



Brunei

Country Reports on Human Rights Practices - [2006](#)

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Brunei Darussalam is an Islamic country with a population of approximately 383,000. It has been ruled by the same family for more than 600 years. Sultan Haji Hassanal Bolkiah governed under emergency powers that place few limits on his power. The legislative council that was revived in 2004 met again during the year and expanded its activity to include a debate of the government budget, but otherwise it had only a limited role in recommending and approving legislation. 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 as part of the sentence in 80 percent of criminal convictions. 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. Juveniles typically served their sentences in adult detention centers but segregated from adults. Several young offenders were housed at a juvenile rehabilitation center. Conditions in detention cells at police stations were Spartan.

There were no reports that human rights monitors requested prison visits, but 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 a prompt judicial determination regarding the validity of an arrest. However, in practice the provisions, like the constitution itself, were superseded through invocation of the emergency powers.

Role of the Police and Security Apparatus

The police force and the Internal Security Department are under the direct control of the Prime Minister's Office. Both groups were considered free of major corrupt practices, although there were reports of petty corruption among traffic police. Police statistics reported 27 arrests involving police and military personnel for criminal acts; one police officer was prosecuted and convicted for corruption.

Arrest and Detention

Normally a magistrate must endorse a warrant for arrest. On rare occasions, warrants were issued without this endorsement, such as when police were unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests without warrants of persons caught in the physical act of committing a crime. In such arrests, police may detain a suspect for up to 48 hours before bringing the individual before a magistrate.

The Internal Security Act (ISA) permits the government to detain suspects without trial for renewable two-year periods. ISA detainees also were denied the right to legal counsel and were not presumed to be innocent. 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. Information on some detainees was made public only after their release.

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 belief of tampering with a witness.

In July the government released three persons--Haji Muslim bin Haji Awang Tengah, Noordin bin Haji Ahmed Noor, and Haji Abdul Radzak bin Haji Awang Damit--arrested in 2004 under the ISA for treason and "subversive actions."

At year's end seven of the persons detained in 2004 under the ISA for involvement in a counterfeit ring remained in custody. Their detentions were scheduled for review by the advisory board in 2007.

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 in civil cases available through the Privy Council in London.

Trial Procedures

The 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. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. In noncapital cases, indigent defendants may act as their own lawyers in court.

The law lacks provisions to allow companies or individuals to sue the government, which traditionally resolves disputes with generous, nonnegotiable settlements or in some cases simply refuses to settle.

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

On January 1, a bar association began operations to promote lawyers' public accountability.

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 are 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 legal process for compensation. Civil courts are generally unbiased. In the past an individual successfully sued a police officer; however, during the year there were no reports of civil suits against government officials.

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, 389 khalwat cases were reported between July 2005 and April.

The government monitored the private e-mail and Internet chatroom exchanges of citizens that it believed to be subversive (see section 2.a.). The government employed an informant system as part of its 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. Constitutional amendments adopted in 2004 allow members of the legislative council to "speak their opinions freely," but they are prohibited from using language or exhibiting behavior deemed "irresponsible, derogatory, scandalous, or injurious," and they may be disqualified for "disloyalty" to the sultan among other offenses.

Under the Sedition Act, it is an offense to "directly or indirectly lower or adversely affect the rights, status position, discretion, powers, privileges, sovereignty, or prerogatives of the sultan, his spouse, successors, or other members of the royal family." The act also makes it an offense to "directly or indirectly lower or adversely affect the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept." This ideology permeates the country's life and government administration. It promotes Islam as the state religion and monarchical rule as the sole governing system, and it upholds the rights and privileges of the Brunei Malay race.

The act also provides for the prosecution of any publisher, proprietor, or editor of a newspaper that publishes matter having a seditious intention. Publication of the newspaper may be suspended for up to one year, and the publisher, printer, or editor can be prohibited from publishing, writing for, or editing any other newspaper. Printing equipment used in printing the newspaper can also be seized. Persons convicted under the act face fines of up to \$3,200 (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 largest daily newspaper in circulation, the Borneo Bulletin, practiced self-censorship in its choice of topics to avoid angering the government. However, letters to the editor often included comments critical of the government's handling of certain social, economic, and environmental issues. On occasion the government responded to public opinion on topics concerning social or environmental problems and notably the delay of public services.

In July a second English-language daily paper, the Brunei Times, was launched.

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

Although the government owned the country's only television station, three Malaysian television channels were available, in addition to two satellite television services, both of which offered more than 75 channels each. Some content is subject to censorship based on theme, but such censorship was not consistent.

Since there was no organized opposition, the government's tolerance of political criticism was not tested. In the past the government arrested those who attempted to propagate unwelcome political views. Local media published limited reports on the activities of three political parties (see section 3).

In June three persons--Isa bin Haji Jaya, William bin Rahman, and Tuah bin Sabang--pled guilty to charges under the Sedition Act for distributing a satirical, computer-generated video clip via mobile telephone depicting immediate members of the royal family. The individuals were sentenced to two years' imprisonment and a fine of \$3,200 (B\$5,000).

Internet Freedom

The government monitored the 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 the few existing Internet forums. Unlike in the past, there were no reports that the government blocked access to forums hosted outside the country. The primary Internet service provider was state owned.

In April 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 from overseas and under a pseudonym when they perceived that subject matter pertaining to the country 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 Act, public gatherings

of 10 or more persons require a government permit. Freedom to assemble for political purposes was not tested during the year.

Freedom of Association

Civil servants and security force personnel, who together composed 60 percent of all employed citizens, are not permitted to join political parties (see section 3). 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.

There were no politically oriented student associations.

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." The government controlled mosques, and the Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide. The government restricted the practice of non-Islamic religions and non-Shafi'i Islamic groups, and it reinforced the legitimacy of the observance of traditional and Islamic values through its national ideology.

The government used its internal security apparatus--including such measures as surveillance, investigation, and, in the past, detention--against persons whom 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.

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.

In the past the government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing, 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. In September 2005 the government approved a request from the Anglican St. Andrew's Church to undertake a major refurbishment of its building, and the project was initiated during the year. However, at year's end work was halted after local authorities withdrew construction permits on the grounds that the construction work exceeded that approved in the original permit. An application for a revised permit was submitted, but by year's end authorities had not made a decision.

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, often foreign women, who converted to Islam as a prelude to marrying Muslims, as required by the country's Islamic law. Government statistics reported that 8 percent of the 312 conversions to Islam during the year were due to marriage. After the marriages took place, women who wished to return to their former religion faced intense official pressure not to do so or encountered extraordinary delays in obtaining permission. Unlike in the past, there were no cases reported of divorced Muslim converts who, because of official and societal pressure, remained officially Muslim if they did not wish to do so.

Religious authorities strongly encouraged Muslim women to wear the tudong, a traditional head covering, and the majority did so. Most government departments and the uniformed services required female Muslims to wear the tudong as part of their dress code. All government schools and other educational institutions required students to wear the tudong as part of their uniforms. At the national university, foreign, non-Muslim students were encouraged but not required to do so.

Authorities continued to arrest Muslim persons for offenses under Shari'a, such as khalwat and consumption of alcohol (see section 1.f.).

The Ministry of Education requires courses on Islam and the national ideology and prohibits the teaching of other religions and comparative religious studies. The ministry requires all students, including non-Muslims, to learn the Jawi, the Malay language in Arabic 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. In addition, government officials prevented the public display, distribution, and sale of items featuring non-Islamic religious symbols.

The government requires residents to carry an identity card that states the bearer's religion. Visitors to the country were asked to identify their religion on their landing cards.

Only Islamic groups belonging to the Shafi'i school were permitted to organize public religious processions; however, during the year the

government allowed a greater number of public lion dances to celebrate the Chinese Lunar New Year than in the past.

The government sponsored the attendance of a multifaith delegation at the East Asian Religious Leaders Forum, held in Jakarta in February with officials from various religions, and also at the International Conference on Faith and Service, held in Manila in March.

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 [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

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 movements of former political prisoners during the first year following their release.

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

Protection of Refugees

The country is not party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and no legal provision exists for granting temporary refuge or refugee status to those seeking such refuge or asylum. Under the law persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

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, and civil servants were not permitted to join political parties.

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 the emergency powers for two years. Sultan Haji Hassanal Bolkiah renewed these powers in March. The state of emergency places few limits on the sultan's power. The sultan also served 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

In 2004 the sultan named an appointed legislative council, which he revived after a 20-year suspension; however, the council had no independent powers. Political authority and control rested entirely with the sultan, while the council provided a forum for public discussion of proposed government programs as well as administrative deficiencies. In September 2005 the sultan increased the membership of the legislative council to include several indirectly elected members, comprising district and village heads chosen by their peers. In March the legislative council held a five-day session. Government departments were instructed to submit new budget proposals to the council for its approval.

The country attempted, with limited success, to institutionalize a form of popular representation based on a traditional system of village chiefs elected by secret ballot by all adults. Candidates must be approved by the government and must be Malay or of a recognized indigenous race. These leaders are expected to communicate constituents' wishes through a variety of channels, including periodic meetings, chaired by the minister of home affairs, with several officials appointed by the sultan. Meetings between senior government officials and mukim (a group of villages) representatives allow for airing of local grievances and concerns; however, there were no records of how often such meetings took place.

There were three registered parties in the country: the Brunei Solidarity National Party; the Brunei People's Awareness Party; and the largest, the Brunei National Development Party, founded in August 2005. All three parties pledged their support to the sultan and the system of government. Although they criticized administrative deficiencies, their few activities received limited publicity, and they were hindered by membership restrictions. However, several members and former members of political parties were consulted informally about the program of the legislative council.

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.

The lack of a representative, democratic government seriously limited the role of both men and women in government and politics, although women were limited to a greater extent than men. 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 there were female ambassadors, judges, and other senior officials.

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 investigation continued in the case of a former government minister accused of corruption in awarding government projects.

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 government-owned Brunei Investment Agency (BIA) released information about Prince Jefri's noncompliance with the terms indicated in the out-of-court settlement over the recovery of assets taken by the prince. Prince Jefri--one of the sultan's younger brothers--had been charged by the government with fraud, misuse, and theft of government property over his channeling funds through his failed Amadeo Development Corporation while he was BIA chairman. In May the high court ordered Prince Jefri to transfer all assets to BIA.

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 513 registered NGOs generally were professional, business, sports, or social associations. In the past the Consumers' Association of Brunei attempted to address human rights, but the government impeded it from doing so. At year's end the association was still registered but no longer active on human rights 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

During the year there were 74 cases reported of domestic violence against women. 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 hotline was available for persons to report domestic violence. The Ministry of Culture's Social Affairs Services (SAS) Unit provided counseling for women and their spouses. Based on individual case circumstances, some female and minor victims were placed in protective custody in the SAS 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.

Female domestic servants, most of whom were foreign workers, also were subjected to abuse (see sections 6.c. and 6.e.) by their employers. While the level of violence generally was low, beating servants or refusing them the right to leave the house on days off was more prevalent. 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 governments' embassies. However, when such complaints were made, the government generally was quick to investigate allegations of abuse and impose fines and punishment as warranted. Several workers settled assault cases out of court with their employers. Two foreign embassies maintained shelters for domestic workers involved in disputes with employers and were active in protecting their citizens' rights.

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 legally considered rape. According to police statistics, there were 20 reported rape cases during the year, 10 of which were referred to the Attorney General's Chambers. Of the 10 cases, at year's end one was awaiting sentencing, one was pending trial, two had been dropped, and the remaining were under review.

Prostitution is illegal. Women who entered the country for purposes of prostitution generally were tried, sentenced, and deported swiftly (see section 5, Trafficking).

In accordance with certain local Islamic practices, women were denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. However, the law permits female citizens to pass their nationality 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 eligible to hold government positions only on a month to month basis. Women in month to month positions cannot apply for travel allowances for their husband and children; however, apart from this, they receive allowance privileges equal to their male and

female counterparts in permanent positions. There were no men in month to month positions except for those who were reemployed by the government after retirement.

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 and ending at age 16 to 18, depending on which course of study--vocational, academic, or arts--the student pursues. A significant percentage of students continued on to tertiary education.

Medical care for all citizens, including children, was heavily subsidized and widely available. With a few exceptions, involving small villages in extremely remote areas, nutritional standards were high and poverty was almost unknown.

Trafficking in Persons

A statute outlaws trafficking and sexual exploitation of women and girls. In addition, a variety of other laws, primarily those related to prostitution and the protection of minors, could be applied against sex traffickers. Immigration, labor, and religious regulations that criminalize prostitution also served to deter trafficking. There were very few identifiable cases of trafficking; however, trafficking likely occurred in the labor context, since foreign workers recruited from Indonesia, the Philippines, Pakistan, India, and Bangladesh occasionally faced harsh, exploitative conditions in which their freedom of movement was restricted (see section 6.e.).

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 \$606,060 (B\$ one million), imprisoned for up to 30 years, and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to \$30,303 (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 under the terms of the 2004 law. Two police officers participated in overseas training dealing with human trafficking. There were no prosecutions for human trafficking for labor or sexual exploitation.

The country had limited capacity to protect foreign trafficking victims. There were no foreign 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. There were some protective measures for foreign workers, but they were not uniformly applied. Some foreign embassies provided protection services, including temporary shelter, for workers involved in labor disputes.

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; however, an independent review found that further coordination was needed at the national level to provide uniform levels of support throughout the country. In October the sultan announced an increase in support payments to persons with disabilities.

National/Racial/Ethnic Minorities

There were a sizeable number of "stateless" persons and permanent residents, mostly ethnic Chinese and including persons born and raised in the country, who were not automatically accorded citizenship and its attendant rights. Since they did not enjoy full privileges of citizenship, these individuals traveled abroad as stateless persons, did not have the right to own land, and were not entitled to subsidized medical care.

In May the sultan relaxed citizenship requirements, allowing the government to grant citizenship to applicants born in the country who have resided there continuously for at least 10 years. Those born outside the country must have resided in the country for at least 15 years. Other conditions include the ability to read and write in Malay and understand local culture. The new law also allows expedited citizenship for foreigners who have contributed to the nation's economy and development. In addition, the new regulation allows male foreign nationals who are married to female citizens to acquire citizenship. Official statistics recorded a total of 2,601 persons granted citizenship during the year.

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 no 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, had a total membership of less than 5 percent of that industry's work force, and were inactive. There were more than 75,000 foreign workers in the country, including approximately 7,395 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 Labor Department.

b. The Right to Organize and Bargain Collectively

There was no union activity in the country; therefore, employer discrimination against union members did not arise. There is no legal foundation for collective bargaining, and strikes are illegal. 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). The 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 reports that some foreign domestic workers worked under unacceptable conditions (see section 6.e.). Other 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.

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 Department of Labor (DOL), which is part of the Ministry of Home Affairs, effectively enforced laws on the employment of children. There were no reports of violations of the child labor laws.

e. Acceptable Conditions of Work

Unemployment has grown in recent years, primarily among younger persons. However, most employed citizens commanded good salaries. There is no minimum wage. The standard work week 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 also 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. 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 International Monetary Fund data, approximately 75,000 foreign persons worked in the country. 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 and asked to compensate the victim.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hotline 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.

Since February 2005 the DOL has brought cases directly against employers who did not pay their workers. Formerly, such cases were brought by the Attorney General's Chambers and took much longer to prosecute.

During the year the DOL recorded 42 complaints by domestic helpers and 125 complaints by corporate/garment workers against employers who failed to pay the workers' salaries. Eighteen of the complaints by domestic helpers and 46 of the complaints by corporate/garment workers were resolved, largely through employers paying compensation. The remaining cases were pending administrative action at year's end.

In November 2005 members of the board of directors of a garment factory were charged with 126 counts relating to unpaid salaries of 19 workers, and during the year an additional 54 charges were brought. At year's end the case was awaiting trial pending resolution of legal issues caused by the firm going into liquidation.

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

Immigration laws allow for prison sentences and caning for overstaying workers 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 maintained their illegal status owing to their former employers' negligence.