



## U.S. DEPARTMENT of STATE

### Brunei

#### Country Reports on Human Rights Practices - [2007](#)

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Brunei Darussalam is a sultanate ruled by the same family for more than 600 years, and it has a population of approximately 383,000. Sultan Haji Hassanal Bolkiah governed under emergency powers that place few limits on his power. The Legislative Council, with a limited role in recommending and approving legislation, met during the year and expanded its activity to include a debate of the government budget. The sultan maintained control over the security forces.

The following human rights problems were reported: inability of citizens to change their government; arbitrary detention; limits on freedom of speech, press, assembly, and association; restrictions on religious freedom; discrimination against women; restricted labor rights; and exploitation of foreign workers.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that 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 prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory for 42 criminal offenses, and it was included in 80 percent of criminal sentences. During the year, 68 persons were sentenced to caning for immigration violations. Canings were carried out in the presence of a doctor, who had the authority to interrupt the punishment for medical reasons.

###### Prison and Detention Center Conditions

Prison conditions generally met international standards.

In August the government opened a new welfare housing complex for juvenile offenders and children in need of shelter and rehabilitation. Previously juveniles served their sentences in adult detention centers, but segregated from adults. Conditions in police station detention cells were Spartan. During the year there were credible reports that Internal Security Act (ISA) detainees had been held in isolation, were denied access to sunlight or fresh air, and were denied facilities suited to performing Islamic religious obligations. Independent sources asserted that conditions improved at the ISA facility in response to complaints by detainees.

During the year there were no reports that human rights monitors requested prison visits; foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

###### d. Arbitrary Arrest or Detention

The law provides for prompt judicial determination regarding the validity of an arrest but in practice these provisions were superseded through invocation of emergency powers.

## Role of the Police and Security Apparatus

The police force and Internal Security Department (ISD) are under the direct control of the Prime Minister's Office. The police and the ISD were considered free of major corrupt practices, although there were reports of petty corruption. There were 13 arrests involving police and military personnel for criminal acts. There were no reports of prosecution or conviction of police or military personnel for corruption.

## Arrest and Detention

A magistrate must endorse a warrant for arrest, except when police are unable to otherwise obtain an endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make warrant-less arrests of persons caught in the act of committing a crime. For these arrests, police may detain a suspect up to 48 hours before bringing the individual before a magistrate.

The ISA permits the government to detain suspects without trial for renewable two-year periods. ISA detainees are denied the right to legal counsel and are not presumed to be innocent. According to reports, detainees were promptly informed of the charges against them. Information on detainees is made public only after their release.

The government regularly convened 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.

The criminal procedure code allows for bail except in cases indicated as "discretionary" by law. Detainees generally had prompt access to lawyers and family visitations; however, police may deny access in exceptional cases, such as probable cause to suspect witness tampering. There is no legal 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.

In July the government released five persons detained in 2004 under the ISA for involvement in a counterfeit ring, including Sofri Dahali, Abdul Salam Dollah, Bakar Bali, Razali Kahan, and Juni Garip. An advisory board renewed the detention of three remaining detainees allegedly involved in the ring. According to official information, five persons were being held under the ISA at the end of the year.

### e. Denial of Fair Public Trial

The law does not provide specifically for an independent judiciary, but the courts appeared to act independently, and there were no known instances of government interference with the judiciary. All higher court judges are appointed by and serve at the pleasure of the sultan.

The judicial system consists of five levels of courts, with final recourse for civil cases available through the Privy Council in the United Kingdom.

A court run by the military legal unit provides military personnel with the same rights as in civilian criminal court.

## Trial Procedures

Secular law, based on English common law, provides citizens with a fair and efficient judicial process. Procedural safeguards include the right to defense counsel, an interpreter, and a speedy trial, as well as the right to confront accusers and to avoid self-incrimination. Lawyers have access to the accused once charges are filed through the trial process, but not during initial questioning. Defendants in criminal proceedings are presumed innocent. Most criminal cases are conducted in public trials by a judge or panel of judges. ISA detainees were denied the right to legal counsel and were not presumed to be innocent.

Shari'a (Islamic law) supersedes secular law for Muslims in cases of divorce, inheritance, and some sexual crimes. Shari'a is not applied to non-Muslims.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, information was very difficult to obtain.

## Civil Judicial Procedures and Remedies

There is no specific provision of law to bring civil suit for human rights violations. In customary practice individuals may present written complaints about rights violations to the sultan directly for review. Such complaints were typically handled

privately, and there were no reports of civil remedies handled in this manner during the year. Individual government servants who act outside their authority resulting in a civil wrong may be subject to fines or prosecution. Civil courts are generally unbiased.

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

The law permits government intrusion into the privacy of individual persons, families, and homes. Shari'a permits enforcement of khalwat, an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or close male relative. There continued to be numerous reports that religious enforcement officers entered homes, buildings, and vehicles to detain suspects. According to religious authorities, 691 khalwat cases were reported in 2007, almost double the number for 2006. According to the Ministry of Religious Affairs, many reported khalwat cases were dropped for lack of evidence.

The government monitored citizens' private e-mail, cell phone messaging, and Internet chatroom exchanges believed to be subversive. An informant system was used as part of the government's internal security apparatus to monitor suspected dissidents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the emergency powers, the government significantly restricted freedom of speech and of the press. Members of the legislative council are allowed to "speak their opinions freely," but they are prohibited from using language or exhibiting behavior deemed "irresponsible, derogatory, scandalous, or injurious," and may be disqualified for service on the basis of various offenses, including disloyalty to the sultan.

Under the Sedition Act, it is an offense to challenge in any way the authority of the sultan or members of the royal family. The act also makes it an offense to challenge "the standing or prominence of the national philosophy, the Malay Muslim Monarchy concept." This ideology permeates the country's life and government administration, promoting Islam as the state religion and monarchical rule as the sole governing system, upholding the rights and privileges of the Brunei Malay race.

The act provides for prosecution of newspaper publishers, proprietors, or editors who publish anything allegedly having a seditious intent. Publication may be suspended for up to one year, and publishers, printers, or editors can be prohibited from publishing, writing, or editing any other newspaper. Printing equipment can also be seized. Persons convicted under the act face fines of up to \$3,500 (B\$5,000) and jail terms of up to three years.

The law 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. Journalists deemed to have published or written "false and malicious" reports may be subjected to fines or prison sentences.

The country's daily newspapers, the *Borneo Bulletin* and the *Brunei Times*, practiced self-censorship in their choice of topics to avoid angering the government. However, letters to the editor often included comments critical of government handling of certain social, economic, and environmental issues. On occasion the government responded to public opinion on topics concerning social or environmental problems and the delay of public services.

Foreign newspapers were routinely available, although the government must approve their distribution. Internet versions of foreign media were routinely available.

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

The government's tolerance of political criticism was not tested, since there was no organized opposition. In the past the government arrested those who attempted to propagate unwelcome political views. Local media published limited reports on the activities of two political parties.

On January 17, Isa bin Haji Jaya, William bin Rahman, and Tuah bin Sabang were released for good behavior after serving eight months in prison. The three had been sentenced to one year in prison and fined \$3,200 (B\$5,000) under the sedition act for distributing via mobile telephone a satirical video clip depicting immediate members of the royal family.

## Internet Freedom

According to official statistics, more than 19,000 households have Internet access and over 176,000 people (nearly half of the population) were Internet users. The government monitored private e-mail and Internet chatroom exchanges of citizens believed to be subversive. There was anecdotal information that fear of government surveillance reduced the number of visitors to Internet forums. The primary Internet service provider was state owned.

In April 2006 the Attorney General's Chambers and 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. There were no reports of any government action to enforce this advisory.

## Academic Freedom and Cultural Events

The government generally respected academic freedom; however, some researchers chose to publish under a pseudonym from overseas when they perceived that subject matter would not be well received.

### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

Under the emergency powers, the government significantly restricted 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.

#### Freedom of Association

The law requires formal groups including religious, social, or cultural to register with the Registrar of Societies and provide regular reports on membership and finances. The government continued to restrict the activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community. Religious regulations promulgated by the Ministry of Religious Affairs and the State Mufti's Office prohibited Muslims from joining these organizations.

### c. Freedom of Religion

The law states, "the religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." However, in practice the government restricted non-Islamic religions and non-Shafi'i Islamic groups, reinforcing the legitimacy of the observance of traditional and Islamic values through its national Malay Muslim Monarchy ideology. The government controlled mosques and the Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide.

The government used its internal security apparatus against persons it considered to be purveyors of radical Islam, non-Muslims who attempted to proselytize, and religious groups that did not belong to the official religion. According to government statistics, 30 foreign citizens were expelled in the first eight months of the year for religious violations, primarily the sale of traditional or mystical bomoh healing services.

Registration is required by law for a group to worship communally. An organization that fails to register can face charges of unlawful assembly. All non-Shafi'i religious groups are required to register as associations. There continued to be credible reports that certain Christian groups were denied permission to register or chose not to register out of the expectation that their applications would be rejected.

The government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing and, in the past, occasionally denying entry to foreign clergy, banning the importation of religious teaching materials or scriptures such as the Bible, and denying requests to expand or build new churches, temples, and shrines. During the year the government permitted refurbishment of the Anglican St. Andrews Church buildings.

Non-Muslims who proselytize may be arrested or detained and held without charges for an extended period of time; however, during the year there were no reports that persons were arrested or detained for proselytizing.

Muslims who wished to change or renounce their religion faced considerable difficulties. Born Muslims faced both official and societal pressure not to leave Islam. Permission from the Ministry of Religious Affairs must be obtained, and there were no reports of anyone requesting such permission. There were instances of persons who converted to Islam (often foreign nationals) as a prelude to marrying Muslims; conversion is required by the country's Islamic law. Government

statistics indicated that 24 percent of the 351 conversions to Islam during the year were due to marriage. After the marriages took place, those who wished to return to their former religion faced intense official pressure not to do so or encountered extraordinary delays in obtaining permission.

Authorities continued to arrest Muslims for offenses under Shari'a, such as khalwat and consumption of alcohol.

The Ministry of Education requires courses on Islam and the national ideology, and prohibits the teaching of other religions and comparative religious studies. However, during the year there were reports of Islamic Studies students from government-run educational institutions visiting Christian churches and attending lectures by church officials as part of their required course work. The ministry requires all students, including non-Muslims, to learn Jawi, the Malay language in Arabic-derived script. The International School of Brunei and the Jerudong International School were exempt from these requirements, but both offered voluntary, extracurricular Islamic instruction to Muslim students. Private Christian schools were not allowed to give Christian instruction but could offer voluntary, Islamic instruction to Muslim students. However, the government did not prohibit or restrict parents from giving religious instruction to children at home.

The government routinely censored magazine articles on other faiths by blacking out or removing photographs of crucifixes and other religious symbols. Government officials also confiscated religious materials and prevented public display, distribution, and sale of items featuring non-Islamic religious symbols. However, some Christian churches displayed crosses on their buildings.

The government requires residents to carry an identity card that states the bearer's ethnicity, which is used in part to determine whether they are subject to Shari'a law. Visitors to the country were asked to identify their religion on their visa applications. Ethnic Malays are assumed to be Muslim, and therefore subject to Shari'a law. Non-Muslims are not held accountable to Shari'a precepts. Religious authorities check identity cards for ethnicity when conducting raids.

Only Islamic groups belonging to the Shafi'i school were permitted to organize public religious processions; however, the government allowed public lion dances to celebrate the Chinese Lunar New Year.

#### Societal Abuses and Discrimination

The country's various religious groups coexisted peacefully. There were no known Jewish communities in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

Generally the government did not restrict the freedom of movement of citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad, which was granted routinely. The government restricted the movement of former political prisoners during the year following their release.

By law the sultan may forcibly exile, permanently or temporarily, any person deemed a threat to the safety, peace, or welfare of the country. However there have been no cases of banishment since 1984.

#### Protection of Refugees

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and the 1967 protocol. The government has not established a system for providing protection to refugees. During the year the government did not grant refugee status or asylum. In practice, the government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. There were no reported cases of individuals seeking temporary refuge.

#### Stateless Persons

A sizeable number of "stateless" persons, including persons born and raised in the country, were not automatically accorded citizenship and its attendant rights but were granted permanent resident status. Since these individuals, mostly ethnic Chinese, did not enjoy full privileges of citizenship, they did not have the right to own land and were not entitled to subsidized health care or higher education. In lieu of Brunei passports, the government issued "certificates of identity" to allow these persons international travel and reentry; foreign visas may be entered in the certificates.

Primary education is free for citizens and permanent residents. Secondary education (above grade 10 equivalent) is free for citizens; fees of approximately \$100 (B\$140) per month are required for non citizens. University education is free for

citizens; yearly fees for non citizens are approximately \$2,000 to \$2,500 (B\$2,800 to B\$3,500).

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to change their government peacefully.

The same family has ruled the country for more than 600 years. In 1962 the then sultan invoked an article of the constitution that allowed him to assume emergency powers for two years. These powers have been renewed every two years since 1962, most recently in March 2006. The state of emergency places few limits on the sultan's power. The sultan also serves as prime minister, minister of defense, minister of finance, chancellor of the national university, inspector general of the Royal Brunei Police Force, and head of the Islamic faith.

#### Elections and Political Participation

Political authority and control rested entirely with the sultan. A 29-person legislative council made up primarily of appointed members provided a forum for public discussion of proposed government programs as well as administrative deficiencies. However, the council held no independent power. In 2005 the sultan increased the membership of the legislative council to include five indirectly elected members from Brunei's four administrative districts, elected by their peers from among mukim (collection of villages) and village heads. The legislative council held a five-day session in March. Government departments were instructed to submit new budget proposals to the council for its approval.

Persons 18 years of age and above 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 be citizens or permanent residents for more than 15 years. The councils communicated constituent wishes through a variety of channels, including periodic meetings chaired by the minister of home affairs. The government also met with mukim representatives to allow for airing of local grievances and concerns.

During the year the government held nation-wide assemblies of the Mukim and Village Consultative Councils to address social issues at the grassroots level.

At the end of the year, the Brunei National Development Party (NDP) remained the only registered political party in Brunei. In March the Brunei People's Awareness Party (PAKAR) lost its registration due to internal leadership disputes. In November the Brunei National Solidarity Party (PPKB), the oldest political party, was deregistered due to its failure to furnish annual reports to the Registrar of Societies. NDP, as had the other parties prior to deregistration, pledged to support the sultan and the government. Although the parties criticized administrative deficiencies, their few activities received limited publicity and they were hindered by membership restrictions. Several members and former members of political parties were consulted informally about the work of the legislative council.

During the year there were credible reports that government officials advised members of political parties not to discuss certain politically sensitive issues during their congresses.

Individuals sought to express their views or influence government decisions and policies by posting messages to Internet discussion boards, writing letters to local newspapers, and petitioning the sultan or handing him letters when he appeared in public.

There were no female ministers in the government or the legislative council; however, the sultan's sister, Princess Masna, was the second-ranking official in the Ministry of Foreign Affairs, and one of four permanent secretaries in the Prime Minister's Office was a woman. One cabinet-level post and two Legislative Council position were held by ethnic Chinese.

#### Government Corruption and Transparency

There were reliable reports of corruption in the government. In accordance with its zero tolerance policy for corrupt practices, the government successfully prosecuted a number of low-level officials. At year's end the case of a former government minister accused of corruption in awarding government projects was pending a final ruling from the chief justice.

During the year the Legislative Council approved, and the government published, a summary of the fiscal year government budget. However, the government continued to restrict and classify as confidential some information on the financial dealings of the government and the royal family. The law provides that no court can compel any person to give evidence relating to unpublished government records unless consent is given by the relevant government ministry's permanent secretary. The Anti-Corruption Bureau, under the purview of the Prime Minister's Office, reports directly to the sultan.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of

## Human Rights

Few if any civil society organizations dealt directly with human rights. A nongovernmental organization (NGO) seeking to operate in the country is required to apply for permission under the Companies Act and provide a list of members. The government may suspend the activities of a registered NGO if it deems such an act in the public interest.

The 432 registered NGOs were generally professional, business, sports, or social associations. In the past the Consumers' Association of Brunei attempted to address human rights, but the government impeded these attempts. However, the association remained active in building relationships with other NGOs in the region dealing with consumer protection issues.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

## Women

The law stipulates imprisonment of up to 30 years and caning with not fewer than 12 strokes for rape; for the rape of a minor the penalty is eight to 30 years' imprisonment and caning with not fewer than 12 strokes. The law does not criminalize spousal rape; it explicitly states that sexual intercourse by a man with his wife, as long as she is not under 13 years of age, is not rape. According to police statistics, there were 24 reported rape cases during the year; four of these cases resulted in conviction, and the remaining 20 were under investigation. Police were generally responsive in the investigation of such cases.

In August a nation-wide Friday sermon prepared by the Ministry of Religious Affairs condemned the immodest dress of young women as leading to social ills and potentially inciting rape. Government officials indirectly criticized the linkage to rape.

During the year there were 111 reported cases of domestic violence against women, resulting in 10 convictions and 101 ongoing investigations. 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 jail sentence.

A special unit staffed by female officers existed within the police department to investigate domestic abuse and child abuse complaints. A hot line was available for persons to report domestic violence. The Ministry of Culture, Youth, and Sport's Department of Community Development (DCD) provided counseling for women and their spouses. Based on individual circumstances, some female and minor victims were placed in protective custody in the DCD-operated Taman Noor Hidayah shelter while waiting for their cases to be brought to court.

Islamic courts staffed by both 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.

Prostitution is illegal. Women who entered the country for purposes of prostitution generally were tried, sentenced, and deported swiftly.

In accordance with the government's interpretation of Koranic precepts, Muslim women have similar rights as Muslim men in areas such as in divorce and custody of children, as provided under Emergency Order 1999 (Islamic Family Law), although local law requires that males receive twice the inheritance of women. The law permits female citizens to pass their nationality on to their children and to own property and other assets, including business properties.

Men were eligible for permanent positions in government service whether or not they had university degrees, but married women without university degrees were only eligible to hold government positions on a month-to-month basis. Women in these month-to-month positions could not apply for travel allowances for their husband and children. With this exception, they received the same allowance privileges as their college-educated counterparts in permanent positions.

## Children

No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provided most children a healthy and nurturing environment. Education is free, compulsory, and universal for the first 12 years, after which it is still free but no longer compulsory. The highest level of education achieved by most children was completion of secondary school, which normally consists of 12 to 14 years in school, ending between ages 16 to 18, depending on whether the course of study pursued is

vocational, academic, or arts.

Medical care for all citizens, including children, was heavily subsidized and widely available.

#### Trafficking in Persons

The law prohibits trafficking and sexual exploitation of women and girls, and there were no confirmed reports that persons were trafficked to, from, or within the country. There were very few identifiable cases of trafficking; however, it was likely that trafficking of foreign workers recruited from Indonesia, the Philippines, Pakistan, India, and Bangladesh took place. Such workers occasionally faced harsh, exploitative conditions in which their freedom of movement was restricted. There were reports that women arrested for prostitution subsequently claimed to have been victims of trafficking. There were also reports that the country was used as a transit stop for smugglers trafficking women to third countries.

Under the Trafficking and Smuggling Persons Order, a person convicted of trafficking persons, harboring smuggled persons, or endangering the lives or safety of trafficked or smuggled persons can be fined up to \$700,000 (B\$1 million), imprisoned for up to 30 years, and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to \$35,000 (B\$50,000) and imprisoned for up to 10 years. Immigration and other law enforcement officials received training to investigate and prosecute suspected offenders and to deal with trafficked victims. During the year there were no reported cases of prosecutions for human trafficking, nor were there any reports of government officials involved in trafficking. A national committee coordinates government-wide strategies for combating transnational crime, including trafficking.

The country had limited capacity to protect foreign trafficking victims. There were no NGOs to assist trafficking victims, and victims were subject to prosecution for violations of immigration and labor codes. There was no formal system of protection or benefits for foreign trafficking victims. In cases where the government considers a victim to be a material witness in the prosecution of traffickers, police will provide temporary protection and shelter as necessary for prosecution. Several foreign embassies also provided shelter for persons who may have been victims of trafficking.

#### Persons with Disabilities

The law does not mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities, but countrywide the level of services available was uneven. In December Brunei became a signatory to the UN Convention on the Rights of Persons with Disabilities. The community development department of the Ministry of Culture, Youth, and Sports conducted several programs targeted at promoting awareness of the needs of people with disabilities.

#### Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. The law makes it a criminal offense to have "sexual intercourse against the order of nature." There were no reports of official discrimination based on sexual orientation in employment, housing, access to education, or health care.

#### Section 6 Worker Rights

##### a. The Right of Association

Under the Trade Unions Act, unions are legal and must be registered with the government. All workers, including civil servants other than those serving in the military and those working as prison guards or police officers, may form and join trade unions; however, in practice there was very little union activity in the country. The government did not encourage unions or facilitate their formation, and employers in the industrial sector did not encourage foreign workers to form unions. The three registered trade unions were in the oil sector and had a total membership of less than 5 percent of the industry's total work force. It was estimated that there were 88,000 foreign workers, including approximately 5,775 garment industry workers, none of whom were members of any trade union.

While the law permits the formation of trade union federations, it forbids affiliation with international labor organizations unless there is consent from the home affairs minister and Department of Labor (DOL).

In January Brunei became a member of the International Labor Organization.

##### b. The Right to Organize and Bargain Collectively

The law prohibits employers from discriminating against workers in connection with union activities but provides no legal framework for collective bargaining. There was very little union activity in the country, and employer discrimination against

union members was not reported. The law makes no explicit provision allowing the right to strike. Wage and benefit packages were based on market conditions.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ). Labor laws are fully applicable in the MEZ.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were isolated reports of non payment of wages and little or no time off for some foreign domestic workers.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Various laws prohibit the employment of children under age 16. Parental consent and approval by the Labor Commission is required for those under 18. Female workers under 18 may not work at night or on offshore oil platforms. The DOL, which is part of the Ministry of Home Affairs, effectively enforced laws related to the employment of children. There were no reports of violations of child labor laws.

#### e. Acceptable Conditions of Work

Most employed citizens commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday, and Saturday, with Friday and Sunday off, allowing for two rest periods of 24 hours each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays.

Occupational health and safety standards are established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforced labor regulations effectively, but enforcement in the unskilled labor sector was lax, especially for foreign laborers at construction sites, where pay arrearage and inadequate safety and living conditions were reported. The DOL may close a workplace where health, safety, or working conditions are unsatisfactory. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

According to government data, approximately 88,000 foreign persons worked in the country. There were an estimated 25,000 foreign workers in domestic jobs not included in the official labor statistics. There were reports of foreign maids and other domestic workers whose liberty was severely restricted while working exceptionally long hours without being granted a day for rest. There also were isolated reports of employers who beat domestic employees or did not provide them with adequate food. The government prosecuted some cases; employers found guilty of abuses typically were fined or sentenced to prison and ordered to compensate the victim.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hot line for worker complaints. Government mediation continued to be the most common means used to resolve labor disputes. Abusive employers faced criminal and civil penalties. When grievances could not be resolved, repatriation of foreign workers was at the expense of the employer, and all outstanding wages were ordered paid. The majority of abuse cases were settled out of court by the employer paying financial compensation to the worker.

Workers, most notably in the garment industry, signed contracts with employment agents or other sponsors in their home countries that reduced their promised salaries through payments to the agencies or sponsors. The government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries; nevertheless, foreign workers continued to pay high fees to manpower agents to obtain work in the country.

Female domestic servants, most of whom were foreign workers, were sometimes subjected to abuse by their employers. While the overall level of violence was generally low, beating servants or refusing them the right to leave the house on days off was the most common form of abuse. Since most foreign female domestics were highly dependent on their employers, those subject to abuse often were unwilling or unable to bring complaints, either to the authorities or to their respective government embassies. However, when such complaints were made, the government was usually quick to investigate allegations and impose fines and punishment. Many workers settled assault cases out of court with their employers. Three foreign embassies maintained shelters for domestic workers involved in disputes with employers and were active in protecting their citizens' rights.

There were credible reports of domestic and construction workers from neighboring countries paying the equivalent of two months wages to fictitious employers to obtain labor passes and work freelance on the local economy. There were also credible reports of nationals from South Asian countries working for little or no pay for up to two years to pay back foreign agents for securing jobs for them.

During the year the DOL recorded 26 complaints by domestic helpers and 108 complaints by corporate/garment workers

against employers who failed to pay workers' salaries. Sixteen of the complaints by domestic workers and 60 of the complaints by corporate/garment workers were resolved, largely by employer compensation payments. Eighteen complainants withdrew their complaints while the remaining cases were still under investigation.

The government also prosecuted employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status.

Immigration law allows for prison sentences and caning for workers who overstayed their work permits and illegal immigrants seeking work, as well as for foreign workers employed by companies other than their initial sponsor. While the majority of prosecutions were for long-term overstayers, many workers stayed in an illegal status due to their former employers' negligence.

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