of inhuman conditions.

The prison system has in place an ombudsman system under which visiting judiciary, community leaders, and representatives of public institutions visit inmates on a monthly basis. A prisoner may make a complaint to a visiting judge, the superintendent, the officer in charge, and, in the case of female prisoners, the matron in charge.

Independent Monitoring: There were no reports of human rights monitors requesting prison visits. Foreign diplomats had consular access to detained nationals after a 48-hour investigation period, but not to cells or facilities inside the prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although the prohibitions may be superseded through the invocation of emergency powers.

Role of the Police and Security Apparatus

The Royal Brunei Police Force and Internal Security Department (ISD), which fall under the direct control of the Prime Minister's Office, have primary responsibility 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 were responsible for enforcing sharia (Islamic law), but their powers to detain were reportedly limited to cases of disturbing the peace or refusing to provide identification. Civilian authorities maintained 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. There were no reports of impunity involving the security forces.

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. After arrest, police may detain a suspect up to 48 hours for investigation before bringing the individual before a magistrate. Police stations maintain a policy of no access to detained individuals during that time. There were no reports authorities detained persons without a hearing except in cases in which individuals were detained under the Internal Security Act (see below). Authorities reportedly informed detainees promptly of the charges against them. Information on detainees was made public. Access to detainees, including by counsel, was granted only after the 48-hour investigative period, although police could deny visitor access in exceptional cases, such as probable cause to suspect witness tampering. This includes denying access to counsel, although there were no reports of this provision being used except in cases involving the Internal Security Act. Detainees are subject to additional detention after the initial 48 hours with a magistrate's approval. The criminal procedure code allows for bail except in cases designated as "discretionary" by law. There is no provision to provide affordable legal counsel for poor defendants, except in capital cases. In non-capital cases, indigent defendants may act as their own lawyers in court. Some civil society organizations provided pro bono legal service to indigent defendants in non-capital cases before civil, criminal, and sharia courts.

The Internal Security Act (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 recommend whether they should be renewed for an additional two years. Three persons were detained under the ISA during the year: two police officers, one of whom was the head of the Special Investigations Unit, suspected of protecting criminals with connections outside the country and for leaking operational information; and a 34-year-old local woman suspected of assisting a foreign man with plans to transit the country in order to join a terrorist organization. An Indonesian national remained in ISA detention after his 2014 arrest for suspected membership in a violent extremist group.

e. Denial of Fair Public Trial

The law does not provide specifically for an independent judiciary, but there were no known instances of government interference with the judiciary. All higher court judges are appointed by the sultan and 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. Defendants in criminal proceedings are presumed innocent. Trials are public and conducted by a judge or panel of judges. There is no trial by jury. Procedural safeguards include rights to defense counsel and an interpreter if needed, confront accusers, cross-examine witnesses, call witnesses, present evidence, and be told promptly and in detail of the charges. There were no reports defendants were not allowed adequate time or facilities to prepare their defense. Lawyers have access to the accused, but not during the 48-hour investigatory period unless the investigation is concluded and charges are filed. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right not to testify or confess guilt. Defendants have a right of appeal.

Individuals detained under the ISA neither have the right to legal counsel nor are they presumed innocent.

While sharia courts have long had jurisdiction over civil matters where at least one party is Muslim, the new Sharia Penal Code (SPC) applies to non-Muslims as well, depending on the crime. Implementation of the first phase of the SPC began in 2014, and included fines and jail terms that expanded existing restrictions on drinking alcohol, eating in public during the fasting hours of Ramadan, cross-dressing, and propagating religions other than Islam. Implementing regulations governing sharia proceedings under the new SPC were not issued by year's end. In general, defendants in sharia proceedings had the same rights as defendants in criminal cases under secular law. There were some reports of defendants in SPC cases not being told promptly and in detail of the charges against them, and not being allowed adequate time or facilities to prepare their defense.

The government deferred implementing two additional phases of the SPC, which would introduce severe punishments such as stoning to death or amputation of limbs. These phases involve evidentiary and witness standards different from secular law, unless the defendant freely admits the act.

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 to bring a civil suit for human rights violations. By customary practice individuals may present written complaints about rights violations directly to the sultan for review.

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

The law permits government intrusion into the privacy of individuals, families, and homes. The government monitored private e-mail, cell phone 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 or those accused of crimes under the SPC. Persons who published comments on social media critical of government policy, both on public blogs and personal sites such as Facebook, reported their comments were monitored. 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. There was one report of personal data of individuals involved in SPC proceedings being disclosed on social media.

Sharia civil law long applicable to Muslims permits 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 now also be arrested for violating khalwat under the SPC, provided that the other accused party is Muslim. As of October the government reported 38 khalwat cases, of which 25 resulted in convictions. Not all suspects accused of violating khalwat were formally arrested. There were some reports of administrative penalties, such as travel bans or suspension from government jobs, being imposed on individuals accused but not convicted of violating khalwat, but the use of such measures was inconsistent.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the emergency powers and the Sedition Act, the government restricted freedoms of speech and press.

Freedom of Speech and Expression: Members of the LegCo are allowed to “speak their opinions freely,” but they are prohibited from using language or exhibiting

behavior deemed “irresponsible, derogatory, scandalous, or injurious.” Under the Sedition Act, it is an offense to challenge the royal family’s authority. The act also makes it an offense to challenge “the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept.” This concept, the all-pervasive ideology that underscores the Sedition Act, proclaims 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. No cases of persons charged under the Sedition Act were reported.

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 ceased allowing comments on stories after the sultan issued repeated warnings.

All public musical or theatrical performances required pre-approval by a censorship board made up of officials from the Prime Minister’s Office and the Ministries of Home Affairs and Religious Affairs. During the 2014 Christmas season, the government warned that public celebration (to include displaying decorations) of religions other than Islam could amount to an offense under the SPC. Several prominent restaurants received visits and verbal warnings from religious enforcement officers, but there were no reports of charges.

Press and Media Freedoms: The Sedition Act requires local newspapers to obtain operating licenses and prior government approval of 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. The law allows the government to close a newspaper without giving prior notice or showing cause.

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

The government owned the only domestic television station. Three Malaysian television stations 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 Sedition Act provides for prosecution of newspaper publishers, proprietors, or editors who publish anything allegedly having a seditious intent. The government may suspend publication for up to one year and prohibit publishers, printers, or editors from publishing, writing, or editing any other newspaper. The government may also seize printing equipment. Persons convicted under the act face fines of up to 5,000 Brunei dollars (BND) (\$4,000) and jail terms of up to three years. Journalists deemed to have published or written “false and malicious” reports may be subjected to fines or prison sentences. The government maintained that most censorship aimed to stop violent content from entering the country.

The SPC included regulations barring the publication or importation of publications giving instruction in Islam contrary to sharia. It also barred 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 the Koran) 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 and legal and professional concerns.

Internet Freedom

The government monitored private e-mail and internet chat room exchanges believed to be subversive or propagating religious extremism. The Ministry of Communications and the Prime Minister’s Office enforced 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 public interest, national harmony, and social morals. The government blocked websites with sexually explicit material, and internet companies may self-censor content and reserve the right to cut off internet access without prior notice. The government also ran an awareness campaign aimed at warning citizens about the misuse and social ills associated with social media, including the use of social media to criticize Islam, sharia, or the monarchy.

A majority of the population had access to the internet, including more than 72 percent of households, and the country had a high rate of social media usage. Social media websites were widely accessible.

Academic Freedom and Cultural Events

While there were no government restrictions on academic freedom, some researchers chose to publish from overseas under a pseudonym when they perceived that certain subject matter would not be well received. Religious authorities reviewed publications to ensure compliance with social norms.

A censorship board made up of officials from the Prime Minister's Office and the Ministries of Home Affairs and Religious Affairs determined the suitability of concerts, movies, cultural shows, and other public performances. In February, the government placed restrictions on traditional Chinese New Year lion dance performances, limiting them to a two-day period and restricting performances to Chinese temples, Chinese school halls, and private residencies of Chinese association members.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The emergency powers restrict the right to assemble. According to the Societies Order, public gatherings of 10 or more persons require a government permit, and police have the authority to stop 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. Authorities charged 11 individuals, including foreign nationals, with organizing and taking part in an unlawful demonstration in August.

Freedom of Association

The law does not provide for freedom of association. It 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. The government reported the majority of applications to form associations were accepted, but 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). Some new organizations reported delaying their registration application 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 in the public interest.

Organizations seeking to raise funds or donations from the general public are required to get permission to do so from the Ministry of Home Affairs, and each individual fundraising opportunity required separate permits. Approved organizations dealt with matters such as pollution, wildlife preservation, arts, entrepreneurialism, and women in business. During the year, a new organization called Youth Against Slavery was founded to raise awareness about human trafficking and modern-day slavery, but it had not officially registered by year's end. During the year, three new societies were approved with no reports of disapprovals.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Foreign Travel: Government employees, including both citizens and foreigners working on a contractual basis, must apply for approval to go abroad. The government's 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 and gender. Brunei 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 the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

Stateless Persons

The most recent Population and Housing Census, conducted in 2011, reported 13,310 stateless persons normally resident in the country. 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 looks like and functions as a passport. COI holders have rights including to subsidized health care and education similar to those of permanent residents. The government had no data available on stateless persons who hold no form of residency or COI.

Stateless persons may obtain citizenship through an application process 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 after the age of two years and six months. All citizenship applicants must pass a test demonstrating sufficient knowledge of Malay culture and language.

Stateless persons without permanent resident status or a COI received no benefits from the government and were ineligible for any government-provided services, and, to a large extent, employment. Government agencies offered, nonetheless, welfare services to stateless persons unable to gain access to basic needs. The Ministry of Home Affairs also pushed to expedite the permanent resident registration of the country's stateless persons if they met all necessary requirements. The strict procedure in assessing the applications continued to cause bureaucratic delays for stateless applicants. From January 1 to October 1, according to the government, 244 holders of COIs obtained citizenship, more than in the entirety of 2014 (220).

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 sultan continued the practice, which places few limits on his power.

Elections and Political Participation

Political authority and control rested entirely with the sultan. A Legislative Council (LegCo) of primarily appointed members with little independent power provided a forum for public discussion of proposed government programs, budgets, and administrative deficiencies. It convenes once a year for approximately two weeks. The 11th LegCo session was held in March. Council members serve a five-year term at the pleasure of the sultan.

Persons ages 18 and older may vote by secret ballot in village consultative council elections, which are based on a traditional system of village chiefs. Candidates must be Muslim, approved by the government, and citizens or permanent residents for more than 15 years. The councils communicate constituent wishes through a variety of channels, including periodic meetings chaired by the minister of home affairs. The government also meets with mukim (collections of villages) representatives to allow for expressing local grievances and concerns.

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 hindered its membership. The Brunei People's Party has been banned since 1962.

Participation of Women and Minorities: In October, the sultan announced a cabinet reshuffle, in which women retained two ministerial positions: the ambassador-at-large in the Ministry of Foreign Affairs and Trade and the attorney general. The one female deputy minister was removed. Women accounted for more than half of the civil service, and many held senior positions.

The constitution requires that all ministers be of Malay ethnicity and Muslim except as permitted by the sultan. The new cabinet included two ethnic Chinese: the minister of foreign affairs II and the deputy minister of finance. Members of tribal minorities also held senior government positions, but statistics were not available.

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: In September, the government announced amendments to the Prevention of Corruption Act that expand the definition of a “public body” to include government-linked companies and statutory bodies and add new offenses, including ones that can be committed without the receipt of gratification or monetary benefit.

Corruption was not pervasive, although isolated incidents of low-ranking officials accepting small bribes reportedly occurred. As of October the Anticorruption Bureau reported nine convictions on corruption charges. The bureau was appropriately resourced and held regular corruption prevention programs.

In the most prominent case in recent years, in September a surveyor general from the Ministry of Development was sentenced to four years in prison for graft and accepting bribes in 2012. He had been charged in 2014 under the Prevention of Corruption Act and section 165 of the penal code, which forbids public servants from obtaining “valuable things” in the line of duty.

Financial Disclosure: Government officials were not subject to financial disclosure reports, but under the law officials have to declare their assets if subject to investigation.

Public Access to Information: There is no law that specifically provides for public access to government information. No court can compel any person to give evidence relating to unpublished government records unless the relevant ministry’s permanent secretary gives consent.

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

No registered civil society organizations dealt directly with human rights, and there were no reports of international human rights organizations operating in the country. A few domestic organizations worked on humanitarian issues such as assistance for domestic violence victims 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.

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

The law does not contain specific provisions prohibiting discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status.

Women

Rape and Domestic Violence: The law stipulates imprisonment of up to 30 years and caning with no fewer than 12 strokes for rape. The law does not criminalize spousal rape and explicitly states that sexual intercourse by a man with his wife is not rape, as long as she is not under age 14 or, if ethnic Chinese, 15, (see section 6, Children). 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 breaching a protection order is a fine not exceeding BND 2,000 (\$1,600), imprisonment not exceeding six months, or both. The government reported double the number of rape cases, although this constituted a very small percentage of total arrests. There were no reports of rape or sexual abuse during an arrest or detention.

There is no specific domestic violence law, but authorities arrested individuals in domestic violence cases under the Women and Girls Protection Act. The police investigated domestic violence only in response to a report by a victim, but were otherwise responsive in such cases. The government reported three times as many domestic abuse cases, although this constituted a small percentage of total arrests. The criminal penalty for a minor domestic assault is one to two weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer prison sentence.

A special unit staffed by female officers existed within the police to investigate domestic abuse and child abuse complaints. A hotline was available for persons to report domestic violence. The Department of Community Development in the Ministry of Culture, Youth, and Sports provided counseling for women and their spouses. Based on individual circumstances, some female and minor victims were placed in protective custody at a government-sponsored shelter while waiting for their cases to be brought to court. No such facility was available for men, but there were no reported victims in need of such a facility.

Islamic courts staffed by male and female officials offered counseling to married couples in domestic violence cases. Officials did not encourage wives to reconcile with flagrantly abusive spouses, and Islamic courts recognized assault as grounds for divorce.

Female Genital Mutilation/Cutting (FGM/C): No law criminalizes or mandates FGM/C, although severe cases could be charged under laws against endangering the life or safety of others. There were no reports of FGM/C on women over age 18.

There were no statistics on the prevalence of FGM/C, but the government reported that in general it is done within 40 days of birth on the basis of religious belief, health, and custom. The Ministry of Religious Affairs has declared circumcision for Muslim women (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 reported the country supports 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. The government reported it requested a change to the WHO type I classification and claims that the practice rarely resembles the type I description. The government reported the practice 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 imprisonment for up to five years. The number of sexual harassment cases remained stable, and constituted a very small percentage of total arrests.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: In accordance with the government's interpretation of the Koran's precepts, Muslim women and men are accorded different rights. Islamic family law considers women the "most entitled person" to custody of children in the case of divorce, and requires that men receive twice the inheritance of women.

Secular civil law permits female citizens to own property and other assets, including business properties. Non-citizen husbands of citizens may not apply for permanent resident status until they reside in the country for at least seven years, while non-citizen wives may do so after two years of marriage. While citizenship is automatically inherited from citizen fathers, citizen mothers may pass their

nationality to their children only through an application process through which children are first issued a COI.

Children

Birth Registration: Citizenship is derived from one's father, or, following an application process, mother. Birth registration is universal and equal for girls and boys, except among indigenous Dusun and Iban people in rural areas (see section 6, Indigenous People). 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 also makes it difficult to enroll the child in school.

Child Abuse: Child abuse occurred and was prosecuted. The number of child abuse cases remained stable, and constituted a very small percentage of total arrests. The Royal Brunei Police Force hosts 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 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 for Muslim girls and 18 for Muslim men and makes it an offense to use force, threat, or deception to compel a person to marry against his or her will. Ethnic Chinese must be age 15 or older to marry, according to the Chinese Marriage Act, which also stipulates sexual intercourse with an ethnic Chinese girl under age 15 is considered rape even if it is with her spouse.

Female Genital Mutilation/Cutting: See information for girls under 18 in women's section above.

Sexual Exploitation of Children: By law, sexual intercourse with a girl under age 14 constitutes rape and is punishable by imprisonment for at least eight and not more than 30 years and not less than 12 strokes of the cane. The law provides for protection of women, girls, and boys from exploitation through prostitution and "other immoral purposes," including pornography. Child prostitution was not common, and the country was not a destination for sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 or mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities. There was no information available on abuse in educational and mental health facilities. The Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

Nine registered nongovernmental organizations (NGOs) represented persons with disabilities in the country. They worked to supplement services provided by the three government agencies that support persons with disabilities. The NGOs received some funding from the government through the Ministry of Culture, Youth, and Sports, the Yayasan Sultan Haji Hassanal Bolkuah Foundation, and through charitable events by local businesses. Public officials, including the sultan, called for persons with disabilities to be included in everyday activities. Access to buildings, information, and communications for persons with disabilities was inconsistent.

National/Racial/Ethnic Minorities

The government favors ethnic Malays in society through the 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 has the discretion to make exceptions. Members of the military must be indigenous Malay, a member of a specified indigenous group, or non-indigenous Malay Muslim. Land ownership by foreigners, permanent residents, and COI holders is restricted to long-term leasing, which primarily affects ethnic Chinese and indigenous minorities.

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 makes “carnal intercourse against the order of nature” a criminal offense punishable by a fine and up to 10 years’ imprisonment. In practice, this was interpreted to include sexual relations between men. The SPC specifically bans sodomy between men or between a man and a woman not his wife and prohibits men from dressing as women or women dressing as men.

Two cases of cross-dressing were investigated under the SPC, resulting in one conviction of a man who was fined BND 1,000 (\$600); one case remained open at year’s end. Although there were no reports of official or societal discrimination against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons in employment, housing, or access to education or health care, social stigma may have caused affected individuals to refrain from reporting such problems. Anecdotal information indicated that LGBTI individuals avoided disclosing their sexual orientations due to fear of societal or legal retribution. There were no NGOs working explicitly on human rights for LGBTI persons in the country.

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 prohibits strikes and does not provide for collective bargaining. 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 be registered with the government. While the law permits the formation of trade union federations for most professions, it forbids affiliation with international labor organizations unless there is consent from the minister of home affairs and the Department of Labor. The law requires officers of trade unions to be “bona fide” (without explanation) and that such officers have been employed in the trade for at least two years. Unions are subject to existing laws limiting freedom of assembly, which require a government permit for public gatherings of 10 or more persons and approval by the minister of home affairs (see section 2.b.).

The government enforced laws on the formation of unions to the extent applicable. By law, the general penalty for violating laws on unions and other organizations is a fine up to BND 10,000 (\$6,000), imprisonment for up to two years, or both. Data on government enforcement efforts were not available.

The only known union in the country, the Brunei Oilfield Workers Union, was largely inactive. There were no other active unions or worker organizations. There were NGOs involved in labor issues, such as wages, contracts, and working conditions. These NGOs operated openly in cooperation with relevant government agencies, but they reported avoiding confrontation with the government.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Conviction for forced labor could lead to penalties, including fines of up to one million BND (\$75,000), imprisonment for a period of four to 30 years, and caning.

The government did not investigate any cases of debt bondage or forced labor compelled through threats of deportation, although these practices continued to occur. The heads of Specialist Trafficking Units within the police continued to meet regularly to coordinate anti-trafficking policy and implement the national action plan to combat trafficking, including for forced labor.

All employment agencies must be endorsed by the government and undergo government vetting and training before operating. The employment agencies have to file reports with the Department of Labor for permission to recruit workers, and all contracts signed by a foreign national must be witnessed by the government. The Labor Department continued some efforts to enforce licensing requirements for labor recruitment agencies.

Forced labor continued to occur. There were approximately 100,000 foreign migrant workers in the country, some of whom faced involuntary servitude, debt bondage, nonpayment of wages, passport confiscation, abusive employers, and confinement to the home. Female migrant workers, who made up most of the domestic workers in the country, were particularly vulnerable to forced labor. Although it is illegal for employers to withhold wages of domestic workers, some employers withheld wages to recoup labor broker or recruitment fees or to compel the continued service of workers. The government forbade wage deductions by employers to agencies or sponsors in the country and mandated that employees receive their full salaries, although many migrants arrived in situations of 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 domestic laws prohibit the employment of children under age 16. Parental consent and approval by the Labor Commission are required for those under age 18. Female workers under age 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 laws related to the employment of children. Penalties under law for child labor violations include a fine not exceeding BND 2,000 (\$1200), imprisonment of up to two years, or both, and were sufficient to deter violations. There were no reports of violations of child labor laws.

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 government positions and the military on the basis of ethnic origin (see section 6, National/Racial/Ethnic Minorities).

Some professions were designated as women's professions, and men noted discrimination during hiring. Some employers showed hiring preferences against foreign workers, particularly in key sectors such as oil and gas. Although there were no reports of official or societal discrimination against LGBTI persons in

employment, social stigma may have caused affected individuals to refrain from reporting such problems.

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. Published reports calculated the average monthly compensation in the private sector to be BND 1,830 (\$1,460) per worker by dividing the total compensation per month by the number of paid employees during the period. In the public sector, which employed the majority of citizens, salaries followed a scale determined by job, responsibility, qualifications, and time in service. There was no established poverty line.

The standard workweek for most government agencies and many private companies is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two rest periods of 24 hours each week. The law provides for paid annual holidays, overtime for work in excess of 48 hours per week, and double time for work performed on legal holidays. The law also stipulates an employee may not work more than 72 hours of overtime per month. Government regulations establish 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.

Immigration law allows for prison sentences and caning for workers who overstay their work permits, for workers who fall into irregular status due to their employers' negligence, for irregular immigrants seeking work, and for foreign workers employed by companies other than their initial sponsor. The government enforced this law with regular immigration sweeps.

The Labor Department inspected working conditions both on a routine basis and in response to complaints. There were approximately 40 labor inspectors in the Labor Department, which was adequate to conduct mandated inspections. The government usually moved quickly to investigate abuses, and abusive employers faced criminal and civil penalties. The Labor Department has the power to terminate the licenses of abusive employers and revoke their foreign labor quotas, and it did so occasionally. The commissioner responsible for labor has the additional authority to protect foreign workers' rights.

There were some reported labor violations, most of which were resolved through government mediation by the Labor Department. The majority of abuse cases

were settled out of court through agreements under which the employer paid financial compensation to the worker. Employers who violate laws regarding conditions of service, including pay, hours worked, leave, and holidays may be fined BND 800 (\$480) for a first offense and for further offenses BND 1,600 (\$960), imprisonment of one year, or both. Observers did not indicate whether the penalties for violations of wage, hour, and health and safety standards were sufficient to deter noncompliance.

The government prosecuted employers who employed irregular immigrants or did not process workers' documents, rendering them irregular. When grievances could not be resolved, regulations require employers to pay for the repatriation of the foreign workers and all outstanding wages. Although illegal, some employers held employee passports and restricted employee activities during non-work hours, particularly for low-skilled workers and household staff (also see section 7.b.).

The government generally enforced labor, health, and safety regulations effectively; enforcement in sectors employing low-skilled labor, such as construction or maintenance, was weaker. This was especially the case for foreign laborers at construction sites, where wage arrears and inadequate safety and living conditions were reported.

Many employed citizens commanded 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 rate of BND 2,257 (\$1,800), compared with BND 1,565 (\$1,300) for foreign workers. Wages for employed foreign residents were wide ranging. Some foreign embassies recommended a minimum wage requirement for their nationals working in the country. Laws regarding working hours were frequently not observed for either citizen or foreign workers.

There were approximately 100,000 foreign workers in the country. Foreign laborers (predominantly Filipinos, Malaysians, Indonesians, and Bangladeshis) dominated most low-wage professions, such as domestic workers, construction, maintenance, retail, and restaurants. There were cases reported of nonpayment of salaries. The majority of cases involved domestic and construction workers. In many cases courts levied judicial penalties including convictions and fines against employers found guilty of nonpayment of wages. In other cases, however, foreign workers who filed grievances sometimes did not receive their back wages.