



## Brunei

### Country Reports on Human Rights Practices - [2000](#)

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Brunei Darussalam, a small, wealthy monarchy located on the north coast of Borneo, is a sultanate ruled by the same family for 600 years. The 1959 Constitution provided for the first delegation of political power by the late Sultan Omar Ali Saifuddin to an appointed council of state, but in 1962 the then Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers have been regularly renewed, most recently in July. In August the Foreign Minister confirmed that a review of the Constitution had been submitted to the Sultan for approval, and that "an element of an election" was in this report. Although not all the articles of the Constitution are suspended, 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, superintendent general of the Royal Brunei Police Force, and leader of the Islamic faith.

The police force, which has responsibility for internal security, reports to the Prime Minister's office, which includes an Internal Security Department, and is firmly under the control of civil authorities.

Brunei's large oil and natural gas reserves, coupled with its small population, give it a very high per capita gross national product. The worldwide recovery in oil prices that began in 1998 has helped restore the country's cash flow; however, the economy still continued to feel the effects of the Amedeo Corporation's collapse. The corporation, which was owned by the Sultan's brother Jefri, is being liquidated to pay debts amounting to more than \$6 billion.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties, and problems remain. In practice citizens do not have the right to change their government, and they generally avoid political activity of any kind. Nor, constitutional provisions notwithstanding, do they genuinely exercise the freedoms of speech, press, assembly, and association. Other human rights problems continued, including restriction of religious freedom and discrimination against women. Despite government efforts, occasional societal violence against women remains a problem.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In June 1998, an assistant superintendent of police was arrested and charged with the manslaughter of a Bangladeshi national. The police official allegedly used police premises to interrogate the Bangladeshi national over a personal business matter. During the interrogation, the police official allegedly beat and kicked the victim, who subsequently died of internal injuries. The police superintendent was convicted of a reduced charge of causing hurt, since pathologists could not conclude that the beating directly caused the victim's death. He was sentenced to 12 months in jail and ordered to pay \$12,050 (B\$20,000) to the deceased's family in compensation. The superintendent was dismissed from the police service.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

There were no reports of police mistreatment of prisoners. Any report of police mistreatment of prisoners would be investigated as a violation of the law. In 1988 caning became mandatory punishment for 42 drug-related and other criminal offenses and for vandalism. Since then, sentences of caning have been handed down and carried out in the presence of a doctor who monitors implementation and has the authority to interrupt and postpone the punishment for medical reasons. Caning generally is included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly prefer caning to lengthy incarceration.

Prison conditions meet minimum international standards. There is no overcrowding; however, there is a growing prison population, and a new facility to supplement the 60-year-old prison was completed in 1998. Prisoners receive regular medical checkups. Remand cells at police stations are Spartan.

Human rights monitors are not known to have requested prison visits; foreign diplomats have visited prisoners. Family members also can visit prisoners and bring food.

#### d. Arbitrary Arrest, Detention, or Exile

The law provides for a prompt judicial determination of the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally has used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees is published only after they are released. In 1997 two former rebel leaders were pardoned and released, after undergoing "religious indoctrination" and swearing loyalty to the Sultan (see Section 1.e.). Muhamad Yasin Abdul Rahman, age 76, who played a pivotal role in the abortive 1962 rebellion, was detained without trial for 12 years from 1962 to 1973, when he escaped from prison to live in exile in Malaysia. He returned to the country in 1997 and immediately was arrested and detained once more without trial. In 1999 he was released from detention after swearing an oath of loyalty to the Sultan and admitting his political "crimes."

In 1998 authorities arrested several citizens under the ISA for distributing defamatory letters containing allegations about the royal family and senior government officials connected with the collapse of the Amedeo Group, a large holding company headed by the former Finance Minister and Sultan's brother, Prince Jefri. The Government warned citizens that it would take action against anyone involved in such activities. There were no known arrests for publishing or distributing antigovernment literature during the year.

Under normal circumstances, a magistrate must endorse a warrant for arrest. Warrants are issued without this endorsement on rare occasions, 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.

Under the colonial-era Banishment Act of 1918, any person deemed to be a threat to the safety, peace, or welfare of Brunei, may be forcibly exiled either permanently or temporarily by the Sultan. Since independence, there have been no cases of banishment of citizens.

#### e. Denial of Fair Public Trial

The Constitution does not specifically provide for an independent judiciary. However, in 1996 in a landmark legal decision, the appellate-level High Court ruled that the court has powers independent of the prosecution and ordered a discharge in a car theft case under review, which amounted to an acquittal under the Criminal Procedure Code. So far the Government has not challenged the court's finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. In 1995 Brunei terminated appeal to the Privy Council in criminal cases. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and no trials of political opponents.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims.

At present there are no known political prisoners (see Section 1.d.).

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

Although the law permits government intrusion into the privacy of individual persons, families, or homes, this rarely happens. There were no reports of mail having been tampered with during the year. The Government at times prevents the importation of foreign newspapers and magazines (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there are no laws restricting freedom of speech and freedom of the press, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that are found objectionable, embarrassing, or critical of the Sultan, royal family, or government are not allowed into the country. Magazine articles with a Christian theme reportedly are censored. However, the growing use of fax machines, the Internet, and access to satellite transmissions make it increasingly difficult to keep such material from entering. The country's largest circulation daily newspaper, the Borneo Bulletin, appears to practice self-censorship in its choice of topics to avoid angering the Government, but it has instituted a new feature of letters to the editor, by which citizens some by name and some anonymously criticize the Government's handling of certain social, economic, and environmental issues. In 1997 the newspaper expanded its letters column to reflect the increase in letters. In July 1999, a second daily English-language newspaper, the News Express, began publication. It also features a letters page where citizens and residents express their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represents a modest extension of press freedom. The Government on occasion has been responsive to public opinion on some issues concerning social or environmental problems. The Internal Security Department reportedly no longer tries to obtain the names of people who complained to the newspapers about government services.

Although the only television station is government-owned, three Malaysian television channels are also received locally. Two satellite television networks are available, which offer a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government's tolerance of political criticism has not been tested recently because there is no organized opposition. Moreover, citizens generally make almost no criticism of the Government. In the past, the Government has not hesitated to arrest those who attempted to propagate unwelcome political views.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom to assemble for political purposes has not been tested seriously in recent years.

Following a 1967 ban on political parties, the Government allowed two parties to form in 1985 and 1986. It disbanded one of the parties in 1988. Political parties are allowed but they are not to engage in "activities that endanger people." Membership is open to all citizens, except civil servants and security force personnel, who together make up 60 percent of all employed citizens.

The remaining party, the Brunei Solidarity National Party (PPKB), which was inactive for several years, held an assembly in February 1995, April 1998, and again in February 2000 (attended by about 30 persons), reportedly with the consent of the Government. Following the 1998 General Assembly, party leaders expressed support for the Government's determination to investigate the Amedeo crisis, but the party appeared to be largely inactive. In October 1998, the Prime Minister's Office rebuked PPKB President Haji Mohamed Hatta over an interview he gave to a regional newsmagazine. The Prime Minister's Office described Hatta's portrayal of Brunei as "irresponsible, untrue, inaccurate, misleading, and embarrassing." The PPKB reportedly continues to be subject to internal disagreements.

The activities of international service organizations such as Rotary, Kiwanis, and the Lions continued to be constrained by the Government, which in 1995 reminded local leaders of these organizations that Muslims may not be members.

#### c. Freedom of Religion

The Constitution states that, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite 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, the Government only partially respects these rights, as it routinely restricts the practice of non-Islamic religions. The Government sporadically voiced alarm about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) have been "shown the error of their ways" in study seminars organized by mainstream Islamic religious leaders. The Government seems more concerned about these so-called Islamic "opportunists" than unwelcome political views. Moreover, the Government does not hesitate to investigate and to use its internal security apparatus against persons whom it considers purveyors of radical Islam.

In 1991 the Government began to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Muslim values by reasserting a national ideology known as the Malayhu Islam Beraja (MIB) or "Malay Muslim monarchy," the genesis of which reportedly dates to the 15th century. The Government in 1993 participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricts the practice of non-Muslim religions by: Prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in February 1998, the Government allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country's first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but as yet there is no broad trend toward increased religious freedom.

In September 1998, officials of the Islamic Propagation Center confiscated gold and other precious Buddhist and Christian icons from a number of goldsmiths in the capital, stating that the open display of these items "offended local sensitivities." The confiscations were made under the Undesirable Publications Act, which gives the Government wide-ranging powers. Several days later, the goldsmiths were informed that they could recover their property from the Ministry of Home Affairs. The Government also routinely censors magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols.

Since July 1998, the authorities sporadically have conducted raids on clubs frequented by foreign residents and foreign workers in order to confiscate alcohol and foodstuffs that were not prepared in accordance with "halal" requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). These actions continue and are regarded by the majority of citizens as upholding Islam. In July the Government briefly detained for questioning local members of a small Islamic group after the group's members in Malaysia reportedly were involved in an arms theft.

The Ministry of Education also restricted the teaching of the history of religion or other courses on religion in non-Islamic schools while requiring courses on Islam or the MIB in all schools. Only the Bandar Seri Begawan international schools are exempt from these restrictions.

#### 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. Otherwise the Government generally does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad; it is routinely granted.

No legal provision exists for granting temporary refuge, first asylum, 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 are unable to change their government; Brunei is a monarchy and there are no established democratic processes. Under the continuing state of emergency, there is no parliament, and political authority and control rests with the ruling monarch. Individuals may seek to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public.

A form of popular representation lies in a traditional system of village chiefs who, since 1992, are elected by secret ballot by all adults. These leaders communicate constituents' wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. In 1996 the Sultan officiated at the first General Assembly of the "mukim" (a group of villages) and village consultative council. Over 1,000 village chiefs from 150 villages and 35 mukim participated as delegates. The delegates were elected from among individual villagers, and the Government described the Assembly as "a grass roots level political system." However, the Sultan appoints all the council's advisers. The Government insists that ordinary citizens actually use these councils to present their grievances and to obtain redress.

The Sultan has an appointed Cabinet, the members of which serve as his principal advisors.

The lack of representative democratic government seriously limits the role of both men and women in government and politics; however, women are making progress. In 1997 the Sultan's sister, Princess Masna, became the second ranking official in the Ministry of Foreign Affairs, and for the first time two women were appointed as permanent secretaries, one in the Ministry of Education and the other in the Ministry Culture, Youth, and Sports. The first female High Court judge was appointed in 1999, and in 2000 a woman was named acting director of the Anticorruption Bureau.

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

No government or private organizations deal specifically with the protection of human rights. However, in 1997, for the first time, the Government entered into a human rights dialog with a foreign embassy and that dialog continues. There were no known allegations of abuses or requests to visit by international human rights groups.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Except for religion (see Section 2.c.), the Constitution does not contain specific provisions prohibiting discrimination based on the factors listed above.

##### Women

The extent to which spousal abuse may occur and go unreported is not known. In response to a perception that domestic violence was rising, in 1994 a special unit was established within the police department to investigate domestic violence complaints. Female officers staff the unit. Since 1995 a hot line has been in service for abused spouses and the public to report domestic violence. During 1999 approximately 10 women and their children stayed at a women's shelter run by the Social Affairs Services unit of the Ministry of Culture. The Social Affairs Services unit provides counseling for women and their spouses. In August 1999, a photograph of a man accused of stabbing his wife and assaulting one of his children was published in a daily newspaper, a new development in the country, where privacy generally is guarded closely. While Islamic courts usually discourage divorce in domestic violence cases, there appears to be a movement away from encouraging wives to reconcile with flagrantly abusive spouses. Islamic religious authorities recognize wife beating as grounds for divorce.

In 1999 the police recorded 91 cases of domestic abuse compared with 72 in 1998. The police also recorded 10 cases of rape and 10 molestations. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury would be punished by caning and a longer jail sentence. In September two members of the Royal Brunei Armed Forces were sentenced to 4 years' imprisonment and three strokes of the cane for the attempted molestation and sodomy of a 20-year-old deaf girl. In October 1999, a man convicted of assaulting his former wife with a knife and a piece of wood on three separate occasions, received three concurrent sentences of 2 years and 6 months in prison and three strokes of the cane. He also received a 6-month prison sentence for assaulting his 7-year-old daughter. Also in 1999, a man impersonating a religious inspector who raped and extorted money from a woman he found in a compromising situation with her boyfriend was sentenced to 12 years in prison and 6 strokes of the cane.

One area of apparent abuse involves female domestic servants. While the level of violence in society is low, beating of servants--or refusing them the right to leave the house on days off, sometimes on grounds that they "might encounter the wrong company"--is less socially unacceptable behavior. Since most female domestics are foreign workers who are highly dependent on their employers, those subject to abuse may be unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints are brought, the Government generally is quick to investigate allegations of abuse and impose fines and punishment as warranted.

In accordance with Koranic precepts, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. Under the Brunei Nationality Act, citizenship is transmitted through males only. Female citizens who are married to foreigners or bear children by foreign fathers cannot transmit citizenship to their children, even when such children are born in the country. This has resulted in the creation of a sizable population of stateless children, estimated at more than 5,000 residents, who are entitled to live in the country and to be documented for travel by the Government, but who cannot enjoy the full privileges of citizenship, including the right to own land.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women who do not have university degrees are eligible to hold government positions only on a month-to-month basis. While recent changes eliminated some previous inequities, women in month-to-month positions continue to receive slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There are no separate pay scales for men and women, and in recent years there has been a major influx of women into the work force. Women serve in a wide variety of capacities in the armed forces, although they are not permitted to serve in combat. The number of female university graduates is increasing, and nearly two-thirds of Brunei University's entering class is female.

Religious authorities strongly encourage Muslim women to wear the tudong, a traditional head covering, and many women do so. However, some Muslim women do not, and there is no official pressure on non-Muslim women to do so. All female students in government-operated schools are required to wear the tudong; students in nongovernment schools are encouraged to wear it.

In July 1999, a new Married Women's Law came into effect, improving significantly the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. In November 1999, changes to the Islamic Family Law (in the section on Women's Position in Marriage and Divorce) came into effect and are expected to improve the marital rights of Muslim women.

#### Children

No statistics are 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 provides most children a healthy and nurturing environment. Education is free, compulsory, and universal for 9 years. With a few exceptions involving small villages in extremely remote areas, nutritional standards are high, and poverty is almost unknown. There were 5 reported cases of child abuse in 1999. In 1996 the High Court convicted a father of child abuse. The Chief Justice sentenced him to 20 years in prison and ordered him caned with 20 strokes of the rattan for causing the death of his 3-year-old daughter and grievous hurt to another 2 of his children.

#### People with Disabilities

No legislation mandating accessibility or other assistance for disabled persons has been passed. The Government is attempting to provide educational services for children with disabilities, although these efforts are not yet adequate to address the situation. Teachers are still being trained to deal with disabled children, and some children have no educational opportunities. A special facility with trained educators is needed to accommodate the disabled children who cannot be assimilated into normal classrooms, and the Ministry of Education is studying the problem.

#### Indigenous People

The 6 percent of the population that is composed of indigenous people long has been integrated into society, and enjoys the same rights as other citizens.

#### National/Racial/Ethnic Minorities

Some members of non-Malay minorities, such as ethnic Chinese, including those born and raised in the country, are not automatically accorded citizenship and its attendant rights, and must travel abroad as stateless persons. Brunei's colonial-era naturalization laws are widely viewed as out of date and in need of reform.

## Section 6 Worker Rights

### a. The Right of Association

Trade unions are legal but must be registered with the Government. The three registered trade unions--one passive and two generally inactive--are all in the oil sector and have a total membership amounting to less than 5 percent of that industry's work force. All workers, including civil servants other than those serving in the military and police, may form or join trade unions. Unions are independent of the Government.

The 1962 Trade Unions Act permits the formation of trade union federations but forbids affiliation with international labor organizations. An individual contract is required between an employer and each employee, but legal trade union activities cannot be deemed to violate employee contracts. Local legal experts interpret this provision as conferring the right to strike, but there have been no strikes. Brunei is not a member of the International Labor Organization.

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

The Government has not prevented the legal registration of trade unions, nor has it dissolved any. The Government did not interfere with lawful union activity. It is illegal to refuse employment or discriminate against an employee on the basis of membership or nonmembership in a trade union. While unions are legal and easy to register, conditions are not conducive to the development of trade unions. There is little interest on the part of workers in forming trade unions, and existing unions are not very active. The law is silent on collective bargaining, and it occurs in only a few industries. There are few industries of the kind in which unions have traditionally developed. Also cultural tradition favors consensus over confrontation. Wage and benefit packages are based on market conditions and tend to be generous.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ), established in May 1994.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor including forced and bonded labor by children, and there are no known cases of forced labor.

In 1997 a foreign beauty contest winner brought suit in a foreign court against members of the Brunei royal family alleging that she and six other women were brought to Brunei in 1996 and subsequently held against their will for purposes of sexual exploitation. A statement by the royal family called the case "frivolous and groundless." The Sultan's sovereign immunity was recognized, and the court accepted Prince Jefri's claim of immunity. The case was closed formally in December 1999.

### d. Status of Child Labor Practices and Minimum Age for Employment

The 1954 Labor Enactment Laws prohibits the employment of children below the age of 16. Education is free, compulsory, and universal through grade nine. Parental consent and approval by the Labor Commission is required for those below the age of 18. Female minors under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforces laws on the employment of children. There were no reports of violations of the child labor laws. Forced and bonded labor by children is prohibited and it is not practiced (see Section 6.c.).

### e. Acceptable Conditions of Work

Skilled labor is in short supply, and market forces enable most citizens to command good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours a week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspects working conditions on a routine basis and in response to complaints. The DOL generally enforces labor regulations effectively. However, in the unskilled labor sector enforcement is lax, especially for foreign laborers (see Section 5). The DOL is empowered to

close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so in the past. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but in practice this is unlikely to happen.

f. Trafficking in Persons

The Law for the Protection of Women and Girls prohibits trafficking whether or not for the purpose of prostitution. There are occasional reports of women entering the country for purposes of prostitution (which is illegal), but they usually are deported swiftly.

[End.]