

BRUNEI 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brunei Darussalam is a monarchy that the same family has ruled for more than 600 years. Sultan Haji Hassanal Bolkiah governed under long-standing emergency powers that place few limits on his authority. The Legislative Council (LegCo), composed of appointed, indirectly elected, and ex officio members, met during the year and exercised a limited role in recommending and approving legislation. The sultan maintained effective control over the security forces.

On May 1, Brunei began to implement the first phase of the country's Syariah (sharia) Penal Code (SPC) in parallel with the existing common law-based criminal law system, which remains in place. The first phase of the SPC, which is in effect, primarily involves offenses punishable by fines or imprisonment. It expands existing restrictions on drinking alcohol, eating in public during the fasting hours of Ramadan, cross-dressing, and propagating religions other than Islam. Two additional phases of the SPC, which had not been implemented by year's end, would introduce severe punishments such as stoning to death for persons convicted of fornication, adultery, or anal sex; amputation of hands for theft; and death for apostasy or contempt of the Prophet Mohammed.

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

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law does not specifically prohibit torture. There were no reports of torture, or rape and sexual abuse by government agents during the year. Caning is mandatory for 12 criminal offenses. Between January and December, authorities caned 80 persons. Canings were carried out in the presence of a doctor, who had the authority to interrupt the punishment for medical reasons. The government applied laws carrying a sentence of caning impartially.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: As of September 22, there were 554 inmates in prisons. Jerudong Prison held 253 inmates and Maraburong Prison held 253 inmates. There were 48 female inmates held at a separate facility in the Jerudong Prison compound. There were 43 inmates awaiting trial. The most common crimes for which authorities arrested or imprisoned individuals related to drugs or theft. Prison conditions did not vary by inmate gender. Prisoners had access to potable water. Juveniles were not subject to imprisonment, but courts sent juvenile offenders to detention centers and rehabilitation homes. The maximum sentence for juvenile offenders is six months in a detention center, where authorities held them separately from adult inmates.

The government reported that as of September 22, there were no deaths in prisons, jails, or pretrial detention centers.

Administration: Recordkeeping on prisoners appeared to be adequate, and prisoners and detainees had access to visitors. Prison authorities permitted family members to visit prisoners and bring food. The government amended the Children and Young Person's Order so that juvenile offenders can be sentenced to probation and ordered to perform community service instead of serving time in a detention or rehabilitation center. As of September 22, the courts sentenced 13 adult offenders convicted of nonviolent crimes to alternative sentences in lieu of imprisonment and fines. Alternatives included probation, community service, and absolute or

conditional discharge. The law requires inmates be permitted to practice their religions, provision be made for religious services, and ministers be permitted to visit prisoners. There were no reports that authorities did not allow the practice of religion. A government-appointed committee composed of retired government officials monitored prison conditions and investigated complaints of inhuman conditions.

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

Independent Monitoring: There were no reports human rights monitors requested prison visits. Foreign diplomats had consular access to detained nationals but not to cells or facilities inside the prisons.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Royal Brunei Police Force and Internal Security Department (ISD), which fall under the direct control of the Prime Minister's Office, have primary responsibility for enforcing laws and maintaining order. The Departments of Labor and Immigration in the Ministry of Home Affairs also hold limited law enforcement powers for labor and immigration offenses. Religious enforcement officers under the Ministry of Religious Affairs were responsible for enforcing sharia (Islamic law), but their powers to detain were limited to cases involving disturbing the peace or refusing to provide identification. Civilian authorities maintained effective control over the police, the ISD, and the labor, immigration, and religious enforcement departments. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment of Detainees

A magistrate must endorse a warrant for arrest, except when police are unable to obtain an endorsement in time to prevent the flight of a suspect. Police officers have broad powers to arrest without warrants persons caught in the act of committing a crime. After arrest, police may detain a suspect up to 48 hours for investigation before bringing the individual before a magistrate. Police stations maintain a policy of no access to detained individuals during that time. There were no reports authorities detained persons without a hearing. Authorities reportedly informed detainees promptly of the charges against them. Information on detainees was made public only after the 48-hour investigative period. Detainees are subject to additional detention after the initial 48 hours based upon a request by police but only upon approval of a magistrate. The criminal procedure code allows for bail except in cases designated as “discretionary” by law. Detainees generally had prompt access after the 48-hour investigation period to lawyers and family visitations, although police may deny access in exceptional cases, such as probable cause to suspect witness tampering. There is no 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 Internal Security Act (ISA) permits the government to detain suspects without trial for renewable two-year periods. The government convenes an independent advisory board consisting of executive and judicial branch officials to review individual ISA detentions and recommend whether they should be renewed for an additional two years. There were no detainees held under the ISA.

Amnesty: The government reported the sultan granted amnesty to one person as of September.

e. Denial of Fair Public Trial

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

Trial Procedures

Secular law, based on English common law, provides for the right to a fair trial, and the judiciary generally enforced this right.

Defendants in criminal proceedings are presumed innocent. A judge or panel of judges conducts most criminal cases in public trials. Defendants do not enjoy the

right to trial by jury. Procedural safeguards include the right to have a defense counsel and an interpreter, confront accusers, cross-examine witnesses, call witnesses, present evidence, and to be told promptly and in detail of the charges. There were no reports defendants were not allowed adequate time or facilities to prepare their defense. Lawyers have access to the accused once charges are filed through the trial process, but not during initial questioning. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right not to testify or confess guilt. Defendants have a right of appeal.

Individuals detained under the ISA neither have the right to legal counsel nor are they presumed innocent. There were no ISA detainees during the year.

While sharia courts have long had jurisdiction over civil matters where at least one party is Muslim, the new SPC applies to both Muslims and non-Muslims. In May the government began implementation of the SPC, which contains evidentiary and witness standards different from common law. Among other differences, the SPC requires that at least four male Muslim witnesses, who are held to be free of common sin, must personally witness an act of fornication in which at least one participant is a Muslim in order to uphold a sentence of stoning to death, or the defendant must freely admit the act.

The initial implementation phase included fines and jail terms for indecent behavior, failure to attend Friday prayers, and out-of-wedlock pregnancies.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law permits government intrusion into the privacy of individuals, families, and homes. The government monitored private e-mail, cell phone messaging, and internet chat room exchanges suspected of being subversive. An informant system

was part of the government's internal security apparatus to monitor suspected dissidents. Persons who published comments on social media critical of government policy, both on public blogs and personal sites such as Facebook, reported their comments were monitored. In some cases persons were told by friends or colleagues in the government they were being monitored; in other cases it appeared critical comments were brought to the attention of authorities by private complainants.

Sharia permits enforcement of khalwat, a prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or close relative. As of September the government reported 21 khalwat cases involving 42 suspects. There were 15 non-Brunei citizens arrested for khalwat. Both Muslims and non-Muslims may be arrested for khalwat under the SPC.

There was no change in the status of the Brunei People's Party, which has been banned since 1962.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Members of the LegCo are allowed to "speak their opinions freely," but they are prohibited from using language or exhibiting behavior deemed "irresponsible, derogatory, scandalous, or injurious." Under the Sedition Act, it is an offense to challenge the royal family's authority. The act also makes it an offense to challenge "the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept." The all-pervasive ideology that underscores the Sedition Act is that Islam is the state religion and monarchical rule is the sole governance to uphold the rights and privileges of the Brunei Malay race.

After criticism of the SPC appeared in traditional and social media, the sultan warned such criticism could be considered an offense under the SPC, which includes provisions barring contempt for or insult of the sultan, administration of sharia, or any law related to the religion of Islam. No cases of persons charged under these sections were reported, but online criticism of the law largely ended after the sultan's warning, and online newspapers ceased allowing comments on stories.

Press Freedoms: The Sedition Act requires local newspapers to obtain operating licenses and prior government approval of foreign editorial staff, journalists, and printers. The law also gives the government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit. The law allows the government to close a newspaper without giving prior notice or showing cause.

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

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

Censorship or Content Restrictions: The Sedition Act provides for prosecution of newspaper publishers, proprietors, or editors who publish anything allegedly having a seditious intent. The government can suspend publication for up to one year and prohibit publishers, printers, or editors from publishing, writing, or editing any other newspaper. The government can also seize printing equipment. Persons convicted under the act face fines of up to 5,000 Brunei dollars (BND) (\$4,000) and jail terms of up to three years. Journalists deemed to have published or written “false and malicious” reports could be subjected to fines or prison sentences. The government reported most of its censorship was to stop violent content from coming into the country.

The SPC included regulations barring the publication or importation of publications giving instruction in Islam contrary to sharia. It also barred the distribution of publications related to religions other than Islam to Muslims or persons with no religion. The SPC bars the publication, broadcast, or public expression of a list of words generally associated with Islam (such as the Quran) in a non-Islamic context. The SPC also prohibits religious teaching without written approval. There were no reports of charges being brought under these regulations.

Journalists commonly reported practicing self-censorship because of social pressure and legal concerns.

Internet Freedom

A majority of the population had access to the internet, and the country had a high rate of Facebook and Twitter usage. Social media websites were widely accessible. The government monitored private e-mail and internet chat room exchanges believed to be subversive. The Ministry of Communications and the Prime Minister's Office enforced the law that requires internet service providers and internet cafe operators to register with the director of broadcasting in the Prime Minister's Office. The Attorney General's Chambers and Authority for Information Communications Technology Industry advised internet service and content providers to monitor for content contrary to public interest, national harmony, and social morals. The government blocked websites with sexually explicit material, and internet companies may self-censor content and reserve the right to cut off internet access without prior notice. The government also ran an awareness campaign aimed at warning citizens about the misuse and social ills associated with social media.

Academic Freedom and Cultural Events

While there were no government restrictions on academic freedom, some researchers chose to publish from overseas under a pseudonym when they perceived certain subject matter would not be well received. A censorship board made up of officials from the Prime Minister's Office and the Ministries of Home Affairs and Religious Affairs determined the suitability of concerts, movies, cultural shows, and other public performances. Religious authorities reviewed publications to ensure compliance with social norms. In April the Islamic Religious Council canceled a series of planned speeches by a foreign speaker based on concern he would promote Wahhabist views.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Under the emergency powers, the government restricted the right to assemble. According to the Societies Order, public gatherings of 10 or more persons require a government permit, and police have the authority to stop an unofficial assembly of five or more persons deemed likely to cause a disturbance of the peace. Government permits require the approval of a minister, but the government routinely issued permits for annual events.

Freedom of Association

The law does not provide for freedom of association. It requires formal groups, including religious, social, and cultural organizations, to register with the Registrar of Societies and provide regular reports on membership and finances. Applicants were subject to background checks, and proposed organizations were subject to naming requirements, including a prohibition on names or symbols linked to triad societies (Chinese organized crime networks). Organizations dealt with matters such as pollution, wildlife preservation, arts, entrepreneurialism, and women in business, but there were no organizations focused on human rights or religious freedom. During the year three new societies were approved with no reports of disapprovals. The government reported the majority of applications to form associations were accepted.

A longstanding Brunei Oil Workers Union operated without reports of government interference, but unions were not common (see section 7.a.). There were no reports of demonstrations, attempted demonstrations, or use of force to prevent demonstrations.

c. Freedom of Religion

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

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

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

Foreign Travel: Government employees, including both citizens and foreigners working on a contractual basis, must apply for approval to go abroad. The government's guidelines state no government official may travel alone and unrelated male and female officers may not travel together, and after the sultan called for this guideline to be enforced, it was increasingly observed in practice. Brunei passports state the bearer may not travel to Israel.

Exile: By law the sultan may forcibly exile, permanently or temporarily, any person deemed a threat to the safety, peace, or welfare of the country. There have been no cases of banishment since the country became fully independent in 1984.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. As in past years, there were no such expulsions or returns during the year.

Stateless Persons

Citizenship is derived through one's parents rather than through birth within the country's territory. The most recent Population and Housing Census, conducted in 2011, reported 13,310 stateless persons normally resident in the country. The Department of Immigration recorded 20,524 stateless persons entering and departing the country in 2012, which included both persons normally resident and stateless persons holding Bruneian travel documents but residing outside the country. The vast majority of stateless persons are issued a certificate of identification (COI), which looks like and functions as a passport. The holders of COIs have rights including subsidized health care and access to education similar to those of permanent residents. The government had no data available on stateless persons who hold no form of residency or COI. A significant number of stateless persons were of Chinese or aboriginal descent. Chinese were the largest non-Malay minority group. All citizenship applicants must pass a test demonstrating sufficient knowledge of Malay culture and language.

Stateless persons can obtain citizenship through an application process if they are permanent residents who have contributed to the country's economic growth, spouses married to citizens for two years, women married to permanent residents for five years, or children of permanent resident fathers after the age of two years and six months. Citizenship is also granted to permanent residents born abroad if they have reached 18 years of age, hold an entry permit, and have continuously resided in the country for at least 20 years. The same citizenship requirements apply to permanent residents born in the country, but these individuals are required to have held an entry permit for more than 12 years and to have lived continuously in the country for at least two years.

Children of citizen mothers are subject to a separate application process to confirm citizenship, because transmission of citizenship can be automatically assumed only for children of citizen fathers. A citizen mother must apply for citizenship for her child if the father is not present. The government then grants the child a COI, the

same document given stateless permanent residents. Government policy mandates a child born in the country to stateless parents must apply for a special pass.

Permanent residents do not have the right to own land and are not entitled to full subsidized health care or higher education. The law allows permanent residents to lease property for a maximum of 99 years. In lieu of passports, the government issued COIs to allow these persons international travel and re-entry; foreign visas may be entered in the certificates.

Stateless persons without permanent resident status or holding a COI received no benefits from the government and held no form of identification, which made them ineligible for any government-provided amenities such as health care, education, and, to a large extent, employment. Government agencies offered welfare services to stateless persons unable to gain access to basic needs. The Ministry of Home Affairs also pushed to expedite the permanent resident registration of the country's stateless persons if they met all necessary requirements. The strict procedure in assessing the applications continued to cause bureaucratic delays for stateless applicants.

From January 1 to October 1, 348 persons obtained citizenship after an average waiting period of 1.5 to 2.5 years, according to the government. Of those, 179 persons were previously holders of COIs.

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

Citizens do not have the ability to change their government through free and fair elections based on universal suffrage. The sultan rules through hereditary birthright. While the country is a constitutional sultanate, in 1962 the then ruler invoked an article of the constitution that allowed him to assume emergency powers. The sultan continued the practice, which places few limits on his power.

Elections and Political Participation

Recent Elections: Political authority and control rested entirely with the sultan. A LegCo of primarily appointed members and little independent power provides a forum for public discussion of proposed government programs, as well as administrative deficiencies. It convenes once a year for approximately two weeks after which it is dissolved. The 10th LegCo session was held in May. Council members serve a five-year term at the behest of the sultan and may be disqualified

from service on the basis of various offenses, including disloyalty to the head of state.

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

Political Parties and Political Participation: The National Development Party is the only registered political party. The party pledged to support the sultan and the government. The party criticized administrative deficiencies, but its few activities received limited publicity, and restrictions hindered its membership.

Participation of Women and Minorities: Datin Hayati, the first appointed female cabinet member, served as attorney general. One other woman held ministerial rank: Princess Masna, ambassador-at-large in the Ministry of Foreign Affairs and Trade. There was one female deputy minister: Deputy Minister for Culture, Youth, and Sports Datin Adina. There were five female permanent secretaries, seven deputy permanent secretaries, two women appointed to the LegCo, and four female ambassadors. The government sector employed women throughout, and many held senior positions.

The constitution requires that all ministers be of Malay ethnicity and Muslim except as permitted by the sultan. The government reported ethnic Chinese held one cabinet-level post, minister of foreign affairs II, and two LegCo positions. Members of tribal minorities also held senior government positions, but statistics were not available.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively, although officials sometimes engaged in corrupt practices.

Corruption: A surveyor general from the Ministry of Development charged with graft and accepting bribes in 2012 was charged in 2014 under the Prevention of Corruption Act and section 165 of the Penal Code, which forbids public servants

from obtaining “valuable things” in the line of duty. He pleaded not guilty, and his trial continued at year’s end.

Other isolated incidents involved low-ranking officials accepting small bribes, including a customs officer accused of accepting bribes from a suspected cigarette smuggler and a police constable accused of accepting a laptop from a man suspected of committing khalwat. Between August 2013 and August 2014, the Anticorruption Bureau investigated 97 cases and charged 16 individuals in court, resulting in nine convictions and five acquittals. The bureau was appropriately resourced and held regular corruption prevention programs.

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

Public Access to Information: There is no law that specifically provides for public access to government information, although much government information was publicly available. During the year the LegCo approved, and the government published, a summary of the budget for the fiscal year. The law provides that no court can compel any person to give evidence relating to unpublished government records unless the relevant ministry’s permanent secretary gives consent.

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

No civil society organizations dealt directly with human rights, and there were no reports of international human rights organizations operating in the country. 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.

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

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

Women

Rape and Domestic Violence: The law stipulates imprisonment of up to 30 years and caning with no fewer than 12 strokes for rape. The law does not criminalize spousal rape. It explicitly states that sexual intercourse by a man with his wife is not rape, as long as she is not under age 14 (see section 6, Children). Protections against sexual assault by a spouse are provided under the law, and the penalty for breaching a protection order is a fine not exceeding BND2,000 (\$1,600) or imprisonment not exceeding six months. From January through September, 11 cases of rape were under investigation and one case under prosecution. There was one reported case of rape committed by a government agent, but this was outside of his official capacity. There were no reports of rape or sexual abuse during an arrest or detention.

There is no specific domestic violence law, but authorities arrested individuals in domestic violence cases under the Women and Girls Protection Act. The police investigated domestic violence only in response to a report by a victim. The police were responsive in the investigation of such cases. Through September, 27 cases of domestic abuse were reported, of which 24 remained under investigation, two were being prosecuted, and one resulted in a conviction. The criminal penalty for a minor domestic assault is one to two weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer prison sentence.

A special unit staffed by female officers existed within the police to investigate domestic abuse and child abuse complaints. A hotline was available for persons to report domestic violence. The Department of Community Development in the Ministry of Culture, Youth, and Sports provided counseling for women and their spouses. Based on individual circumstances, some female and minor victims were placed in protective custody at a government-sponsored shelter while waiting for their cases to be brought to court.

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

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

Sexual Harassment: The law prohibits sexual harassment and stipulates whoever assaults or uses criminal force, intending thereby to outrage or knowing the act is likely to outrage the modesty of a person, shall be punished with imprisonment for as many as five years and caning. The government reported 21 cases of sexual harassment through September, resulting in 21 arrests, two convictions, two cases reprimanded, five cases with prosecutors, and 11 cases under prosecution. One case was dismissed.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, to have the information and means to do so, and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Government and private clinics provided access to modern contraceptive devices and methods. Citizens enjoyed free medical and health care, prenatal care, and essential obstetric and postpartum care. Women had equal access to diagnostic and treatment facilities for sexually transmitted diseases.

Discrimination: In accordance with the government's interpretation of the Quran's precepts, Muslim women have rights similar to those of Muslim men in areas such as divorce and child custody. Islamic law requires that males receive twice the inheritance of women. Civil law permits female citizens to own property and other assets, including business properties. Noncitizen male spouses of female citizens cannot apply for permanent resident status until they reside in the country for at least seven years. Noncitizen female spouses of male citizens, on the other hand, can apply for permanent resident status after two years of marriage. Female citizens may pass their nationality to their children, but only through an application process.

Women with permanent positions in the government can apply for travel allowances for their children, but they could not do so for their husbands working in the private sector. With this exception, they received the same allowance privileges as their male counterparts. According to government statistics, women comprised 57 percent of the civil service and held 28 percent of senior management posts. Women were not discriminated against in access to employment and business. Some professions are designated as women's professions, and men noted discrimination during hiring. There is no law requiring equal pay for equal work.

Women continued to occupy positions of senior leadership up to the ministerial level. In the Ministry of Foreign Affairs and Trade and other government

agencies, women constituted the majority of the workforce. In the private sector, women held senior positions at major companies in most sectors.

Children

Birth Registration: Citizenship is derived through one's father rather than through birth within the country's territory. Female citizens may pass their nationality to their children, but only through an application process. Birth registration is universal and immediate except for Dusun and Iban indigenous persons in rural areas (see section 6, Indigenous People). Parents with stateless status are required to apply for a special pass for a child born in the country; failure to register a child makes it difficult to enroll the child in school.

Child Abuse: As of September the government reported 24 cases of child abuse with four cases under prosecution and no convictions. The Royal Brunei Police Force hosts a specialized Woman and Child Abuse Crime Investigation Unit, and the Ministry of Culture, Youth, and Sports provided shelter and care to victims.

Early and Forced Marriage: The legal minimum age of marriage for both boys and girls is 14 with parental and participant consent, unless otherwise stipulated by religion or custom under the law, which generally set a higher minimum age. The Islamic Family Act sets the minimum marriageable age at 16 for Muslim girls and 18 for Muslim men and makes it an offense to use force, threat, or deception to compel a person to marry against his or her will. Ethnic Chinese must be age 15 or older to marry, according to the Chinese Marriage Act, which also stipulates sexual intercourse with an ethnic Chinese girl under age 15 is considered rape even if it is with her spouse.

Female Genital Mutilation/Cutting (FGM/C): No law criminalizes or requires FGM/C. Severe cases may be charged under laws against endangering the life or safety of others. There were no statistics on the prevalence of FGM/C, but the government reported that in general it is done within 40 days of birth on the basis of religious belief, health, and customs. The Ministry of Religious Affairs has declared circumcision for Muslim women (sunat) a religious rite obligatory under Islam and described it as the removal of the hood of the clitoris (Type I per World Health Organization [WHO] classification). The government does not consider this practice to be FGM/C and reported the country supports WHO's call for the elimination of FGM and the call for member countries to enact and enforce legislation to protect girls and women from all forms of violence including FGM. The government reported it requested a change to the WHO type I classification

and that the practice rarely resembles the type I description. The government reported the practice had not caused medical complications or complaints.

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

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

Anti-Semitism

There were no known Jewish communities in the country. Comments disparaging Jewish persons collectively were posted online and in at least one case published as a letter to the editor of a leading newspaper. Such comments were generally linked to Israel’s actions in Gaza during the year.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt/>.

Persons with Disabilities

The law does not prohibit discrimination against or mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities. There was no information available regarding possible abuse in educational and mental health facilities. The Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

Nine NGOs operated in the country and represented persons with disabilities. They worked to supplement services provided by the three government agencies which support persons with disabilities. The NGOs received some funding from the government through the Ministry of Culture, Youth, and Sports, and the Yayasan Sultan Haji Hassanal Bolkiah Foundation, as well as through charitable

events by local businesses. Public officials called for persons with disabilities to be included in everyday activities. Access to buildings, information, and communications for persons with disabilities was inconsistent.

National/Racial/Ethnic Minorities

The government emphasizes the importance of ethnic Malays in society through the national Malay Islamic Monarchy philosophy, which is enshrined in the constitution. Ethnic Malays, who constitute approximately two-thirds of the population, dominate the top levels of government and private enterprise, and under the constitution, ministers and most top officials must be Malay Muslims, although the sultan has the discretion to make exceptions. Members of the military must be indigenous Malay, a member of a specified indigenous group, or a nonindigenous Malay Muslim.

Foreigners and permanent residents can only own land on leasehold agreements which vary between 50- and 99-year titles. Stateless persons in particular did not have the documentation to purchase land and relied on powers of attorney to own land, often for generations. In 2012 the government announced land reforms that retroactively annulled powers of attorney used in land ownership and proposed to turn any land purchased under a power of attorney into 66-year leases, affecting up to 49,000 permanent residents and stateless persons. The reform particularly affected the ethnic-Chinese-owned land and aboriginal tribal lands, because these minorities make up most of the permanent residents and stateless persons in the country.

Indigenous People

A percentage of indigenous persons were stateless. In rural areas some indigenous persons did not register the birth of their children, thereby creating difficulties during school enrollment, access to health care, and employment. Indigenous lands were not specifically demarcated, and there were no specially designated representatives for indigenous groups in the LegCo or other government entities. Indigenous persons generally had minimal participation in decisions affecting their lands, cultures, and traditions and in the exploitation of energy, minerals, timber, or other natural resources on and under indigenous lands.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The common law makes it a criminal offense to have “carnal intercourse against the order of nature,” punishable by a fine and up to 10 years’ imprisonment. In cultural practice this included sexual relations between men. The SPC specifically bans anal sex between men or between a man and a woman not his wife and prohibits men from dressing as women or women dressing as men. Implementing regulations governing these provisions were not issued by year’s end.

There were no reports of arrests or prosecutions of lesbian, gay, bisexual, and transgender (LGBT) persons under either the common law or the SPC. There were no reports of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, although societal stigma may cause affected individuals to refrain from reporting such problems. Anecdotal information indicated LGBT individuals avoided disclosing their sexual orientations due to fear of societal or legal retribution. There were no NGOs working on human rights for LGBT persons in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers can form and join unions, but prohibits strikes and does not provide for collective bargaining. 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 of their choice without previous authorization or excessive requirements. The law prohibits employers from discriminating against workers in connection with union activities, but it does not provide for reinstatement for dismissal related to union activity. Foreign workers are excluded from the freedom of association.

Under the Trade Unions Act, unions must be registered with the government. While the law permits the formation of trade union federations, it forbids affiliation with international labor organizations unless there is consent from the minister of home affairs and the Department of Labor. The government enforced this legislation, although data on specific efforts and resources were not available.

There were no reports of government interference in union activity, and worker organizations were independent of the government. Employer discrimination against union members was not reported, and no violations of freedom of association or collective bargaining rights were reported.

The only union in the country was composed of Brunei Shell Petroleum workers. There were no other active unions or worker organizations. There were NGOs involved in labor concerns, such as wages, contracts, and working conditions. These NGOs operated openly in cooperation with relevant government agencies, and their activities were covered in the press.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but forced labor did occur. The Labor Department continued some efforts to enforce licensing requirements for all labor recruitment agencies, with three agencies under investigation for related violations. Conviction for forced labor could lead to penalties, including fines of up to BND1,000,000 (\$75,000), imprisonment for a period of four to 30 years, and whipping. The heads of Specialist Trafficking Units within the police continued to meet regularly to coordinate anti-trafficking policy and implement the national action plan to combat trafficking, including for forced labor.

Female migrant workers, who made up most of the domestic workers in the country, were particularly vulnerable to forced labor. Although it is illegal for employers to withhold wages of domestic workers for more than 10 days, some employers withheld wages from workers for longer periods. Retention of migrant workers' travel documents by employers or agents was also a common and generally accepted practice.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination with Respect to Employment or Occupation

The law does not explicitly prohibit discrimination with respect to employment and occupation. The law limits employment in government positions and the military on the basis of ethnic origin (see section 6, National/Racial/Ethnic Minorities).

There were no cases reported during the year.

e. Acceptable Conditions of Work

The law does not set a minimum wage. Instead, wages were set by contract between the employee and employer. Published reports calculated the average monthly compensation in the private sector to be BND1,830 (\$1,460) per worker by dividing the total compensation per month by the number of paid employees during the period. In the public sector, employees earned reasonable wages and were entitled to additional benefits such as housing and fuel allowances. While there is no established poverty line, the government was working with the Asian Development Bank to develop the methodology required to establish one.

The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two rest periods of 24 hours each week. The law provides for paid annual holidays, overtime for work in excess of 48 hours per week, and double time for work performed on legal holidays. The law also stipulates an employee may not work more than 72 hours of overtime per month. Government regulations establish occupational health and safety standards. Individuals were encouraged to report violations of health and safety standards, but the law does not explicitly protect the right to remove oneself from a hazardous workplace.

Government data from 2011, the most recent available, indicated approximately 85,000 foreigners lived in the country temporarily. Immigration law allows for prison sentences and caning for workers who overstay their work permits, for workers who fall into irregular status due to their employers' negligence, for irregular immigrants seeking work, and for foreign workers employed by companies other than their initial sponsor. The government enforced this law with regular immigration sweeps.

The Labor Department inspected working conditions both on a routine basis and in response to complaints. There were approximately 40 labor inspectors in the Labor Department, which was adequate to conduct mandated inspections. The government usually moved quickly to investigate abuses, and abusive employers faced criminal and civil penalties. The Labor Department had the power to

terminate the licenses of abusive employers and revoke their foreign labor quotas. The commissioner responsible for labor had the additional authority to protect foreign workers' rights. The majority of abuse cases were settled out of court through agreements under which the employer paid financial compensation to the worker. Observers did not indicate whether the penalties for violations of wage, hour, and health and safety standards were sufficient to deter noncompliance.

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

Many employed citizens commanded good salaries, but complaints about low wages were common, especially in entry-level positions. The government found that local employees in the private sector had an average monthly compensation rate of BND2,257 (\$1,800), compared with BND1,565 (\$1,300) for foreign workers. Wages for employed foreign residents were wide ranging. Some foreign embassies set minimum wage requirements for their nationals working in the country. Laws regarding working hours were frequently not observed for either local or migrant workers.

Government mediation by the Labor Department continued to be the most common means to resolve labor disputes. The government prosecuted employers who employed irregular immigrants or did not process workers' documents, rendering them irregular. When grievances could not be resolved, regulations require employers to pay for the repatriation of the foreign workers and all outstanding wages. By custom, particularly for low-skilled workers, some employers held employee passports and restricted employee activities during nonwork hours. The government forbade wage deductions by employers to agencies or sponsors and mandated that employees receive their full salaries, although many migrants arrived in situations of debt bondage which increased their vulnerability to labor abuse.

There were cases reported of nonpayment of salaries. The majority of cases involved domestic and construction workers. In many cases courts levied judicial penalties including convictions and fines against employers found guilty of nonpayment of wages. In other cases, however, foreign workers who filed grievances sometimes did not receive their back wages.

There were 167 workplace accidents in 2013, according to a published report that was the latest information available. The report did not indicate the number of workplace deaths, but another report recorded eight work-related deaths in 2012. Most accidents and deaths occurred in the construction sector.

On October 22, a beam collapsed at a construction site in Mumong, injuring nine foreign migrant workers. Media outlets reported the minister of development also confirmed the death of one foreign national worker at the same site two weeks prior. Work was suspended pending a review of the contractor's safety record and investigations by a number of government entities, including the Department of Labor, to determine if any risks remained.