

## **BRUNEI (Tier 2 Watch List)**

Brunei is a destination, and to a lesser extent, a source and transit country for men and women who are subjected to forced labor and forced prostitution. Men and women from Indonesia, Malaysia, the Philippines, Pakistan, India, Bangladesh, China, and Thailand migrate to Brunei for domestic work or other low-skilled employment, but sometimes face conditions of involuntary servitude after arrival. There are over 87,500 migrant workers in Brunei, some of whom face debt bondage, nonpayment of wages, passport confiscation, confinement to the home, and contract-switching – conditions widely recognized as key indicators of human trafficking. There were credible reports of South Asian nationals in Brunei who are subjected to nonpayment of wages and debt bondage of up to a year's wages in order to pay off fees owed to labor recruitment agencies. Some of the 25,000 female domestic workers in Brunei were required to work exceptionally long hours without being granted a day for rest, creating an environment consistent with involuntary servitude. Although it is illegal for employers in Brunei to withhold wages of their domestic workers for more than 10 days, some families are known to withhold wages to compensate for labor broker or recruitment fees they are charged and as a tool with which to maintain the service of the workers. Although government regulations prohibit wage deductions by agencies or sponsors and mandate that employees receive their full salaries, some foreign workers continued to pay high fees to overseas recruitment agents to obtain work in Brunei, leaving them vulnerable to debt bondage. There are reports of women forced into prostitution in Brunei, and that women arrested for prostitution attest to having been victims of trafficking. Many of these victims enter the country on social visit passes or tourist visas. Brunei is a transit country for trafficking victims in Malaysia, including Filipinas, who are brought to Brunei for visa renewals before being returned to Malaysia.

The Government of Brunei does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts and ample resources, the government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Brunei is placed on Tier 2 Watch List. The government has yet to prosecute a human trafficking case using its 2004 anti-trafficking law. In November 2010, authorities announced plans to create an anti-trafficking unit within the Royal Brunei Police Force, though the unit has yet to begin operations. During the year, the government did not identify or assist any trafficking victims. The government has yet to develop or implement formal procedures to identify victims of trafficking.

**Recommendations for Brunei:** Use the 2004 anti-trafficking in persons law to increase significantly the number of investigations and prosecutions of both sex trafficking and labor trafficking offenses and convict and punish trafficking offenders; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and females arrested for prostitution; apply stringent criminal penalties to those

involved in fraudulent labor recruitment or exploitation of forced labor; prosecute employers and employment agencies who unlawfully confiscate workers' passports as a means of intimidating workers and holding them in a state of involuntary servitude, or use other means to extract forced labor; expand cooperative exchanges of information about trafficking cases with foreign governments in order to arrest and prosecute traffickers who enter Brunei; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a direct result of being trafficked; train law enforcement, immigration, and prosecutors on the use of the anti-trafficking law; and implement and support a comprehensive and visible anti-trafficking awareness campaign directed at employers of foreign workers and clients of the sex trade.

## **Prosecution**

The government failed to make concrete progress in anti-trafficking law enforcement efforts during the past year. The Government of Brunei prohibits both sex and labor trafficking through its Trafficking and Smuggling Persons Order of 2004. While the government used its 2004 law to prosecute a smuggling case during the year, it has yet to use the law to prosecute or convict a human trafficking offender. The 2004 Order prescribes punishments of up to 30 years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In November 2010, the government announced its plans to create an anti-trafficking unit within the Royal Brunei Police Force, but the unit has not yet begun operations, and no date has been set for the unit to begin work, as it has not yet received budgetary approval. Authorities continued to rely on victims coming forward or being identified by foreign embassies to begin investigations, and did not make efforts to proactively identify suspected trafficking victims among vulnerable groups, such as women in prostitution. During the year, there continued to be complaints by foreign workers, some of whom may have been trafficking victims, against employers who failed to pay salaries; however, authorities did not investigate these cases for potential trafficking. The government often relied on mediation or administrative rather than criminal penalties in labor-related offenses. Two employers received a punishment of a fine or imprisonment for failure to pay wages to their employees, but authorities did not report investigating these cases to see if there was any further evidence of trafficking.

## **Protection**

Brunei's efforts to identify and protect trafficking victims during the reporting period remained inadequate. Brunei does not have a proactive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in prostitution, and the government did not implement training for its officials on identifying trafficking victims. While authorities reported identifying and deporting one "trafficking victim" during the year, the individual was in fact a smuggled migrant and did not appear to be a trafficking victim. The government did not identify or

assist any victims of trafficking during the year. While immigration authorities actively identified and charged violators of immigration law, there were no cases reported of authorities identifying and assisting trafficking victims among immigration violators during the reporting period. Foreign females in prostitution were most often arrested and deported without effective screening to determine if they were subjected to forced prostitution. During the year, three Chinese women were prosecuted and imprisoned for three months for prostitution offenses. As there may have been trafficking victims among these immigration violators and females in prostitution, some may have been penalized for unlawful acts committed as a direct result of their being trafficked. Trafficking victims were likely detained in prison in close proximity to their traffickers while judicial and immigration proceedings were ongoing. The government reported funding three general purpose shelters that could be used to assist trafficking victims, but none of these shelters have ever been used to assist trafficking victims. There were no NGOs or international organizations in Brunei that provided support to trafficking victims, though the embassies of several source countries in coordination with the Brunei government provided shelter, mediation, and immigration assistance to their nationals. The government did not provide any funding to civil society actors to assist trafficking victims, and also did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

## **Prevention**

The Brunei government demonstrated limited prevention efforts during the reporting period. Government-influenced newspapers published articles on problems facing foreign workers, such as the nonpayment of wages, but the government did not conduct any public awareness campaigns on trafficking. The government hosted a regional anti-trafficking training jointly organized with the French Government. The government provides arrival briefings for foreign workers and runs a telephone hotline for worker complaints. During the year, the government convicted two employers for failing to pay wages to their domestic workers, and punished them with fines. In March, a court sentenced a Vietnamese national to eight months' imprisonment and one stroke of the cane after he pleaded guilty to hiring women in prostitution. There were no other measures taken to reduce the demand for commercial sex acts. Brunei is not a party to the 2000 UN TIP Protocol.