

Brunei 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Brunei Darussalam during the year.

Significant human rights issues included credible reports of: degrading treatment or punishment by government authorities; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media, including censorship; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; trafficking in persons; the extensive practice of Type 4 female genital mutilation/cutting that constituted serious gender-based violence; and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although the law was not enforced.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law did not prohibit torture. Caning could be ordered for certain offenses under both secular law and sharia, and it was mandatory for some offenses. The country's Sharia Penal Code (SPC) included offenses punishable by corporal and capital punishments, including stoning to death, amputation of hands or feet, and caning. Neither stoning nor amputation were imposed or carried out during the year.

The SPC prohibited caning persons younger than 15. Secular law prohibited caning for women, girls, boys younger than eight, men older than 50, and those a doctor ruled unfit for caning. Juvenile boys older than eight could be caned with a "light rattan" stick. Canings were conducted in the presence of a doctor, who could interrupt the punishment for medical

reasons. The government generally applied laws carrying a sentence of caning impartially; the government sometimes deported foreigners in lieu of caning. The sharia court did not hand down any sentences imposing other corporal or capital punishments.

There were no reports of impunity involving the security forces.

Prison and Detention Center Conditions

The government reported prison overcrowding.

Abusive Physical Conditions: In 2021, the last year for which information was provided, Ministry of Home Affairs reported 841 prison inmates, exceeding the maximum prison capacity of 585.

Administration: A government-appointed committee composed of retired government officials monitored prison conditions and investigated complaints concerning prison and detention center conditions.

The prison system had an ombudsman's office through which judicial officials, Legislative Council members, community leaders, and representatives of public institutions visited inmates monthly. A prisoner could complain to a visiting judge, the superintendent, the officer in charge, or, in the case of women prisoners, the matron in charge.

"Spiritual rehabilitation" programs were compulsory for Muslim inmates.

Sharia convicts were held in the same prison facilities but separated from inmates convicted in the secular courts. Sharia convicts were subject to the same regulations as secular convicts.

Independent Monitoring: There were no reports of independent domestic or international nongovernmental organizations (NGOs) monitoring prison conditions.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of persons arrested for secular (not sharia) offenses to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements but could supersede them by invoking emergency powers.

Arrest Procedures and Treatment of Detainees

A magistrate had to endorse a warrant for arrest, except when police were unable to obtain an endorsement in time to prevent the flight of a suspect or when a suspect was apprehended in the act of committing a crime. After an arrest, police could detain a suspect for a maximum of 48 hours for investigation before bringing the suspect before a magistrate or sharia judge. Secular law and sharia enforcement agencies respected and upheld this right. Police stations maintained a policy of no access to detained

individuals during the 48-hour investigative period, including by attorneys. Authorities could hold detainees beyond the initial 48 hours with the approval of a magistrate or sharia judge.

Authorities reportedly informed detainees promptly of the charges against them. Authorities made information on detainees public after the 48-hour investigative period. Subject to court order, police could deny visitor access after the 48-hour investigative period in exceptional cases, such as when probable cause to suspect witness tampering existed.

The law allowed for bail at the discretion of the judge overseeing the case. There was no provision for providing pro bono legal counsel to poor defendants, except in capital offenses. In noncapital cases, indigent defendants could have to act as their own lawyers. Some NGOs provided pro bono legal service to indigent defendants in noncapital cases before secular courts. There were no reports of suspects being held incommunicado or without access to an attorney after the initial 48-hour investigative period, except in Internal Security Act cases.

Authorities could detain persons without a hearing in cases of detention or arrest under the Internal Security Act, which permitted the government to detain suspects without trial for renewable two-year periods. In these cases, the government convened an independent advisory board consisting of senior security and judicial officials to review individual detentions and report to the minister of home affairs. The minister was required to notify

detainees in writing of the grounds for their detention and of relevant allegations of fact. The advisory board had to review individual detentions annually.

The Sharia Penal Code operated in parallel with the country's common law courts. In cases involving offenses covered by both the SPC and secular law – such as murder, rape, and theft – an “assessment committee” including a secular law prosecutor, a sharia prosecutor, a regular police officer, and a religious enforcement officer determined whether the secular or sharia court system would try the case. The committee's deliberations and the grounds for its decisions were not made public. If a dispute arose, the attorney general acted as final arbiter.

e. Denial of Fair Public Trial

The law did not provide specifically for an independent judiciary, and both the secular and sharia courts fell administratively under the Prime Minister's Office, run by the sultan as prime minister and the crown prince as senior minister. The government generally respected judicial independence, however, and there were no known instances of government interference with the judiciary. In both judicial systems, the sultan appointed all higher-court judges, who served at his pleasure.

Trial Procedures

Secular law provided for the right to a fair, timely, and public trial, and the judiciary generally enforced this right. The Internal Security Act, which was part of secular law, allowed for preventative detention in cases of subversion and organized violence. Sharia procedures did not specifically provide for the right to a fair trial.

In general, defendants in sharia proceedings had the same rights as defendants in criminal cases under secular law.

While sharia courts long had jurisdiction in certain civil matters when at least one party was Muslim, many SPC elements applied to all persons in the country, regardless of nationality or religion; some sections of the law had specific applicability to Muslims. Sharia courts prosecuted criminal, divorce, and probate cases; unlike in secular courts, sharia court cases were not reported in the local media, although sharia court hearings were open to the public.

The Internal Security Act established significant exceptions to the rights granted in secular law. Individuals detained under the act were not presumed innocent and generally did not have the right to legal counsel. Those detained were entitled to make representation against a detention order to an advisory board, either personally or through an advocate or attorney.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law permitted government intrusion into the privacy of individuals, families, and homes. The government reportedly monitored private email, mobile telephone messaging, and internet chat-room exchanges suspected of being subversive. An informant system was part of the government's internal security apparatus for monitoring suspected dissidents, religious and ethnic minorities, and those accused of crimes. Persons who published comments on social media critical of government policy, both on public blogs and on personal sites such as Facebook, reported that authorities monitored their comments. 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.

The Kadis act, which governs aspects of personal law for Muslims, and the SPC permitted 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. Non-Muslims could be arrested for violating *khalwat* if the other accused party was Muslim. Not all suspects accused of violating *khalwat* were formally arrested; some individuals received informal warnings.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

Under the law and emergency powers, the government restricted freedom of expression, including for media.

Freedom of Expression: There was no provision for freedom of speech in the constitution or law. Members of the Legislative Council could “speak their opinions freely” on behalf of citizens, but were prohibited from using language or exhibiting behavior deemed “irresponsible, derogatory, scandalous, or injurious.” Under the law it was an offense to challenge the royal family’s authority. The law also made it an offense to challenge “the standing or prominence of the national philosophy, the Malay Islamic Monarchy concept.” This philosophy identified the Shafi’i School of Sunni

Islam as the state religion and monarchical rule as the sole form of government to uphold the rights and privileges of the Brunei Malay ethnic community. The law also criminalized any act, matter, or word intended to promote “feelings of ill will or hostility” between classes of persons or to “wound religious feelings.”

The SPC included provisions barring contempt for or insult of the sultan, the administration of sharia, or any law related to Islam. SPC sections provided, in certain circumstances, for death sentences for apostasy from Islam, deriding Islamic scriptures, and declaring oneself as God, among other offenses. There were no known cases of persons charged under these sections, but criticism of the law was largely self-censored, and online newspapers did not permit comments or stories on these subjects.

The government interpreted the SPC as prohibiting public celebration of religions other than Islam, including publicly displaying Christmas decorations. Some establishments, however, openly sold Christmas decorations or advertised Christmas-themed events. Christmas remained an official national holiday.

The SPC prohibited the publication or import of publications giving instruction about Islam contrary to sharia. It also barred the distribution to Muslims or to persons with no religion of publications related to religions other than Islam. The SPC barred the publication, broadcast, or public expression of a list of words generally associated with Islam (such as Quran)

in a non-Islamic context. The SPC also prohibited religious teaching without written approval. There were no reports of charges under these regulations.

Government authorities had to approve public lectures, academic conferences, and visiting scholars. Two academics reported government scrutiny of proposed research papers on what the government perceived as sensitive topics. An academic who published overseas reported government surveillance after returning to the country. Nearly all academics reported practicing self-censorship.

The government restricted cultural events; Chinese New Year lion dance performances, for example, were restricted to Chinese temples or other community facilities or residences. All public musical or theatrical performances required prior approval by a censorship board; public entertainment was generally barred on and around specified Islamic holidays. Although the censorship board rarely required changes to performances, delays associated with the censorship process posed logistical hurdles for performing arts organizations. Some movies were censored or not permitted to be shown in cinemas, often because of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) content.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The law allowed the government to close a newspaper without prior notice or showing cause. The law required local newspapers to obtain operating licenses and prior government approval for

hiring foreign editorial staff, journalists, and printers. The law also gave the government the right to bar distribution of foreign publications and required distributors of foreign publications to obtain a government permit.

The government owned the only local television station, although three Malaysian television channels and two satellite television services were also available. Some programs were subject to censorship based on theme or content, including religious content, but such censorship was not consistent.

The law provided for the prosecution of newspaper publishers, proprietors, or editors who published anything the government deemed as having seditious intent. Punishments included suspension of publication for a maximum of one year; a prohibition on publishers, printers, or editors from publishing, writing for, or editing any other newspaper; and the seizure of printing equipment. Government-owned media outlets were unable to interview anyone (including witnesses to a traffic accident) without prior clearance. Moreover, all media were censored from reporting on domestic incidents until police had issued a press release.

Reportedly, local media were not permitted to report directly on foreign or domestic subjects deemed sensitive, and instead had to rely on wire stories from international media. In an August 24 interview with the nonresident Ambassador of Ukraine, Kateryna Zelenko, the *Borneo Bulletin* censored all mention of Russia's war on Ukraine.

Persons convicted for violation of media laws or regulations faced a significant fine and a maximum prison term of three years. Journalists deemed to have published or written “false and malicious” reports could be subject to fines or prison sentences.

Observers reported prohibitions against covering a variety of topics, such as aggression by the People’s Republic of China in the South China Sea and reporting on topics such as crime until the relevant government agency issued an official press release on the topic.

Journalists commonly reported practicing self-censorship because of social pressure, reports of government interference and pressure, and legal and professional concerns.

Libel/Slander Laws: The law prohibited bringing into hatred or contempt, or exciting disaffection against, the sultan or the government. Persons convicted under the law faced a significant fine, a maximum of three years in prison, or both. There were no reports of such cases.

Internet Freedom

The government restricted access to the internet, censored online content, and had the unrestricted legal right and capability to monitor private online communications. The government monitored private email and internet chatroom exchanges it believed to be propagating subversive views, including those of religious minorities, or material on topics deemed

immoral. The Ministry of Transport and Infocommunications and the Prime Minister's Office enforced the law requiring 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 the Authority for the Infocommunications Technology Industry advised internet service and content providers to monitor items posted on their sites for content contrary to the public interest, national harmony, and social morals. Members of the LGBTQI+ community reported the government-linked telecommunications provider limited the use of the dating app Grindr to chat functionality only.

Internet companies self-censored content and reserved the right to cut off internet access without prior notice. The government continued awareness campaigns warning citizens about the misuse of and social ills associated with social media, including the use of social media to criticize Islam, sharia, or the monarchy. The government maintained a hotline for reporting fake or malicious information circulated on social media that involved public or national interests.

b. Freedoms of Peaceful Assembly and Association

The law restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government's emergency powers restricted the right to assembly. Public gatherings of 10 or more persons required a government permit, and police could disband an unofficial assembly of five or more persons deemed likely to cause a disturbance of the peace. Permits required the approval of the minister of home affairs. The government routinely issued permits for annual events but in recent years occasionally used its authority to disrupt gatherings deemed politically or otherwise sensitive. Civil society leaders reported challenges in advancing social causes in the country's heavily censored and insular society. A transgender advocate explained that, while the LGBTQI+ community was generally safe so long as individuals did not assemble openly or speak out, these conditions made it difficult to reach out to youth who might be struggling to find support. Organizers of events on sensitive topics tended to hold meetings in private rather than apply for permits, or practiced self-censorship at public events.

Freedom of Association

The law did not provide for freedom of association. The law required formal groups, including religious, social, business, labor, 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, for example, a prohibition on names or symbols linked to triad societies (Chinese organized crime networks). The government reported it accepted most applications to form associations. The government could suspend the activities of a registered organization if it deemed doing so was in the public interest.

Organizations seeking to raise funds or donations from the public were required to obtain permission from the Ministry of Home Affairs, and each individual fundraising activity required a separate permit. Approved organizations dealt with matters such as pollution, wildlife preservation, the arts, entrepreneurship, and women in business.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The government generally respected the right to freedom of internal movement and the right to emigrate but imposed restrictions on foreign travel and repatriation.

Foreign Travel: Government employees and government contractors had to apply for exit permits to travel abroad. Government guidelines stated no

government official could travel alone, and unrelated male and female officers could not travel together; the government enforced these policies inconsistently and usually only towards women. The country's tourist passports stated the bearer could not travel to Israel.

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

e. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, or other persons of concern.

Access to Asylum: The law did not provide for granting asylum or refugee status, and the government had no system for providing protection to refugees.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

There were no recent, reliable statistics on the number of stateless persons in the country, but observers estimated there were tens of thousands, most of whom had permanent resident status. One academic reported the stateless population was approximately 20,000, which tallied with government reporting from 2011. Most stateless residents were native-born, of Chinese heritage, and from families resident in the country for generations. Other stateless residents included members of Indigenous tribes, whose lands spanned Brunei and the neighboring Malaysian state of Sarawak, and the foreign wives of Malay Muslim men. Most stateless persons held a certificate of identity, which functioned as a passport. Certificate holders had some rights like those of citizens, including to subsidized health care and education. They were, however, unable to apply for certain government jobs or join the military. Stateless business owners approaching the mandatory retirement age of 60 described discriminatory laws preventing them from transferring the business to their children. There was no reliable data on stateless persons who held no form of residency or certificate of identity.

Stateless persons could apply for citizenship if they were adults born in the country and resident for 12 of the prior 15 years, provided they passed a test demonstrating sufficient knowledge of Malay culture and language. Women married to citizens and the minor children of citizens who did not

obtain citizenship at birth – such as children of citizen mothers and permanent resident fathers – could also apply. Members of the stateless community who passed the Malay culture and language test reported a de facto suspension of citizenship approvals for stateless adult residents, with many reporting that although five to 10 years had elapsed since they passed their test, they had not been granted citizenship. In March, 662 persons, an increase of approximately 50 percent from the previous year, were awarded citizenship; most were wives of Malay Muslim men. One Indigenous recipient reported he had waited 13 years since passing his citizenship test and still had not received citizenship.

Section 3. Freedom to Participate in the Political Process

Citizens did not have the ability to choose their government. The sultan ruled through hereditary birthright. While the country was nominally a constitutional sultanate, in 1962 the then ruler invoked an article of the constitution that allowed him to assume emergency powers. The sultan renewed the emergency powers every two years.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: There were no national or local elections in the country above the village level. The Legislative Council,

composed primarily of appointed members, provided a forum for limited public discussion of proposed government programs, budgets, and administrative deficiencies. It convened once per year in March for approximately two weeks. Council members served five-year terms at the pleasure of the sultan. All persons aged 18 and older could vote by secret ballot in village consultative council elections. Candidates, however, had to be Malay Muslim men, approved by the Ministry of Home Affairs, and have been a citizen or permanent resident for more than 15 years.

Political Parties and Political Participation: The National Development Party was the only registered political party. The party pledged to support the sultan and the government and did not criticize the government. A de facto ban existed on establishing political parties. The government had to authorize the establishment and operation of a party; there were no known requests to form a political party in recent memory.

Participation of Women and Members of Marginalized or Vulnerable Groups: The constitution required all ministers be of Malay ethnicity and Muslim except as permitted by the sultan. The cabinet included an ethnic Chinese minister. Non-Malay Indigenous communities lacked representation at all levels of government.

In 2022 the sultan appointed the country's first woman cabinet minister as minister of education; the sultan also appointed the first woman deputy minister to the Ministry of Finance and Economy. Women faced barriers to

political participation, including limited opportunity for political participation for all citizens, and gender discrimination under sharia. Women were restricted from holding elected village chief positions.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption.

Corruption: Although corruption was not pervasive, the sultan and senior government ministers warned officials in the government and government-linked companies against engaging in corruption. Government officials were prosecuted throughout the year for corruption. In September a former deputy permanent secretary at the Ministry of Primary Resources and Tourism was charged with abusing public trust and misconduct for accepting bribes. The case continued as of November.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and

Investigation of Alleged Abuses of Human Rights

Neither domestic nor international human rights groups could operate freely due to government restrictions. No registered civil society organizations dealt directly with human rights, mostly due to self-censorship. A few domestic organizations worked on humanitarian issues, such as assistance for victims of domestic violence or provision of free legal counsel for indigent defendants. They generally operated with government support, and the government was somewhat cooperative and responsive to their views, although they reported practicing self-censorship and avoided sensitive issues. Regional and other international human rights organizations occasionally operated in the country but faced the same restrictions as all unregistered organizations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Secular law stipulated imprisonment from eight to 30 years plus caning with a minimum of 12 strokes as punishment for rape. The SPC provided stoning to death as the maximum punishment for rape. The punishment of stoning was not imposed.

The law did not criminalize rape against men or spousal rape and explicitly stated that sexual intercourse by a man with his wife was not rape if she was

not younger than 14 (or 15 if ethnic Chinese). There was no specific domestic violence law, but authorities arrested individuals in domestic violence cases under the law on protection of women and girls. The criminal penalty under the law was one to two weeks in jail and a fine for a minor assault; an assault resulting in serious injury was punishable by caning and a prison sentence of up to five years. Islamic family law provided protections against spousal abuse and for the granting of protection orders, and was interpreted to cover sexual assault. The penalty for violating a protection order was a significant fine, maximum imprisonment of six months, or both. In August a man was sentenced to 30 years and four months' imprisonment and 20 strokes of the cane after he pleaded guilty to two charges of raping a girl, age 10, in 2021.

The government reported rape cases, but there were no data available on the prevalence of the crime. All rape cases were tried under the secular criminal law. A special police unit staffed by women officers investigated domestic abuse and child abuse complaints. Police investigated domestic violence only in response to a report by a survivor but reportedly did not respond effectively in such cases.

The Department of Community Development in the Ministry of Culture, Youth, and Sports provided domestic violence and abuse counseling for women and their spouses. Some women and girl survivors of domestic violence and rape were placed in protective custody at a government-

sponsored shelter while waiting for their cases to be scheduled in court. Sharia courts staffed by male and female officials offered counseling to married couples in domestic violence cases. Both secular and sharia courts recognized assault as grounds for divorce.

Female Genital Mutilation/Cutting (FGM/C): No law criminalized FGM/C for women and girls of any age. There were no statistics on the prevalence of FGM/C, but international media and others reported that in general Type 4 FGM/C was done within 40 days of birth based on religious belief and custom, and that the practice was widespread. Observers also reported the procedure was sometimes performed outside of a medical setting. The Ministry of Religious Affairs declared “circumcision” for Muslim girls (*sunat*) to be an obligatory religious rite and described it as the removal of the hood of the clitoris although some characterized the procedure as a minor incision of the hood of the clitoris (Type 4 per World Health Organization classification), or as touching the clitoris with the flat side of the knife blade.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment and stated that whoever uttered any word, made any sound or gesture, or exhibited any object intending to insult the modesty of a woman would be punished by up to three years in prison and a fine. The law also stipulated that whoever assaulted or used criminal force, intending thereby to outrage, or knowing the act was likely to outrage the modesty of a person, would be punished by caning and imprisonment of up to five

years. During the 2021 Legislative Council sessions, members reported a government study showed 55 percent of women civil servants faced sexual harassment in the workplace, 75 percent of those who encountered sexual harassment did not report the incident, and 85 percent were unaware there were laws to protect them. In 2022 a government human resources officer reported many survivors of sexual harassment did not report the abuse out of fear of social consequences, including ostracization by colleagues or the abuser. The government's executive training program for middle managers introduced several initiatives to increase public awareness of sexual harassment in the workplace, including discussion and outreach to members of the government and private sectors as well as NGOs.

Women reported negative experiences while attending mandatory religious school, including physical menstruation checks by male teachers and forced hair cutting.

Discrimination: In accordance with the government's interpretation of the Quran and sharia, Muslim women and men were accorded different rights. Secular civil law permitted women citizens to own property and other assets, including business properties. Noncitizen husbands of citizens could not apply for permanent resident status until they resided in the country for a minimum of seven years, whereas noncitizen wives could do so after two years of marriage and residence in the country. Although citizenship was automatically inherited from citizen fathers, citizen mothers could only pass

their nationality to their children through a process in which children were first issued a certificate of identity (and considered stateless); the process normally resulted in approval. Women who converted to Islam cited pressure to change their names, removing a piece of their cultural and family identity.

The law restricted women from serving in certain military combat roles, such as infantry. Women were prohibited from working in certain jobs, at night, or on offshore oil platforms.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While neither law nor policy limited access to contraception, sociocultural and religious pressures affected some women's access to contraception or health care for sexually transmitted infections. Unmarried Muslim women had difficulty obtaining contraception from government clinics, turning to private clinics or reproductive services abroad instead. Women seeking medical assistance for complications arising from illegal abortions were reported to police after being given care. Unenforced provisions of the law set imprisonment or fines as punishments for abortion. In July a woman was jailed for six months for inducing a miscarriage after learning at a healthcare center that she was pregnant. The abortion was identified during a follow up visit to the health center, which reported her to police the following day.

The government provided access to health services, including emergency contraception for sexual violence survivors. Postexposure prophylaxis was available, based on a doctor's review of the patient.

Systemic Racial or Ethnic Violence and Discrimination

There were no specific laws protecting members of racial or ethnic minority groups. Under the Nationality Act, which favored ethnic Malays, full legal rights were accorded only to citizens; some members of ethnic minority groups were awarded citizenship and enjoyed rights like those of the Malay majority.

The government favored ethnic Malays in society through the national Malay Islamic Monarchy philosophy.

There were no reports of governmental or societal violence against members of ethnic minority groups, but discriminatory government policies were in effect in many areas. Racial and ethnic minority groups faced discrimination in education, where the curriculum was delivered only in Malay and English. There were pro-Malay policies on land ownership, employment, and service in the armed forces. Opaque nationality laws and pro-Malay policies denied most minority populations adequate representation in government and society and rendered them largely voiceless in public affairs.

Reflecting government policy, most public and many private employers

showed hiring biases against foreign workers, particularly in key sectors such as oil and gas. In some sectors, foreign workers' wages could be established based on national origin, with those from certain foreign countries receiving lower wages than others.

Indigenous Peoples

Some Indigenous persons were stateless. Indigenous lands were not specifically demarcated, and there were no designated representatives for Indigenous groups in the Legislative Council or other government entities. Indigenous persons generally had a minimal role in decisions affecting their lands, cultures, and traditions or in the exploitation of energy, minerals, timber, or other natural resources on and under Indigenous lands.

Children

Birth Registration: Stateless parents had to apply for a special pass for a child born in the country. Failure to register a birth was against the law and made it difficult to enroll the child in school.

Child Abuse: Child abuse was a crime and was prosecuted but did not appear prevalent. In May a woman was sentenced to 16 months in jail after she pleaded guilty to physically abusing her nephew. The Royal Brunei Police Force included a specialized Woman and Child Abuse Crime Investigation Unit, and the Ministry of Culture, Youth, and Sports provided

shelter and care to survivors.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 14 years and seven months 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 set the minimum marriageable age at 16 for Muslim girls and 18 for Muslim men and made it an offense to use force, threat, or deception to compel persons to marry against their will. Ethnic Chinese had to be 15 or older to marry, according to the Chinese Marriage Act, which also stipulated sexual intercourse with an ethnic Chinese girl younger than 15 was considered rape even if with her spouse. Observers reported that, although permitted by the law, marriages involving children were rare and generally prohibited by social custom.

Sexual Exploitation of Children: By law sexual intercourse with a girl younger than 14 (15 if ethnically Chinese) constituted rape and was punishable by imprisonment of from eight to 30 years plus a minimum of 12 strokes of the cane. The law provided for protection of women, girls, and boys from commercial sexual exploitation and “other immoral purposes,” including pornography. The government applied the law against “carnal intercourse against the order of nature” to prosecute rape of boys. The minimum age for consensual sex outside of marriage was 16. The government enforced the law against commercial sexual exploitation of children and child pornography.

Antisemitism

There was no known Jewish community in the country. Comments disparaging Jewish persons collectively were occasionally posted online and on social media.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The government did not support the human rights of LGBTQI+ persons. Common law criminalized “carnal knowledge against the order of nature,” understood to mean sex between men. The minimum prison sentence for such acts was 20 years. The SPC banned anal intercourse between men or between a man and a woman who was not his wife, with a maximum penalty of death by stoning. The SPC also criminalized same-sex sexual conduct between women, with punishment of up to 10 years’ imprisonment or caning. The SPC additionally prohibited men from dressing as women or women dressing as men “without

reasonable excuse” or “for immoral purposes.” The above prohibitions were rarely enforced.

Violence and Harassment: There were no known incidents of violence by police or other government agents or by nonstate actors against LGBTQI+ persons.

Discrimination: Local LGBTQI+ community members continued to report familial pressure toward heterosexual marriage and childbearing in addition to societal discrimination in public and private employment, housing, recreation, and obtaining public services including education.

LGBTQI+ individuals said the absence of online or in-person support injured their mental health but that they were reluctant to seek counseling at government health centers for fear of social opprobrium. LGBTQI+ community members often depended on personal referrals to health care providers known to be sympathetic to the LGBTQI+ community. In addition to finding support among older members of local LGBTQI+ communities, some sought support from similar communities and NGOs in other countries.

Availability of Legal Gender Recognition: The government did not allow an individual to change their name or the sex at birth on any official documents. There was no mechanism for legal gender recognition and gender affirmation surgery was not allowed.

Involuntary or Coercive Medical or Psychological Practices: The government did not ban involuntary or coercive medical or psychological practices targeting LGBTQI+ individuals (“conversion therapy”) and such practices were available and advertised.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Some LGBTQI+ individuals reported the government monitored their activities and communications. Like all events in the country, events on LGBTQI+ topics were subject to restrictions on assembly and expression and LGBTQI+ persons reported that the government would not issue permits for events on LGBTQI+ topics. LGBTQI+ individuals self-censored their gender expression or sexual orientation due to strong cultural norms against violating conservation social and political mores.

Persons with Disabilities

The law did not prohibit discrimination against persons with disabilities or mandate accessibility or the provision of most public services. Access to public buildings, government information and communication on disability concerns, and transportation for persons with disabilities was inconsistent. The law did not specifically address the right of persons with disabilities to seek legal remedies for rights violations. All persons regardless of disability, however, had the same legal rights and access to health care.

The government provided inclusive educational services for children with

disabilities who attended both government and religious schools alongside peers without disabilities. There were limited provisions for accommodations enabling persons with disabilities to vote.

The law required newly constructed government office buildings to meet access standards for persons with disabilities. The Department for Community Development continued outreach programs promoting awareness of the needs of persons with disabilities. In a September speech, the Minister of Development said projects under the country's National Development Plan had to include designs that comply with the country's Different Abilities Design Guideline.

Other Societal Violence or Discrimination

HIV and HIV-related discrimination continued to occur. By law, foreigners with HIV were not permitted to enter or stay in the country, although no medical testing was required for short-term visitors.

The Brunei Darussalam AIDS Council, a government-linked NGO, provided free HIV testing and anonymous counseling for all men to encourage those at risk to seek resources and assistance without fear of scrutiny into the cause or source of infection.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective

Bargaining

Although the law provided for the right of workers to form and join unions, there were no unions or worker organizations in the country. The law did not provide for collective bargaining and prohibited strikes. The law prohibited employers from discriminating against workers for union activities, but it did not provide for reinstatement for dismissal related to union activity.

Given the absence of unions or worker organizations, there were no reports of government enforcement of laws respecting their establishment or operation. Some NGOs were involved in labor issues, such as wages, contracts, and working conditions. These NGOs largely operated openly in cooperation with relevant government agencies, but they avoided confrontation with the government and engaged in self-censorship.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law did not prohibit all the worst forms of child labor. The law on

procuring or offering children younger than 18 for commercial sexual exploitation or illicit intercourse referred only to girls and not to boys. Law prohibited the employment of children younger than 16. Parental consent and approval by the Labor Commission were required for those between ages 16 and 18 to work. Girls younger than 18 could not work at night or on offshore oil platforms.

The Department of Labor, part of the Ministry of Home Affairs, effectively enforced child labor laws. Penalties for child labor violations included a fine, imprisonment, or both, and were commensurate with those for analogous serious crimes, such as kidnapping. There were no confirmed reports of the worst forms of child labor. There was no list of hazardous occupations prohibited for children, or types of light work activities legal for children ages 14 to 16.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: There was no national legal minimum wage. In July the government implemented a new minimum wage for workers in the banking, finance, and information and communications and technology sectors, with scheduled implementation of a minimum wage in remaining sectors by July 2024. Wages in all sectors were above the poverty level. The law required overtime after 40 hours per week. The law also stipulated that

weekly maximum hours of work shall not exceed 56 hours. Work hours and overtime violations were more prevalent among domestic staff and shop workers.

Occupational Safety and Health: Government regulations established appropriate occupational safety and health (OSH) standards for the principal industries/sectors. The law clarified that the responsibility for identifying unsafe conditions lay with OSH experts and employers, not workers. OSH experts actively identified unsafe conditions, in addition to responding to workers' OSH complaints. Individuals were encouraged to report violations of health and safety standards, but the law did not explicitly protect the right to remove oneself from a hazardous workplace.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce working hours or OSH laws. The commissioner of the Department of Labor was responsible for enforcing labor laws. The Department of Labor inspected working conditions on a routine basis and in response to complaints. Inspectors had the authority to make unannounced inspections and initiate sanctions. The number of labor inspectors was adequate to conduct mandated inspections. The Department of Labor reportedly inspected migrant workers' housing; when it found the housing unsuitable, it instructed employers to rehouse workers adequately. The department could terminate the licenses of abusive employers and revoke their foreign labor quotas; it did so rarely. The government levied fines on employers

found to have violated the terms of employment of workers.

Employers who violated laws regarding conditions of service – including payment of wages, working hours, leave, and holidays – could initially be fined and, for further offenses, be fined, imprisoned, or both. Penalties for violations of wage, hour, and health and safety standards were not commensurate with those for similar crimes, such as fraud or negligence and penalties were rarely applied against violators.

Foreign laborers (predominantly Filipinos, Indonesians, and Bangladeshis) dominated most low-wage professions, such as domestic service, construction, maintenance, retail, and food service, in which violations of wage, overtime, and health and safety regulations most frequently occurred.

Government enforcement in sectors employing low-skilled labor in small-scale construction or maintenance projects was inadequate. This was especially true for foreign laborers at construction sites, where complaints of wage arrears, inadequate safety, and poor, unsafe living conditions were reported.

The informal sector was negligible, as the government strictly enforced work visa requirements for all workers entering the country.