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Brunei

Country Reports on Human Rights Practices - [2005](#)

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Brunei Darussalam is a small, wealthy, Islamic country with a population of approximately 357,800. It has been ruled by the same family for more than 600 years. The present ruler, Sultan Haji Hassanal Bolkiah, governed under emergency powers that place few limits on his power. During the year the sultan increased membership in the legislative council to include indirectly elected village and district leaders; however, the council has only a limited role in recommending and approving legislation. The sultan maintained control over the security forces.

There were problems in the government's human rights record, particularly in the area of civil liberties. The following human rights problems were reported:

- inability of citizens to change their government
- arbitrary detention
- no freedom of speech, press, assembly, or association
- restrictions on religious freedom
- discrimination against women
- restricted labor rights
- 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 drug-related and other 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 several young offenders were housed at a government rehabilitation center. 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 partially or wholly 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 17 prosecutions and arrests involving police and other law enforcement officers for corrupt or criminal acts.

Arrest and Detention

Normally a magistrate must endorse a warrant for arrest. On rare occasions, warrants are issued without this endorsement, such as when police are 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.

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

The criminal procedure code allows for bail except in cases indicated as "discretionary" by written law. Bail is obligatory in any case not deemed discretionary. 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.

There were reliable reports that the government detained officials suspected of criminal activities, but the government did not acknowledge the arrests.

In April the government released 4 of the 16 persons detained in February 2004 under the ISA for involvement in a counterfeit ring. In November the government announced the release of another five ring members.

Three persons--retired Major Haji Muslim bin Haji Awang Tengah, former senior police officer Noordin bin Haji Ahmed Noor, and businessman Haji Abdul Radzak bin Haji Awang Damit--arrested in March 2004 under the ISA for treason and "subversive actions" remained in detention at year's end.

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. Such defendants may act as their own lawyers in court.

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. A law society, or bar association, established in 2003 to promote lawyers' public accountability, held its first election for a council in late October; election of the president took place on December 19. The society was scheduled to begin operations January 1, 2006.

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.

Political Prisoners

There were no reports of political prisoners, but information was very difficult to obtain.

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 of religious enforcement officers entering homes, buildings, and vehicles to detain suspects.

The government monitored the private e-mail and Internet chat room exchanges of citizens that it believed to be subversive. The government employed an informer 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 freedom 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 amended May 2005 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 amended sedition act face fines up to \$2,965 (B\$5 thousand) and jail terms of up to 3 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 it 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 circulation daily newspaper, 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.

Although the government owned the country's only television station, three Malaysian television channels were available. Two satellite television networks also were available and offered a total of 28 different channels.

The government's tolerance of political criticism was not tested because there was no organized opposition. In the past the government arrested those who attempted to propagate unwelcome political views. The *Borneo Bulletin* published limited reports on the activities of the Consumers' Association of Brunei, a quasi-human rights organization, and the activities of three political parties (see section 4).

After the 2004 detention of two persons involved in disseminating criticism of the government and the royal family, fear of government surveillance reduced the number of visitors to the few existing Internet forums. The government also was believed to have periodically blocked access to at least one forum hosted outside the country. Brutalk, another forum, reopened early in 2004 only to be shut down again in March. The primary Internet service provider was state owned.

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. 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 prohibit 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 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. It has banned the Baha'i Faith and the Islamist Al-Arqam movement, and it detained a number of the latter's followers. In July 2004 the government released six members of the movement who had been detained since 2003. A seventh man, Mohammed Ashadi Haji Sulaiman, who had been arrested later, was released in May.

Registration is required by law for a group to worship communally. Under legislation amended in January, an organization that fails to register can face charges of unlawful assembly. All non-Shafi'i religious groups are required to register as associations. In 2003 two Christian groups were denied permission to register.

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. Non-Muslims who proselytize may be arrested or detained and held without charges for an extended period of time.

Muslims who wished to change or renounce their religion faced considerable difficulties. Born Muslims faced 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 10 percent of the 424 conversions to Islam during the year were due to marriage. After the marriages took place, these women faced intense official pressure not to return to their former religions or encountered extraordinary delays in obtaining permission. Unlike in the past, there were no cases of divorced Muslim converts who, because of official and societal pressure, remained officially Muslim.

Authorities continued to arrest persons 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. The ministry requires all students, including non-Muslims, to follow a course of study on the Islamic faith and learn Arabic script. The International School of Brunei and the Jerudong International School were exempt from these requirements, but both offered Islamic instruction for Muslims. Private Christian schools are not allowed to give Christian instruction and are required to give instruction on Islam. 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 are asked to identify their religion on their landing cards.

Only Islamic groups belonging to the Shafi'i school are permitted to organize public religious processions; however, during the year a limited number of public lion dances to celebrate the Chinese Lunar New Year were allowed.

In July the government sponsored the attendance of Christian, Buddhist, and Muslim religious officials at the Asia-Europe Interfaith dialogue held in Bali, Indonesia.

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 [2005 International Religious Freedom Report](#).

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

The government restricts the movement of former political prisoners during the first year of their release. Generally, the government does 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.

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 are 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 emergency powers for two years. Sultan Haji Hassanal Bolkiah renewed these powers in March 2004. 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 September 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. Members of the sultan's appointed cabinet served as his principal advisors. The sultan also announced changes to the constitution that consolidated his executive powers while providing for limited elections to the legislative council. Amendments to royal succession to include the sultan's sons from a second (now divorced) wife also were approved.

In September the sultan increased the membership of the legislative council to include several indirectly elected members, comprised of district and village heads.

The country has 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. Regular meetings between senior government officials and *mukim* (a group of villages) representatives allowed for airing of local grievances and concerns.

There were three registered parties in the country: the Brunei Solidarity National Party, the Brunei People's Awareness Party, and the new Brunei National Development Party (BNDP). The BNDP was registered on August 31. 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, although 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 concealed corruption in the government. The government has announced a "zero tolerance" policy for corrupt policy and has successfully prosecuted a number of low-level officials. In May the government began prosecuting a former minister of development on charges of corruptly awarding government projects and accepting bribes. The case had not been decided at year's end.

Despite earlier declarations that the government planned to be more transparent, it continued to restrict and classify as confidential any information on the financial dealings of the government and royal family, particularly regarding expenditures, revenues, and incomes.

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 society if it deems such an act in the public interest or the interest of the registered society.

The few existing NGOs were based locally and generally were professional, business, or social associations. The Consumers' Association of Brunei attempted to address human rights, but the government impeded it from doing so.

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 extent of spousal abuse was unknown. During the year there were fewer than 100 reported cases 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 hot line was in service for persons to report domestic violence. The Ministry of Culture's Social Affairs Services (SAS) Unit provided counseling for women and their spouses. During the year 31 female domestic abuse victims were sheltered at the Taman Noor Hidayah, a shelter run by the SAS unit. According to press reports, the female victims were restricted to the 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 (see sections 6.c. and 6.e.), also were subjected to abuse. While the level of violence in society 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 brought, 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 a shelter for domestics 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. 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. There were 22 rape cases reported during the year; 12 cases resulted in conviction, and 10 were under investigation at year's end.

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 are 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 women without university degrees were eligible to hold government positions only on a month-to-month basis. Women in month-to-month positions received slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions. There were no men in month-to-month positions.

Religious authorities strongly encouraged Muslim women to wear the *tudong*, a traditional head covering, and the majority of women did so. Most government departments and the uniformed services required female Muslims and non-Muslims to wear the *tudong* as part of their dress code. All government schools, as well as the national university and other educational institutions, pressured non-Muslim students to wear the *tudong* as part of the institution uniforms.

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 at age 16 to 18 depending on whether the student pursues a vocational, academic, or arts course of study in secondary school. A significant percentage of students continued on to tertiary education. With a few exceptions, involving small villages in extremely remote areas, nutritional standards were high and poverty was almost unknown. Medical care for all citizens, including children, was subsidized heavily and widely available. Between 20 and 30 young female rape and sexual abuse victims, between 9 and 15 years of age, were housed at the government-sponsored Taman Noor Hidayah women's shelter. The penalty for the rape of a minor is 8 to 30 years' imprisonment and caning with not fewer than 12 strokes.

Trafficking in Persons

A statute outlaws sexual exploitation and trafficking 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. The country has been a destination for a small number of persons trafficked for sexual exploitation from China and within the region. There were very few identifiable cases of trafficking, and the majority of women who entered the country as sex workers were considered to have done so voluntarily. Immigration, labor, and religious regulations that criminalize prostitution also served to deter trafficking. There were reports of foreign household laborers who worked under harsh conditions and whose freedom of movement was restricted (see section 6.e.).

In December 2004 the government introduced a specific antitrafficking law under which 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\$1 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 thousand) and imprisoned for up to 10 years. There were no reported cases of human trafficking. Immigration and other law enforcement officials began receiving training to investigate and prosecute suspected offenders to deal with trafficked victims under the terms of the new law. Police officials participated in five overseas training courses dealing with human trafficking.

Persons with Disabilities

The law does not mandate accessibility or other assistance for persons with disabilities. The government attempted to provide educational services for children with disabilities; however, these efforts did not meet international norms.

National/Racial/Ethnic Minorities

There were a sizeable number of "stateless" persons and permanent residents, mostly ethnic Chinese, including persons born and raised in the country, who were not automatically accorded citizenship and its attendant rights. They had to travel abroad as stateless persons and did not enjoy the full privileges of citizenship, including the right to own land. Stateless persons and permanent residents also were not entitled to subsidized medical care. In 2003 a reform to the nationality law allowed some older, stateless persons and some permanent residents over age 50 to acquire citizenship by passing an oral rather than a written nationality test. All stateless persons and permanent residents became entitled to free education at government schools and other vocational and technical institutions. During the year 680 persons were granted citizenship, including more than 150 children.

Section 6 Worker Rights

a. The Right of Association

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 3 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 100 thousand foreign workers in the country, including approximately 10,600 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. At year's end the country had ratified none of the International Labor Organization's (ILO) eight Fundamental Conventions and was not an ILO member.

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. In 2003 the government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries. However, 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.

The government adhered to the standards of ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

Due to economic conditions and reduced government hiring, unemployment has grown in recent years. However, most citizens who had employment commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for 2 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. The DOL may close a workplace where health, safety, or working conditions are unsatisfactory, and it has done so. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

At least 100 thousand foreign persons worked in the country. There were reports of foreign maids and other domestic workers who worked exceptionally long hours, did not have a rest day, and had their liberty severely restricted. 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 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 cannot be resolved, repatriation of foreign workers is at the expense of the employer, and all outstanding wages must be paid. The majority of abuse cases were settled out of court by the payment of financial compensation to the worker by the errant employer.

Since February the DOL has brought cases directly against employers who did not pay their workers. Formerly, such cases were brought by the Attorney General's Office and took much longer to prosecute. In March a military officer was fined approximately \$4 thousand (B\$6,668) or a jail sentence in default for not paying his maid for more than 23 months.

In September approximately 300 garment factory workers protested publicly over unpaid salaries of up to 6 months. The government intervened in the dispute, and embassies of the affected workers assisted in finding alternative employment for some workers. The government warned employers that they would be prosecuted if they defaulted on workers' salary payments or paid them late. In September the government filed charges for nonpayment of wages against the board of directors of the factory that employed the garment workers; among the accused was a former cabinet minister. In late November members of the board of directors were charged with 126 counts relating to unpaid salaries of 19 workers, and more charges were expected to be filed to reflect total number of workers not paid by the company.

The government also used the labor act's provisions to prosecute errant employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status.

In February 2004 the country amended its immigration laws by introducing retroactive 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 were in illegal status owing to their former employers' negligence. Diplomatic missions appealed to the government to delay the introduction of caning penalties and not apply the law retroactively. The government delayed the introduction of caning penalties until June 2004. Subsequently, numerous foreign persons found to be in illegal status received caning sentences in addition to jail time and fines.

In September nine Filipino workers who had been duped by home-based recruiters into coming to the country on social visit passes and were subsequently unable to work legally were repatriated by their embassy. In 2004 several hundred Bangladeshi workers were duped by foreign and local manpower agents into paying high recruitment fees to obtain a three-month short-term work contract. Many of the workers subsequently were not able to transfer to standard two-year contracts, and some lapsed into illegal immigration status. Diplomatic missions again appealed to the government for leniency for these persons, and the government granted their request. The government subsequently closed this loophole by requiring employment agencies to register and limiting work permit renewals to registered agents.

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