



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Initial reports of States parties due in 1998**

**BRUNEI DARUSSALAM**

[20 December 2001]

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### **List of abbreviations**

ACTG	-	AIDS Clinical Trial Group
AIDS	-	acquired immunodeficiency syndrome
ASEAN	-	Association of South East Asian Nations
CRC	-	Convention on the Rights of the Child
DEPD	-	Department of Economic and Planning Development
GDP	-	gross domestic product
GCE	-	General Certificate of Education
HIV	-	human immunodeficiency virus
ICT	-	Information Communications Technology
IRK	-	Islamic Religious Knowledge
JTB	-	Jabatan Telekom Brunei (Department of Telecommunications Brunei)
KACA	-	Persatuan Kanak-Kanak Cacat (Association of Disabled Children)
MIB	-	Melayu Islam Beraja (Malay Islamic Monarchy)
NGO	-	non-governmental organization
N Level	-	Normal Level
O Level	-	Ordinary Level
PCE	-	Primary Certificate of Education
RIPAS Hospital	-	Raja Isteri Pengiran Anak Saleha Hospital
RTB	-	Radio Television Brunei
SMEs	-	small and medium enterprises
UNICEF	-	United Nations Children's Fund
WHO	-	World Health Organization

## Introduction

1. Brunei Darussalam is situated on the north-west coast of the island of Borneo. The country's land area is 5,765 square kilometres, with a coastline of about 161 kilometres.
2. In mid-2000 Brunei Darussalam had an estimated population of 338,400, comprising 179,100 males and 159,300 females. Brunei Darussalam has a predominantly young population. The population by age group shows that about 108,965 (32.2 per cent) are below 15 years old, 204,055 (60.3 per cent) are at the working age group of between 15 and 64 years, while 25,380 (7.5 per cent) are 55 years and over. The annual rate of increase in population in 2000 is 2.3 per cent. The population density is 59 persons per square kilometre. The largest community are the Malays, comprising about 67.8 per cent of the population and the next largest community are the Chinese followed by other races.
3. According to the population census undertaken by the Department of Economic and Planning Development (DEPD) in 1991, the average life expectancy is estimated to be 72.1 years for males and 76.5 years for females. The latest figures obtained from the Ministry of Health shows an increasing trend in life expectancy for both males and females. The life expectancy from 1994-1996 for males is 75.4 years and females is 77.7 years. The infant mortality rate for 1998 was 6.5 per 1,000 births.
4. Brunei Darussalam is still very much dependent on revenues from crude oil and natural gas to finance its development programmes. Aside from this, Brunei Darussalam also receives income from rents, royalties, corporate tax and dividends. Due to the non-renewable nature of oil and gas, economic diversification has been on Brunei Darussalam's national development agenda.
5. In the Seventh Development Plan, 1996-2000, the Government allocated about B\$ 7.2 billion for the implementation of various projects and programmes in seven sectors, namely industry and commerce, transport and communication, social services, public utilities, public building, security and miscellaneous items. Among the seven sectors, the social services sector is given the highest allocation, about 27.5 per cent of the total allocation which is B\$ 1,978.3 million. This indicates that the Government put priority on the social welfare of the people, including children. Although there is no specific budget allocation for children, it is mostly incorporated under education and medical and health sectors. The social service sector consists of six subsectors under the following breakdown:
  - Education, B\$ 407 million (21 per cent);
  - Medical and health, B\$ 212 million (11 per cent);
  - Government housing, B\$ 124 million (6 per cent);
  - National housing, B\$ 918 million (46 per cent);

- Religious housing, B\$ 52 million (3 per cent); and
- Public facilities, B\$ 264 million (13 per cent).

6. Brunei Darussalam is the third-largest oil producer in South-East Asia and it produces 182,000 barrels per day in 1999. It is also the fourth-largest producer of liquefied natural gas in the world. Oil and gas accounted for about 35 per cent of the country's gross domestic product (GDP) in 1999.

7. Human resources are central to the successful transformation of Brunei Darussalam into a diversified industrial economy. As in most developing nations, there is a shortage of skilled workers in the country. Therefore, greater emphasis is placed upon education. The main areas of interest in human resources development are managerial and industrial skills, with particular emphasis on entrepreneurial skills, as well as vocational and technical training.

8. Brunei Darussalam's main exports consist of three major commodities - crude oil, petroleum products and liquefied natural gas - sold largely to Japan, the United States and ASEAN countries. The Government's move to promote non-oil gas activities such as agriculture, tourism, SMEs, forestry and fisheries has been largely successful, with figures showing 64 per cent of GDP in 1996 compared to only 24.3 per cent in 1991. Brunei Darussalam is an independent sovereign Sultanate which is governed on the basis of a written constitution. The 1959 Constitution provides for the Sultan as the head of State with full executive authority. The Sultan is assisted and advised by five councils. These are the Religious Council, the Privy Council, the Council of Ministers (the Cabinet), the Legislative Council and the Council of Succession.

9. His Majesty the Sultan and Yang Di-Pertuan is the supreme executive authority in Brunei Darussalam. His Majesty has held the position of Prime Minister since Brunei Darussalam's resumption of independence in 1984.

10. Brunei Darussalam's administrative system is centred on the Prime Minister's Office, which has provided the thrust behind His Majesty's aim to introduce greater efficiency in the Government. His Majesty has followed a combination of traditional and reforming policies, moving away from a structure of a Chief Minister and State Secretary to a full ministerial system with specified portfolios. It has become the nation's formal guiding light and a way of life for Brunei Darussalam. It has a blend of Malay language, culture and customs, the teachings of Islam and Islamic values and the monarchical system, which must be esteemed and practised by all.

11. Brunei Darussalam's political system rests on the twin pillars of the country's written Constitution and the tradition of Malay Islamic Monarchy (Melayu Islam Beraja, or MIB). These two facts dominate both the formal political life of Brunei and its government ethos. An additional and underlying feature is the country's adherence to the rule of law, a system based primarily on the English common-law system and the independence of the judiciary.

12. In Brunei Darussalam, the system of extended family whereby parents, uncles, aunts and others live together under one roof is still widely practised. In fact, government housing scheme projects are geared towards maintaining the family system by ensuring that families are resettled as near to one another as possible. The Brunei Darussalam extended family system has contributed significantly in enhancing these caring values by teaching children to uphold moral and spiritual values by respecting their parents, elders, rulers and leaders as enshrined by the teachings of Islam. This proper upbringing will help the children to be aware of their own responsibilities and role in the society in future. The continuity of this tradition of devotion of a caring society is part of the traditional and Islamic values as stipulated in the Brunei national philosophy of MIB.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Measures taken in the past two years to harmonize national law and policy with the provisions of the Convention**

#### **Legal context**

13. Brunei Darussalam acceded to the Convention on the Rights of the Child on 23 December 1995 with an umbrella reservation on provisions contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam as well as specific reservations on articles 14 (freedom of thought, conscience and religion), 20 (protection of a child without a family) and 21 (adoption).

14. Existing legislation is consistent with the principles enshrined in the Convention on the Rights of the Child. These legislative provisions will be discussed in detail in the subsequent parts of the report.

15. Prior to acceding to the Convention on the Rights of the Child, Brunei Darussalam had started drafting laws to enhance the position of children in a wide ranging field of areas. In this regard, Brunei Darussalam has finalized legislation to protect abused and neglected children. Among the provisions of the Children's Order 2000 are the appointment of a protector of the child and the provision of offences of abusing, neglecting, abandoning and exposing a child. These offences are all punishable with a fine and a term of imprisonment which may extend to 10 years. The offence of trafficking in children is also provided for and sentences include fine and imprisonment of up to five years. This order also provides that the best interests of the child shall always be the paramount consideration when any question arises with respect to the welfare of the child.

16. In addition, the Emergency Islamic Family Order 1999, which makes certain provisions relating to Muslim families and includes matters pertaining to maintenance and guardianship or custody of children, was passed in 1999.

17. In the case of non-Muslims, the Emergency (Married Women) Order 1999, makes provision for the maintenance of children and the Emergency (Guardianship of Infants) Order 1999, provides for matters relating to the guardianship of non-Muslim infants.



18. The Islamic Adoption of the Children's Order 2001 and Adoption of Children Order 2001, which both came into force on 26 March 2001, make provision for the adoption of children in Brunei Darussalam and supplement the existing Registration of Adoption Act (cap. 123).

**B. Strengthening mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention**

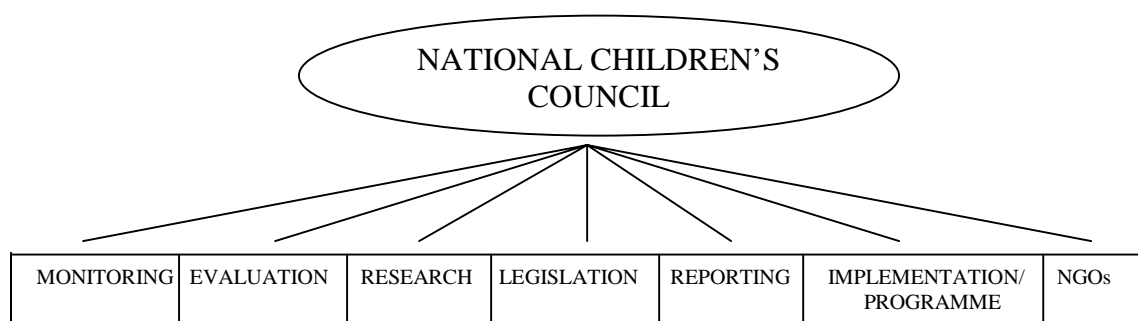
19. The Social Affairs Services Unit of the Ministry of Culture, Youth and Sports is the agency which look after the welfare and development of children. This unit also act as a focal point for children-related matters such as gathering and disseminating information. The Social Affairs Services Unit act as the secretariat for the implementation of the CRC. By virtue of this function the Ministry of Culture, Youth and Sports set up a drafting committee on the CRC which consists of officials from the following agencies: the Prime Minister's Office; the Ministry of Culture, Youth and Sports; the Ministry of Education; the Ministry of Health; the Attorney General's Chambers; the Ministry of Religious Affairs; the Ministry of Home Affairs; the Ministry of Foreign Affairs; and the Women's Council (NGO).

20. A working group was also established comprising representatives of the above agencies and also representatives of the following departments: the Information Department; Radio Television Brunei; the Royal Brunei Police Force; the Prisons Department; the Economic Development and Planning Department; the Narcotics Control Bureau; the Labour Department; the Immigrations Department; and the Islamic Legal Unit, the Ministry of Religious Affairs.

21. The main function of the above-mentioned Committees is to prepare the National Report of the CRC as well as to monitor the implementation of the Convention.

22. A regional consultative meeting on "Convention on the Rights of the Child (CRC): The Challenge of Implementation" was held on 4 to 8 November 1996. The meeting was organized by the Ministry of Culture, Youth and Sports with the cooperation of UNICEF. It was attended by participants from ministries, government departments and NGOs. A special session was also organized at this meeting attended by schoolchildren, who participated actively in the discussions. The meeting was officiated by Her Royal Highness Pengiran Isteri Hajjah Mariam Binti Haji Abdul Aziz where she delivered her *sabda* or royal speech, in which she suggested the relevant authority to establish the National Children's Council. The structure of the National Children's Council established on 18 January 2001 as follows:

**Figure 1**



23. The terms of reference of the Council are:

(a) Coordinating children's activities organized by various bodies and organizations;  
and

(b) To ensure the principles of the CRC are taken into consideration in the formulation of national policies.

24. The members of the Council are made up of representatives of various agencies such as: the Prime Minister's Office; the Ministry of Health, the Ministry of Education, the Ministry of Home Affairs, the Ministry of Religious Affairs, the Ministry of Culture, Youth and Sports and NGOs.

#### **C. Measures taken to make the principles and provisions of the Convention known to adults and children alike**

25. The Convention has been translated into the Malay language. The text of the Convention and its definitions are to be disseminated to various ministries and various government agencies and the general population through:

(a) Mobilizing the mass media;

(b) Integrating the CRC as part of the school curriculum; and

(c) Educating parents and families towards understanding the CRC through campaigns, seminars and workshops.

#### **D. Measures taken to draw the whole social community into participation in the implementation of the Convention**

26. Several programmes have been initiated to include the whole social community in the country in the implementation of the Convention. These include:

– dissemination of the Convention to the villages through village heads;

– concerts, dramas and plays performed by children are planned to be staged throughout the four districts; and

– dissemination of the Convention to all schools throughout the country.

#### **E. International coordination and cooperation**

27. Before Brunei Darussalam became a party to the CRC, a seminar on the working of the CRC was organized by the Attorney-General's Chambers in late 1995 which introduced the Convention to various government and non-government agencies. Prior to the signing of the CRC in 1995 a team of UNICEF officials came to Brunei Darussalam to provide the information regarding the CRC culminating in a consultative meeting mentioned earlier.

28. Brunei Darussalam is working closely with experts from UNICEF in the implementation of the CRC. Brunei Darussalam jointly organized the following meeting and workshop:

- a regional consultative meeting with the cooperation of UNICEF from 4 to 8 November 1996; and
- a workshop on the CRC was organized by the Social Affairs Services Unit with the cooperation from UNICEF on 12 to 14 October 1998.

29. Besides organizing meetings and seminars, officials from the Attorney-General's Chambers and Social Affairs Services Unit attended several seminars and meetings overseas organized by UNICEF such as the Regional Meeting of the National Coordinating Mechanisms for the CRC in the East Asia and Pacific Region from 19 to 21 May 1998 in Bangkok, Thailand.

## **II. DEFINITION OF THE CHILD**

30. The main definition of a child under Brunei law can be found in the Interpretation and General Clauses Act (cap. 4) (see below), which is in line with the definition given under the Convention on the Rights of the Child. However, other acts provide certain age limits for categories of children under certain circumstances as stated below.

31. Under the Interpretation and General Clauses Act (cap. 4), an infant or minor means a person who is under 18 years old. This act relates to the construction, interpretation and publication of the law. Hence in the absence of any specific definition in the national laws this provision would apply.

32. Under the Children's Order 2000, "child" is defined as a person under the age of 18 years.

33. Under the Labour Act (cap. 93) a child is defined as being under 14 years old and a young person is defined as any person who has ceased to be a child but who is under 18 years old. The difference here is that young persons may be employed in any industrial undertaking as long as it is not done between 10 p.m. and 7 a.m. The act further makes provisions prohibiting the employment of children and young persons less than 18 years in ships or in underground work. Although at present there are no known cases of child labour in the country the provisions regarding the employment of children and young persons within the definition of the act would be applicable.

34. The Marriage Act (cap. 76) provides for the solemnization and registration of church and civil marriages. Under this law, minor is defined as a person not being a widow or a widower who is under the age of 18 years. The age for marriage is 14 years old. Where there is a solemnization of marriage and one of the parties to the marriage is a minor, consent of the father or the guardian or the mother of the minor is necessary. The act provides that it is an offence to solemnize the marriage of a minor where the requisite consent is absent. This is an offence punishable by a term of three years' imprisonment and a fine. This act does not apply to Muslim

marriages, as such marriages are governed by the Shariah laws. Despite these provisions, according to the Registry of Marriages the number of marriages among minors are small and are usually between people in the rural areas or among the indigenous groups.

35. The Religious Council and Kadi's Court Act (cap. 77) does not limit the minimal age for a Muslim to get married and as outlined by Shariah law such marriage may be registered under the provisions of section 137 (3) of the act.

36. With regards to the criminal responsibility of children, the Criminal Procedure Code (cap. 7) defines a youthful offender as any child above the age of 7 years and below the age of 18 years who is convicted of an offence punishable by a fine and imprisonment. Under the Penal Code (cap. 22), nothing is an offence when committed by a child under 7 years of age. Furthermore, nothing is an offence when committed by a child who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct and is above 7 years and below 12 years of age.

37. In practice the decision on whether to prosecute persons under 18 years would depend on several factors. This would include the seriousness of the offence, the disciplinary background of the child concerned, his educational record and, where applicable, recommendations from the school authorities and any other relevant mitigating factors. The issue of children in conflict with the law would be discussed in detail in another section of the report.

38. The Unlawful Carnal Knowledge Act (cap. 29) is an act that renders unlawful having sexual intercourse with a girl under 16 years of age. Under the Penal Code (cap. 22), it is an offence to have a sexual relationship with a girl under 14 years, irrespective of whether she consented or not. Therefore, while a girl who is between 14 years to 16 years is considered to be capable of giving sexual consent it is still an offence to have sexual relations with her. As a result, anyone can be prosecuted for having sexual relations with girls under 16 years old and consent would not be an issue. However, according to the exception under section 375 of the Penal Code, "Sexual intercourse by a man with his own wife, the wife not being under 13 years of age is not rape."

39. On the participation in administrative and judicial proceeding that could affect the child, the Brunei High Court (Civil Procedure) Rules provide that a guardian ad litem or a next friend could represent a child in such a proceeding.

40. From the perspective of Shariah, children can be divided into two categories, namely, children who are not *mumaiz* and children who are *mumaiz* but not *baligh*. Children who are not *mumaiz* are children who cannot differentiate between right from wrong (and the age for this is estimated to be under the age of 7 years old). Children who are *mumaiz* but not *baligh* are those who can differentiate between right and wrong (over the age of 7 years) but have not reached puberty. However, in the context of the right of the child and his or her property, which include such important aspects as maintenance, education, moral upbringing security, etc., children can be defined as being persons who have "not come of age", that is persons who have not reached the age of 18 years. Section 2 of the Religious Council and Kadis Courts Act (cap. 77), defines a minor as "a person who not being a widow or a widower is under the age of 18 years".

41. Under the Oaths and Affirmations Act (cap. 3), a person of immature age shall be admitted to give evidence in court after being cautioned by the court to speak the truth, the whole truth, and nothing but the truth. In practice before a child gives evidence the court would first determine whether he would understand the nature of giving evidence under oath and if not then he would be cautioned to speak the truth. The effect being that the evidence would be admissible and it is for the court to determine the weight to be given in relying on the evidence of such child witness.

42. Under both the Islamic Adoption of the Children's Order 2001 (for Muslims) and the Adoption of Children Order 2001 (for non-Muslims), "child" is defined as an unmarried person who has not attained the age of 18 years.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (Convention art. 2)**

##### **Legal context**

43. There is no legislation and currently it is felt that it is not necessary to legislate on this matter.

##### **Implementation**

44. In many aspects children are not discriminated against in any services and they enjoy all the services offered by the Government. There is no discrimination between genders in the provision of services.

45. In some services they enjoy more benefits than adults do. For instance, Brunei Darussalam provides free health care to all Brunei citizens and permanent residents and all children below 12 years of age regardless of their nationality. For medical care not available in the country, Brunei citizens, including children, are sent overseas for treatment at the Government's expense.

46. In the field of education, one of the aims of the National Education Policy is to provide all Brunei children with opportunities to fulfil their needs and aspirations and to allow them to participate as citizens in the development of the nation. Brunei Darussalam provides free schooling to Brunei citizens. Non-citizens (permanent residents and expatriate workers) may apply for permission to send their children to government schools on a fee-paying basis. The fees payable are very minimal.

#### **B. The best interests of the child (Convention art. 3)**

##### **Legal context**

47. The Children's Order 2000 provides for the care and protection of children, especially of children in vulnerable situations such as in instances of abuse, exploitation and neglect. Under

this legislation, when any questions arise with respect to the welfare of a child in any particular circumstances, the best interests of the child shall always be the paramount consideration.

### **Implementation**

48. Brunei Darussalam emphasizes the need to provide for its young citizen. In many aspects such as education and health services, the interest of children is well protected. Even when children are found to be in conflict with the law, the ideal option will be rehabilitating the young offenders and making them aware of their social responsibility, rather than penalizing them.

49. The Social Affairs Services Unit, Ministry of Culture, Youth and Sports, with the cooperation of the Department of the Medical Services and the Royal Brunei Police Force provide protection to children who have been victims of abuse by providing shelter and care. The Ministry of Culture, Youth and Sports runs a Centre specifically for girls and women. The Centre was set up under the Women and Girls Protection Act. The Center, called *Taman Noor Hidayah*, was set up with the following objectives:

- To provide guidance and training in the form of moral rehabilitation to girls and women who are engaged in adverse social activities; and
- To provide shelter to women and children who are victims of abuse.

50. The police has a special unit which deals with young offenders, women and children to protect their rights. This unit handles cases of physical and mental abuse, injury, neglect, maltreatment, and sexual exploitation and cooperates with the Social Affairs Services Unit, Ministry of Culture, Youth and Sports and the Department of Medical Services of the Ministry of Health.

51. In Brunei Darussalam, there are many government and non-governmental organizations which tend to the welfare of children. Nationally, a number of funds have been created all with the objectives of raising and distributing funds for children in need: the District Orphan's Fund; the Fund for the Handicapped; the Fund for the Blind; the Crown Prince Fund for Orphans; the National Welfare Fund; the National Orphans' Fund; the Children Sponsorship Fund; the HIV Fund; the Children's Medical Fund; and the Eric Goh Fund.

52. Various NGOs contribute annually to the needy and handicapped children by donating cash, books, school uniforms and other items as well as organizing recreational programmes for them.

53. A number of ministries such as the Ministry of Home Affairs, as well as the Ministry of Culture, Youth and Sports and the Ministry of Education, organize various sports activities and cultural youth development programmes to raise funds for the children who require them.

## **Constraints**

54. At present, there are no institutions which cater for the rehabilitation of the boy child. A proposal to establish a Boys' Home will be included in the 8th National Development Plan, which will commence in the year 2001.

## **C. The right to survival and development**

### **Legal context**

55. The inherent right of the child to life is recognized in the penal laws of Brunei Darussalam where adequate protection is given.

56. The Penal Code (cap. 22), which establishes a code of criminal law covers offences affecting life. The Code provides for offences of causing miscarriage and injuries to an unborn child, exposure of infants and concealment of birth (sects. 312 to 318). The offence of causing miscarriage covers the situation where a woman causes her own miscarriage. For this offence, the term of imprisonment may extend to three years and a fine or, if the women are later in pregnancy, the term of imprisonment extends to seven years and a fine (sect. 312). Where the miscarriage is caused with the consent of the woman, the imprisonment may extend to 10 years and a fine (sect. 313).

57. Section 315 provides for the offence where an act is done to prevent a child from being born alive or to cause it to die after birth. The term of imprisonment for this offence can extend to 10 years and a fine. The act must not be caused in good faith for the purpose of saving the life of the mother.

58. When the act, which is done to cause the death of an unborn child, is one amounting to culpable homicide, the offence is punishable with imprisonment that may extend to 10 years and a fine (sect. 316).

59. Section 317 provides for the offence of exposure or abandonment of a child under 12 years by the parent or person having care of it. This offence carries a term of imprisonment, which may extend to seven years and/or a fine. Should the child die in consequence of the exposure, the offender is also liable for murder or culpable homicide.

60. The offence of concealment of birth of a child by secret disposal of the dead body whether such a child died before or after or during its birth is punishable with a term of imprisonment that may extend to two years and/or a fine (sect. 318).

### **Implementation**

61. The police and other relevant agencies take a serious view on the commission of offences that affect the right of children to life and survival. The offenders are strictly penalized.

62. Although there is no specific provision to state the right of a child to basic necessities such as health, shelter, education, food and water, there is assistance provided by the various government and non-governmental agencies through a number of services in the areas of health, education and welfare. Brunei has health programmes such as provision of necessary vitamin supplement, milk to expectant mothers, compulsory immunization against diseases, school visits and home visits for the newly born. The Ministry of Education has a number of schemes that assist children, such as free education, school-feeding scheme, transportation and education allowances which have been in place for a long time. Women's organizations also contribute to children's education by giving free books and school uniforms to needy children. Children who are found abandoned are given medical care and are looked after by the Ministry of Health, while the Social Affairs Services Unit assists in processing the adoption of the child.

#### **D. Respects for the views of the child**

##### **Legal context**

63. As mentioned under chapter II, Definition of the child, the Oaths and Affirmations Act (cap. 3) provides that a person of immature age shall be admitted to give evidence in court after being cautioned by the court to speak the truth, the whole truth and nothing but the truth. In practice, before a child gives evidence, the court would first determine whether he or she would understand the nature of giving evidence under oath and if so then he would be cautioned to speak the truth. The effect would be that the evidence would be admissible and the court would then determine the weight to be given in relying on the evidence of such child.

64. Section 93 (1) (b) of the Emergency (Islamic Family Law) Order 1999, provides that in deciding whose custody a child should be placed, the court shall have regard to the wishes of the child, where he or she is able to express his or her own opinion.

##### **Implementation**

65. Several activities, which encourage the expression of children's views in public, are organized both at school, national and international level.

66. Section 133A of the Evidence Act (cap. 108) gives provision for the evidence of children. Under this section, where a child is called as a witness and does not, in the opinion of the court, understand the nature of an oath, his/her evidence may be received, although it is not given on oath. However, the court would need to be of the opinion that the child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. Under these circumstances, any evidence given by the child will require other corroborating evidence, before an accused can be convicted of an offence.

67. Radio Television Brunei has a number of programmes which provide children with opportunities to express themselves and exchange ideas. The annual debating competition in both the English and the Malay languages are examples of such programmes. Speech competitions for primary schools are also organized by schools as their annual activities.



68. Some schools and colleges set up student councils, which are run by students and led by a student leader. The leader acts as a representative of the students in the college and plays an important role in forwarding matters pertaining to students' welfare.

69. In Islam, children have the right to voice their opinion and could participate in a decision involving him or her:

- Children who have attained the stage of *mumaiiz* may choose whom they want to be with, in the case of parents who are divorced; and
- In the case of a situation where parents are in contradiction with Islamic views and ideology, children have the right to advise their parents.

#### IV. CIVIL RIGHTS AND FREEDOMS

##### A. Name and nationality

###### Legal context

70. The Births and Deaths Registration Act (cap. 79) provides for the legal duty to register births and deaths by the father and mother of the child. A birth must be registered within 14 days. When a child's name cannot be settled within the timeframe, then the registration must not be later than two months after birth. A death must be registered within 12 hours.

71. The Brunei Nationality Act (cap. 15) provides for the status of a subject of His Majesty the Sultan and Yang Di-Pertuan, including categories of persons who are subjects of His Majesty by operation of the law and categories of persons who are subjects of His Majesty by registration and naturalization.

72. The categories of persons who are considered as subjects of His Majesty the Sultan by operation of the law are persons who were on or after the appointed date:

(a) Any person born in Brunei and is commonly accepted as belonging to one of the accepted indigenous groups of the Malay race namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong;

(b) Any person born in Brunei, whose father and mother were both born in Brunei and are members of groups of people considered to be indigenous to Brunei only as mentioned in the First Schedule of the Act;

(c) Any person born outside Brunei whose father is a person commonly accepted as belonging to one of the indigenous groups of the Malay race, namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong. Or whose father and mother were both born in Brunei and were members of the groups of people considered to be indigenous to Brunei as mentioned in the First Schedule of the Act;

(d) Any person who is born in Brunei on or after the appointed day whose father was at the time of the birth of such person, a subject of His Majesty; and

(e) Any person born outside Brunei whose father at the time of the birth of such person was a subject of His Majesty by registration under section 5, if the birth was registered at a Brunei Consulate or in Brunei within six months of its occurrence, or such longer period as His Majesty may in any particular case allow.

73. The Brunei Nationality Act also provides that His Majesty may cause the minor child of any subject of His Majesty to be registered as a subject of His Majesty upon application made in the prescribed manner by a parent or guardian of the child or His Majesty may, in special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty.

74. The Registrar of Births of the Department of Immigration and National Registration has 25 registration area codes which cover all the districts and remote areas in Brunei Darussalam. The Flying Doctors Team also assists in this process by registering births that occur in remote, outlying areas which are not easily accessible.

### **Implementation**

75. When a child is born, he or she must be registered at the Registration of Births, Deaths and Adoptions section of the Department of Immigration and National Registration.

76. Any child born outside Brunei Darussalam, whose father is a subject of His Majesty, is required to be registered to the relevant authority in the country where the child is born. The father or guardian must also report the birth to the nearest Brunei Darussalam mission in order to lay claim to the child's Brunei citizenship status.

77. Similarly, any child born in Brunei Darussalam of foreign parentage is required to have his or her birth registered with the Brunei Registrar of Births as well as his or her national Embassy so that he/she can claim citizenship of their respective countries in accordance with their respective nationality legislation. Since 1923, every birth in Brunei Darussalam has had to be registered.

### **Constraints**

78. It is possible for births not to be registered, for example, in cases of abandoned/foundling children where such children are not brought to the attention of the authorities and the person who has found/raised such children has not taken steps to report the existence of the child. In such cases there would be no birth certificate and the child will have difficulties in applying for identification documents later in life.

## **B. Preservation of identity**

### **Legal context**

79. As well as having records of birth under the Births and Deaths Registration Act, the National Registration Act (cap. 19) provides for the registration of persons in Brunei Darussalam for the purposes of issuing identity cards. These cards include details such as name (and any other known names) race and his status on citizenship. Children under the age of 12 years are exempted from registering.

80. Under the Passport Regulations made in accordance with the Passports Act (cap. 146), applications can be made for a Brunei passport or International Certificate of Identity or General Certificate of Identity or Emergency Certificate for travel purposes.

### **Implementation**

81. When a child reaches the age of 12 years, he/she is required under the law to possess an identity card which is issued subject to his/her status, namely:

- (a) Yellow identity cards for citizens;
- (b) Purple identity cards for permanent residents; and
- (c) Green identity cards for temporary residents (e.g. under employment permits) who have entered Brunei lawfully and have immigration passes to stay for more than three months (this shall include children of 12 years and above, i.e. children whose parents are green identity card holders).

82. International certificates of identity are issued to permanent residents of Brunei Darussalam, people who reside in Brunei Darussalam.

## **C. Freedom of expression**

### **Legal context**

83. There is no specific legal provision that provides for freedom of expression. However, sections 48 (1) (b) (iii) of the Religious Council and Kadi's Court Act (cap. 77) provided for civil jurisdiction concerning custody of a child. When parents are divorced, the child's wishes as to the parent he or she wishes to stay with are granted provided that the child is of *mumaiz* or "can express his own opinion".

### **Implementation**

84. Tradition and culture still play an important role in the upbringing of children in Brunei Darussalam, and respect for elders is still practised. As a result children are restricted in how they express themselves in their views, and when they do, this has been usually

predetermined by their parents. However, a number of children's activities such as story-telling competitions and workshops have been designed to encourage children to be more open and give them an outlet for expressing themselves.

85. In the Religious Council Act and Kadi's Court Act there is no elaboration with regard to persons who have right of custody of a child or *hadanah* and the administration of property or wealth of a minor child, but the act only provides the extent of jurisdiction of Kadi's Court in civil cases relating to custody of a child under sections 48 (1) (iii) and (1) (A). However the court shall in such proceeding decide according to *hukum syara'* which also gives a child his/her right to choose with whom he/she wishes to stay provided that he/she is *mumaiz* or who can express his own opinion.

86. Children are also encouraged to give advice to their parents concerning matters where religion, culture and national laws contradict each other.

87. Children in Brunei Darussalam are also encouraged to join societies and clubs in schools. Among the favourite such organizations are the Red Crescent Society, Scouts, Girl Guides, Army Cadets and Police Cadets.

88. Local newspapers such as the *Borneo Bulletin* and the *News Express* have letters columns in which the members of the public often air their views on various matters. Often children write in and have their letters printed in these columns.

89. The Brunei Telecom Department (Jabatan Telekom Brunei, or JTB), through its Internet service provider, "Brunet", provides access for Bruneians to the World Wide Web. The minimum age to registering a Brunet account is 6 years old with parental consent to guarantee payment.

### **Constraints**

90. Although Internet services are available in Brunei Darussalam, there are as yet no cyber laws in place although a national body is being set up in order to look into this matter. Further, JTB does not regulate access to the various sites on the Internet, so it is left up to parents/guardians to supervise the kind of information which is being accessed.

## **D. Access to appropriate information**

### **Legal context**

91. The Censorship of Films and Public Entertainment Act (cap. 69) provides for the censorship of films and other public entertainment. The act provides for the offence to publish or exhibit any film without due authorization punishable for a term of imprisonment extending to 12 months and liable to a fine.

92. The Undesirable Publications Act (cap. 25) prevents the importation, distribution or reproduction of undesirable publications, which are contrary to public interest. The penalty for importing, publishing, selling or offering for sale, the distribution or reproduction of any prohibited articles is a term of imprisonment extending to four years' imprisonment.
93. The Broadcasting (Code of Practice) Notification of 1998 issued under section 9 of the Emergency (Broadcasting) Order of 1997 applies to all TV and radio programmes, including all free-to-air broadcasting services.
94. This Code provides that all television programmes should be given proper and suitable warning indicators as follows:
- (a) U - Suitable for the viewing of all age groups;
  - (b) 12 - Only suitable for viewing by children of ages 12 and above;
  - (c) PG - Only suitable for children viewing with parents; or for children viewing with parental guidance;
  - (d) 18 - Only suitable for viewers age 18 and above, and adults.
95. The First Schedule (Broadcasting Services Programmes Code) provided a list of standards to be observed in relation to children's programmes as follows:
- Children's programmes should not contain violent, horrific or sexual scenes;
  - Children's programmes should portray the Malay Muslim Monarchy philosophy and values and inculcate and promote respect for: law and order; parents and elders; and each other as well as their property in communal living; and honourable characteristics. Programmes should contain positive values with clear distinction between good and bad values and should highlight good moral values.
96. Programmes broadcast should not contain scenes depicting:
- (a) The consumption of alcohol, cigarette smoking, misuse of drugs or promoting the consumption of alcohol, smoking or misuse of drugs (other than being broadcast with the objective of giving an educational point towards its negative effects); or
  - (b) Brand or trade names relating to alcohol or prohibited drugs.
97. Programmes containing scenes depicting brand or trade names relating to cigarettes should initially be approved by the Minister responsible for broadcasting matters. Programmes featuring excessive violence towards other humans, animals, including animation/cartoons of humans and animals and property should be avoided. Programmes meant for children should never end in a way that could disturb or has negative effects on their emotions.

98. The Second Schedule (Code of Practice for Advertising) of the notification also contains a section entitled “Children and Advertising”, which gives guidelines on the contents of advertisements related to children, and includes the following:

(a) Advertisements should not introduce values infringing the concept of respect between children and adults (e.g. disrespectful or disobedient to adults);

(b) Advertisements primarily targeted at children, or placed in programmes likely to be seen by children should not contain visuals or words, which may result in physical, emotional or moral harm;

(c) Advertisements featuring children should be carefully considered from the point of view of safety and should not show them doing acts which might endanger themselves or others; and

(d) Advertisements targeted at children or which feature children should not portray negative, undesirable, indecent or inappropriate practices or values.

### **Implementation**

99. Children in Brunei Darussalam have access to information through the various forms of mass media. These include the print media, radio, television and the Internet.

100. Apart from libraries at schools, the Language and Literature Bureau, a department under the Ministry of Culture, Youth and Sports, provides children with access to reading materials through the library situated in the heart of Bandar Seri Begawan, and the district libraries, which have a Young People’s Library for those aged between 12 and 20 years old and a children’s library for those aged below 12. They have reading clubs for various age groups to encourage children to come to the library and make use of the facilities available and meet other children who have similar interests. The bureau also holds reading competitions every three months for different age groups. The libraries are well attended, especially on weekends when the children are usually brought by their parents. The bureau also organizes many other cultural and educational activities, such as games and field trips, so that children can obtain information while contributing their thoughts for the benefit of others. A mobile library service which brings the library to children who live in the outlying rural and town areas is also provided. This mobile library service will stop at various designated areas twice a week. At each stop, the mobile library will serve for an hour where a child can have access to the books. Books from the mobile library may be borrowed and returned when the mobile service makes its scheduled stop the next fortnight.

101. Locally published children’s magazines such as *Mekar* (“Blossom”) and *Juara* (“Champion”) cater to children as young as 5 years old.

102. The Language and Literature Bureau also organizes reading campaigns through its Mobile Story-Telling Workshop and Reading Culture Movement, which aim at enhancing the children’s reading capacity. National book fairs are also organized from time to time.

103. Brunei Darussalam has one local government-produced television channel but also receives three television channels from Malaysia. Bruneians also have the option to subscribe to satellite television programmes from a local company, Kristal and a Malaysia company, Astro. In addition, there are a number of radio channels in Brunei Darussalam which broadcast programmes in Malay, English, Mandarin and Ghurkali.

104. Radio Television Brunei (RTB) goes on air from 6 a.m. to 12 midnight. Children's programmes make up 12.6 per cent of the day's programming (locally produced children's programmes, plus 3.17 per cent foreign children's programmes totals 9.5 per cent). Locally produced programmes tend to be education-based. All of the foreign programmes are censored by the RTB Censor Board Committee and locally produced programmes are kept in line with the Malay Islamic Monarchy philosophy. As already mentioned, Internet access is readily available in Brunei Darussalam, with children as young as 6 years old able to have their own Brunet accounts with parental consent.

### **Constraints**

105. As previously mentioned, JTB does not regulate access to the various sites on the Internet, so it is left up to parent/guardians to supervise the kind of information which is being accessed.

## **E. Freedom of thought, belief and religion**

### **Legal context**

106. Under the Constitution, the official religion of Brunei Darussalam is Islam, which is practised in accordance with the Shafeite sect of that religion. However, the Constitution further provides that all religions may be practised in peace and harmony by the person professing them.

107. Section 166 of the Religious Council and Kadi's Court provides that no person under the age of 14 years, 7 months, shall be registered as a convert to the Islamic religion. Section 167 further provides if a person is under the age of 14 years, 7 months, applies to convert to Islam, the Kadi shall cause him to be returned to his lawful guardian and he shall be deemed not to have converted to the Islamic religion. However this shall not affect the right of a child to convert if he/she is above the age.

### **Implementation**

108. Even though Brunei Darussalam has made a reservation to article 14 of the Convention on the Rights of the Child concerning freedom of thought, conscience and religion, a numbers of religions apart from Islam are practised freely in Brunei Darussalam.

109. A child above the age of 14 years, 7 months, may be registered as a convert to the Islamic religion without requiring their parent's consent. A child below this age cannot convert, registration will be refused and the child will be surrendered to their parents. However if a

parent or both parents convert to Islam, their child/children below the age of 14 years, 7 months, shall automatically become Muslim. Their child/children above that age have the right to choose whether to convert or not.

## **F. Freedom of association and of peaceful assembly**

### **Legal context**

110. The Penal Code (cap. 22) sets out the offence of unlawful assembly, where the common object of the persons composing that assembly is:

- To overawe by criminal force, or show of criminal force, the Government of Brunei or any public servant in the exercise of the lawful power of such public servant;
- To resist the execution of any law or of any legal process;
- To commit any mischief or criminal trespass or other offence;
- By means of criminal force, or show of criminal force to any person, to take or obtain possession of any property, or to deprive any person of the right of way, or use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
- By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

### **Implementation**

111. As well as various societies and clubs in schools, a number of organizations and societies are open for membership to children in Brunei Darussalam; these include such organizations as the Scouts and Girl Guides Movement, the Red Crescent Society and many others.

## **G. Protection of privacy**

### **Legal context**

112. Under the Women and Girls Protection Act (cap. 120), where a girl is involved in unlawful sexual activity, which would include rape or outraging a girl's modesty, her testimony would be dealt with in camera, i.e. behind closed doors. Her identity would also be protected.

113. The Criminal Procedure Code (cap. 7) provides that a child witness under the age of 14 years at the time when the alleged offence occurred may give evidence via a live television link with leave of the court. This is limited to cases which involves assault or injury or any sexual offence as provided for under the law. The effect of this procedure is that the evidence shall be treated as if it were made in direct oral evidence and admissible evidence of any fact, which such evidence from the witness would be admissible.



114. The Post Office Act (cap. 52) provides that it is an offence to wilfully and maliciously open a letter, which ought to be delivered or do an act whereby the due delivery of a letter to any person, is prevented or impeded. This provision however does not apply to persons who are parents or guardian or a minor addressee.

115. Section 41 of the Children's Order 2000 restricts the publishing of any information which could lead to the identification of the identity of any child concerned in any court proceedings, regardless of whether such child is the accused, a victim or a witness. Any person who contravenes this section faces a penalty of imprisonment of up to two years or a fine up to \$5,000 or both.

### **Implementation**

116. Giving evidence via a live television link, as mentioned above, only was introduced in 1995 and thus far has been used on two occasions. This provision has been useful for child witnesses who would have difficulties in giving evidence in front of the alleged offender, which in some cases could be somebody they know very well or are closely acquainted with.

## **H. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment**

### **Legal context**

117. The Penal Code (cap. 22) specifically sets out offences against the person ranging from causing hurt and grievous hurt to causing death. The punishments are severe and may extend to 15 years' imprisonment with whipping, depending on the gravity of the offence. The provisions of this Code are general in application and are often relied on when prosecuting persons accused of hurting or torturing a child.

### **Implementation**

118. Criminal offences against children, as in most countries, are serious offences in Brunei Darussalam. The Criminal Investigation Department of the Royal Brunei Police Force established the Domestic Violence and Child Abuse Unit on 1 April 1997 to enhance the protection provided to children. It stems from the recognition that women and children, being physically disadvantaged and/or mentally immature, need special safeguards and care. One of the main functions of this unit is the protection of children against all forms of physical and mental violence, injury or abuse, neglect, maltreatment, sexual abuse and exploitation. In 1999, this unit was incorporated under the Anti-Vice Unit, which also deals with offences connected to prostitution and gambling. However, special attention and priority is still given to domestic violence and child abuse cases.

119. The unit works hand in hand with the Medical Social Worker and officials from the Social Affairs Services Unit (under the Ministry of Culture, Youth and Sports). Reports of suspected abuse are normally made directly to the nearest police station as an alternative to the Medical Social Worker. The involvement of the police would be to deal with the investigations and eventual prosecution of an alleged offender while the Medical Social Worker and the Social

Affairs Services Unit provides services such as counselling and shelter for the children and in some cases their families. The Domestic Violence and Child Abuse Unit of the Royal Brunei Police Force is a member of the Child Protection Team, which was established by the Ministry of Health. The Child Protection Team of the Ministry of Health is responsible for any reported cases of physical abuse or non-accidental injury to children. The Domestic Violence and Child Abuse Unit also holds lectures on crime prevention specifically offences against children, which are highlighted to the public through meetings with schools, colleges and neighbourhood watch associations. These lectures aim at educating the public on the proper action to be taken when dealing with offences against children.

### **Constraints**

120. There is reluctance by victims of child abuse and the people close to them (invariably family members and neighbours) to report the matter as and when they occur and, probably, many cases may not be reported. A number of avenues do exist for reporting purposes apart from the police, such as through the hospitals, the Social Services Unit and schools. More often than not official complaints to the police regarding child abuse are made by the agencies mentioned above rather than the victims themselves or their families. Therefore, it is yet another responsibility/burden on all these agencies to be more vigilant in watching out for signs of abuse and to undertake the necessary actions and investigations.

121. Despite the teacher's guidelines, there are cases whereby teachers do mistreat students. However, these incidents are rare. If such cases do occur, parents are at liberty to report the matter to the police. The Ministry of Education will then investigate the matter and take appropriate action depending on the severity of the cases.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental responsibilities**

#### **Legal context**

122. Under section 317 of the Penal Code (cap. 22), if the parents of a child under the age of 12 years abandoned such a child, they shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

123. For non-Muslims, section 4 (1) of the Emergency (Married Women) Order 1999, provides that "upon the solemnization of marriage, the husband and the wife shall be mutually bound to cooperate with each other in safeguarding the interests of the union and in caring and providing for the children".

#### **Implementation**

124. Before a Muslim couple marry, they have to forward their application to the Ministry of Religious Affairs to attend a premarital course. The course applies to every couple irrespective of age and should be forwarded 45 days before the date of marriage. The Ministry of Religious

Affairs conducts pre-marriage courses for would be married couples to inculcate the importance of marriage and to guide couples to become good husbands and wives and eventually to become responsible parents.

125. Non-Muslims, through their church and community leaders, are also given premarital talks and guidance to equip them to become responsible parents.

126. Lectures and seminars on the topics of parenting skills are provided from time to time by the Ministry of Religious Affairs, Social Affairs Services Unit and non-governmental organizations.

## **B. Separation from parents (Convention art. 9)**

### **Legal context**

127. In the case of non-Muslims, custody of children is usually given to the mother of the child, the other parent being granted visiting rights. Legislation on the custody of non-Muslim children is provided in the Emergency (Guardianship of Infants) Order 1999.

128. For Muslims, custody of children or *hadanah* in the case of dissolution of marriage, will be governed by the Emergency (Islamic Family Law) Order 1999. This legislation is a codification of the current practice which is set out as follows: with regard to a Muslim child, the Kadi's Court shall decide according to *Hukum Syara'* as to who is entitled to custody of a child. Certain conditions are imposed and must be satisfied:

- (a) He is a Muslim;
- (b) He is of sound mind;
- (c) He does not suffer from any long-term disease which prevents him from looking after the child himself or is suffering from diseases such as leprosy, bitiligo or acquired immunodeficiency syndrome (AIDS) or is a carrier of the HIV virus or venereal diseases in a communicable form;
- (d) He is of an age that qualifies him to give the child care, love and affection that the child may need;
- (e) He is of good conduct in terms of Islamic morality; and
- (f) He lives in a place where the child will not face any moral or physical risks.

129. However, priority is given to the mother, who is regarded as the most eligible person to be given custody of her child who is not *mumaiz* either during the continuance of the marriage or after divorce. If the mother remarries a man who is not related to the child thereby prohibiting him from marrying the child, she shall lose her right to custody but the right shall revive on the dissolution of her subsequent marriage.

130. In either case, if the mother loses her right to custody, the right of custody will go to her immediate family according to order or priority:

- (a) The maternal grandmother and ascendants;
- (b) The paternal grandmother and ascendants;
- (c) The sister of same parents;
- (d) The sister of same father;
- (e) The sister of same mother;
- (f) The maternal aunt of same parents;
- (g) The maternal aunt of same father;
- (h) The maternal aunt of same mother;
- (i) The daughter of the sister;
- (j) The daughter of the brother;
- (k) The paternal aunt; or
- (l) The aunt of the father (the sister of the child's grandfather).

### **Implementation**

131. If, due to unfortunate circumstances, the child is not able to live with both parents not so much as due to the above legal factors, such as in the case of missing or deceased parent or parents, the Social Affairs Services Unit will provide care for the child either at its welfare home or under its family fostering scheme. However, it must be noted that the care of the child is best under the supervision of parents or its immediate family. The involvement of the Social Affairs Services Unit is seen only as the last resort after all choices have failed.

132. Young children and nursing babies, whose parents are imprisoned are allowed by the Prison Department to be with their mother. Children are also allowed to visit their parents while in prison.

133. If the child needs to be separated from its parents due to neglect, maltreatment and abuse by both parents, the child will be placed in the custody of the State, i.e. the Social Affairs Services Unit by order of courts. However it is considered that the family is the most rightful guardian for the child.

134. In 1995, the Welfare Homes of Social Affairs Services Unit sheltered four orphan children and took four orphans in 1996. They were later placed under the care of immediate family members.

### **C. Family reunification (Convention art. 10)**

135. There is no legislation on the protection of refugees but if a child refugee is discovered, the Government will arrange to return the child to its rightful parents on humanitarian grounds.

### **D. Recovery of expense associated with children in cases of divorce (Convention art. 27)**

#### **Legal context**

136. Chapter III of the Emergency (Married Women) Order 1999 governs claims for maintenance for wives and children for non-Muslims. The relevant sections are sections 19 to 29. Section 19 (2) provides that “if a person neglects or refuse to maintain his legitimate or illegitimate child a Court of a Magistrate may, upon due proof thereof, order that person to make a monthly allowance or a lump sum for the maintenance of the child”.

137. This legislation also makes it a duty for a person who has accepted a child who is not his child as a member of the family, to maintain the child while he is a child. Further, any sums expended by a person maintaining the child shall be recoverable as a debt from the father or mother of the child.

138. In practice, the Magistrate, having recorded the complaint of the wife or the child, shall issue a notice of hearing upon the person and have the case set down for hearing where the Magistrate shall hear evidence from the parties to determine whether there is sufficient evidence to support the charge. Upon finding such proof, the Magistrate usually proceed with an examination of the means of the person in order to determine the amount that should be paid and make an order to that effect.

139. Under section 336, “If any person so ordered fails without sufficient cause to comply with any such order, the magistrate may for every breach of the order by warrant direct the amount due to be levied in the manner by law provided for levying fines imposed by magistrates, or may sentence him to imprisonment of either description for one month for each month’s allowance remaining unpaid.”

140. In cases where there has been a default in payment, a warrant of arrest is usually issued in order that the person can be brought to the court and given an opportunity to explain his failure to comply with a court order. A further examination of the means is usually conducted whereby the Magistrate has the option to vary the existing order or make further orders in regard to the amount where he has defaulted.

141. Maintenance provisions for Muslims is currently governed by part VII of the Religious Council and Kadi's Court Act, (cap. 77), which only applies to claims made by a Muslim against a Muslim.

142. Section 159 (1) states that a minor may, by application in the court of a Kadi, be made either personally or through a representative, as provided in section 83, obtain an order against his lawful father or any other person liable in accordance with Muslim law to support him for the payment from time to time of any such sums in respect of his maintenance as he may be entitled to in accordance with Muslim law.

143. Further, section 161 provides that "If any person neglects or refuses to maintain an illegitimate child who is unable to maintain himself, the Court of a Kadi, upon the proof thereof, may order such person to make monthly allowance as to the Court seems reasonable."

144. Provided that, if the claim be made against the putative father, it shall be brought in the Magistrate's Court, which may order him to make such monthly allowance not exceeding B\$ 500 as the court seems reasonable.

145. The practice for the enforcement of the Kadi Courts order is the same as that mentioned above. However, the Magistrate Court's power is restricted only to enforcement and the Magistrate does not have the power to vary the original Kadi order and parties are advised to refer the matter back to the Kadi if any variation is sought.

#### **E. Children deprived of a family environment (Convention art. 20)**

##### **Legal context**

146. The Religious Council and Kadis Court Act (cap. 77) governs matters regarding the custody of Muslim children. The Court of the Chief Kadi has jurisdiction to hear and determine all actions and proceedings related to the custody of children.

147. Alternatively, for non-Muslim children custody-related matters are governed by the Emergency (Guardianship of Infants) Order 1999.

##### **Implementation**

148. In Brunei Darussalam the extended family system and the inculcation of a caring society, plus the caring of its people, has made life for children a more enjoyable environment, as families are always there to care for them. The 2,000 orphans (children without fathers below the age of 18 years) registered with the Social Affairs Services Unit are all being taken care of their by their respective immediate families. There is no orphanage in Brunei Darussalam.

149. The Social Affairs Services Unit provides financial help to those orphans below the age of 18 years. The caring attitude of Brunei society has eased the financial burden of orphan children. Besides financial assistance by the Government, other agencies or bodies help out with

the financial difficulties met by orphans. Agencies such as the *Baitul mal* of the Islamic Religious Council and the Sultan Haji Hassanal Bolkiah Foundation has its special financial aid scheme to help the orphans. Besides that, the Social Affairs Services Unit also has funds donated from the public for the same purpose. Funds of this similar purpose are established at district level in all the four districts.

150. The NGOs also, through their various fundraising activities, give donations for the orphans and the needy especially during the fasting month and festive seasons.

151. Should other avenues fail, the Social Affairs Services Unit is always available to provide the safety net, depending on the circumstances of the child. It can be easily summed up that children are never in lack of help and there are always families willing to help children in need of a family environment.

152. A Welfare Home named “Taman Noor Hidayah”, under the management of Social Affairs Services Unit, provides alternative care and shelter for the abused and neglected children on temporary basis. It also provides rehabilitation for delinquent children, especially female children. At the centre, the children are provided with skills training, discipline training, religious knowledge and counselling services. During daytime they attend ordinary schools or vocational schools. Rehabilitated children are returned to families once they are identified as being ready to leave the centre.

#### **F. Adoption (Convention art. 21)**

##### **Legal context**

153. Adoption of children in Brunei Darussalam is governed by the Islamic Adoption of Children Order 2001 (for Muslims) and the Adoption of Children Order 2001 (for non-Muslims). Adoptions are registered under the Registration of Adoption Act (cap. 123) by registrars of adoption in a register.

154. The Islamic Adoption of Children Order 2001 applies where at least one of the parties involved in the adoption application professes the Islamic religion. Adoption orders are authorized by a Syar’ie Judge in the Shariah Courts. Before making an adoption order, the Syar’ie would need to be satisfied that the order is for the *maslahah* (best interests) of the child, taking into consideration the wishes of the parents, if any, or the guardian or the person who is responsible for the maintenance of the child as well as the wishes of the child, if he is in the age capable of expressing his own opinion. An adoption order shall not be made where a non-Muslim applies for the adoption of a child if one or both parents of the child is a Muslim or both parents of the child are not known. An adoption order shall only be made with the consent of the parents, if any, or the guardian or the person who is responsible for the maintenance of the child. However, the Syar’ie Judge may dispense with such consent if the person whose consent is to be dispensed with has abandoned, neglected or persistently ill-treated the child, has persistently neglected or refused to provide maintenance or is unfit to take care of the child by reason of physical or mental incapacity and most likely the unfitness would continue for an indefinite period.

155. However, an adoption order shall not be made where the applicant is a male and the child in respect of whom the application is made is female or vice versa, unless the applicants and the child have connections by *nasab* (descent based on lawful blood relationship) under which they are *haram* to marry. A non-Muslim child who is adopted by a Muslim shall be considered a Muslim. An adoption order shall not prejudice the beneficiary rights of the child from his natural parents. However, the adopter may, during his lifetime, transfer his immovable property to the adopted child and may grant his movable property as a gift and grant his property by a will of not more than one third of his whole property.

156. The Adoption of Children Order 2001 does not apply to any person who professes the Islamic religion. Adoption orders are made by the High Court of Brunei Darussalam. Adoption orders shall not be made where the sole applicant is a male and the child in respect of whom that application is made is a female, unless the court is satisfied that there are special circumstance which justify the making of the order. Similarly to the Islamic Adoption of Children Order 2001, consent shall be required from the relevant persons, although the court may dispense with such consent the same circumstances provided under the Islamic Adoption of Children Order 2001, above. An adoption order shall not be made if both the parents of the child are unknown, further such child shall be deemed to be a Muslim, unless the contrary is proved. Before making an adoption order, the court shall be satisfied that:

(a) Every person whose consent is necessary under the order and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order, and in particular, in the case of any parent, understands that the effect of the adoption order will be to deprive him of his parental rights in respect of the child;

(b) The order, if made, will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to his age and understanding; and

(c) The applicant has not received or agreed to receive, and no person has made or given, or agreed to make or give, to the applicant any payment or other reward in consideration of the adoption, except such as the court may sanction.

157. Upon the making of the adoption order, all rights, duties, obligations and liabilities of the parents or guardians of the adopted child in relation to his future custody, maintenance and education shall be extinguished and shall be vested and be exercised by and enforceable against the adopter. Where an adopter or the adopted child dies intestate in respect of any property, that property shall devolve in all respects as if the adopted child is the child of the adopter born in lawful wedlock. Similarly, in any disposition of any property made after the date of the adoption order, any reference to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted child.

### **Implementation**

158. The Immigration and National Registration Department is the government agency responsible for the registration of adoptions in the country. The various Senior National Registration Officers in the respective districts are appointed to receive any application for adoption from the various districts.



159. The Family Development Division, under the Social Affairs Services Unit, assists the Immigration authority in the home study report. The social report made by the Social Affairs Services Unit plays an important role in determining the eligibility of the application. The social worker's main responsibility is to see that the child is given the best home care and favourable home environment, besides a strong financial and stable income of the adopting families.

160. The Committee on the Assessment of Applications for the Adoption of Abandoned Babies was set up in order to assess and process adoptions of abandoned babies. The Committee, which is made of representatives from various relevant government departments, assesses the suitability of applicant parents and draws up recommendations accordingly. The Committee's recommendations will be submitted along with the adoption application to the High Court which would consider the application before making the order to register such adoption.

161. The Social Affairs Services Unit facilitates the adoption of children made by temporary resident in Brunei Darussalam by preparing the home-study report as requested by the relevant agencies from foreign countries.

162. In 1999, there were four cases of abandoned babies (refer to annex A). They are considered as Muslim in the context of this country based on the religious ruling or *fatwa* which says that if abandoned babies whose father or mother is unknown, if found in a territory of Muslim people, or in the territory of non-Muslim where there are Muslim people within, he is considered as a child of Muslim faith and non-Muslims are not allowed to take the child as an adopted baby. An abandoned baby is not allowed to use the name of their adoptive father but she/he would normally use the name "Abdullah" or other name such as "Abdul Rahim". These names are derived from "Asma Ul Husna", the 99 names of Allah.

163. Constraints include the time taken to register an adoption, as many agencies are involved in making thorough assessment and including a probational period as in the case of normal adoption.

164. In the case of adoption of abandoned child, a certain period is taken up to conduct a thorough investigation to trace the natural mother, and time must also be taken to allow bonding measures between the adoptive parents and the baby.

## **G. Illicit transfer and non-return of children**

### **Legal context**

165. The Penal Code (cap. 22) provides for the offence of kidnapping and abduction, punishable with a term of imprisonment extending to 10 years and a fine.

166. Section 4 (1) of the Women's and Girls' Protection Act (cap. 120) makes provision for the offence of trafficking in girls for which punishment can extend to five years' imprisonment and fine up to B\$ 20,000.

167. Part VIII of the Children Order 2000, section 33, makes it an offence for any person to take part in any transaction the object or one of the objects being to transfer or confer wholly, partly, temporarily or permanently the possession, custody or control of a child for any valuable consideration. Section 34 makes it an offence to import or assist in importing a child into Brunei Darussalam by false pretence or representation or fraudulent or deceitful means. The penalty for both these offences, if found guilty is imprisonment which may extend to seven years with 10 strokes of whipping or a fine of up to \$20,000 or both.

### **Implementation**

168. Cases of illicit transfer and non-return of children are extremely rare. However, if it occurs the children will be returned to respective family.

### **H. Abuse and neglect of children and their physical and psychological rehabilitation and social reintegration**

#### **Legal context**

169. The Children's Order 2000 is an act to provide for the care and protection of children. Under this Order, a child is deemed to be in need of protection under a variety of situations as follows:

(a) The child has been, or there is substantial risk that the child will be, physically or emotionally injured or sexually abused by his guardian;

(b) The child has been, or there is substantial risk that the child will be, physically or emotionally injured or sexually abused and his guardian, knowing of such injury, abuse or risk has not protected or is unlikely to protect the child from such injury or abuse;

(c) The guardian of the child is unfit, or has neglected or is unable, to exercise proper supervision and control over the child and the child is falling into bad association, or is exposed to moral danger, or is beyond control;

(d) The guardian of the child has neglected or is unwilling to provide him with adequate care, food, clothing and shelter;

(e) The child has no guardian, or has been abandoned by his guardian and after reasonable inquiries the guardian cannot be found, and no other suitable person is willing and able to care for the child;

(f) The child needs to be examined, investigated or treated for the purpose of restoring or preserving his health and his guardian neglects or refuses to have him so examined, investigated or treated;

(g) The child behaves in a manner that is, or is likely to be, harmful to himself or any other person and his guardian is unable or unwilling to take necessary measures to remedy the situation or the remedial measures taken by the guardian fail;

(h) There is such conflict between the child and his guardian, or between his guardians, that family relationships are seriously disrupted, thereby causing him emotional injury;

(i) The child is a person in respect of whom any of the offences mentioned in the Penal Code (chap. 22) or any offence of the nature described in the order has been or is believed to have been committed and his guardian is the person who committed such offence or is believed to have committed such offence or has not protected or is unlikely to protect him from such offence;

(j) The child is:

(i) A member of the same household as the child mentioned in subparagraph (i) above; or

(ii) A member of the same household of the person who has been convicted of any of the offences referred to in paragraph (i), and appears to be in danger of the commission upon or in respect of him of a similar offence and his guardian is the person who committed or is believed to have committed the offence or his guardian is unable or unwilling to protect him from such offence; or

(k) The child is found begging.

170. Under the order, protectors and a Registrar of Children in Need of Protection will be appointed in order to carry out the functions of this legislation. An Action Team on Child Abuse shall also be established to coordinate locally based services to families and children where children are suspected of being in need of protection. This order enables any protector or police officer to take a child who he is satisfied on reasonable grounds to be in need of protection into temporary custody and placed in a place of safety or taken before a medical officer if such protector or police officer is of the opinion that such child is in need of medical examination.

171. The order also places a duty on a registered medical practitioner, including a medical officer, to immediately notify a protector or police officer, if he believes on reasonable grounds that a child he is examining or treating is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed.

172. In addition, this order makes it an offence under section 26 (1) to abuse, assault, neglect, abandon or expose a child or to permit such action. The penalty for an offence under this section is imprisonment up to seven years with whipping and/or fine of up to \$20,000. Children are also not to be used for begging or any illegal activities detrimental to the health or welfare of the child. The penalty if found guilty of such offence is imprisonment up to five years with whipping and/or fine of up to \$10,000.

173. Under this order, when any question arises with respect to the welfare of a child in any particular circumstances, the best interests of the child shall always be the paramount consideration.

174. Provisions under the Penal Code (cap. 22) can also be relied upon in abuse cases. The relevant provisions can be found in chapter XVI of the Code. This chapter covers offences affecting the human body, namely, homicide (sects. 299-304), suicide (sect. 305), causing miscarriage, injuries to the unborn children, exposure of infants and concealment of birth (sects. 312-318), causing hurt and grievous hurt (sects. 319-326), criminal force and assault (sects. 349-358), and offences on rape, unnatural offences and incest (sects. 375-377A).

175. With regard to sexual abuse, the Women's And Girls' Protection Act (cap. 120) as well as the Penal Code (cap. 22) are also relied on. The latter covers offences of rape and statutory rape which are punishable with a term of imprisonment of up to 30 years and not less than 12 strokes of the cane, depending on the seriousness of the offence. The Code also provides for the offence of "outraging modesty", which carries a maximum term of imprisonment of five years and whipping. The Code further provides for offences of kidnapping or abducting a child for the purposes of prostitution and punishable to a term of imprisonment extending to 10 years. The Unlawful Carnal Knowledge Act (cap. 29) prohibits carnal knowledge with a girl under 16 years of age, an offence punishable with a term of imprisonment of not less than two years and not more than seven years and whipping not exceeding 24 strokes in the case of an adult or 12 strokes in the case of a youthful offender.

176. With regard to sexual abuse, the relevant provisions would be under section 354 of the Penal Code (outraging modesty) or section 375 of the same code for rape and statutory rape. Section 2 of the Unlawful Carnal Knowledge Act (cap. 29) is also used for offences involving sexual intercourse with a girl under 16 years of age. Some of these cases are initially reported as rape, however, when facts are established the charges would be amended accordingly either by the Deputy Public Prosecutors or the court. Sentences imposed for these offences involve imprisonment with a maximum of 30 years and not less than 12 strokes of the cane and in the case of outraging modesty, a maximum of 5 years and whipping.

177. Without taking into account the persons who have custody rights, Kadi's Court may rule out an order to place a child into the custody of a person from among those have right towards the custody. If there is any ambiguous situation which may cause the child unsuitable to be placed with any of those have custody rights, Kadi's court may with its authority place the child under the guardianship of an institution which provides services including the welfare of children or other individual who are suitable. The welfare of the child shall be the paramount consideration of the Kadi's Court along with the opinion of the parent of the child and the opinion of the child, if the child reaches the age of *mumaiz* (able to differentiate between good or bad) or attain the age of being able to voice their opinion.

## **Implementation**

178. In 1997 the Royal Brunei Police Force established a special unit called the Domestic Violence and Child Abuse Unit. This unit was incorporated under the Anti-Vice Unit in 1999. The main focus of the unit is to protect women and children from domestic violence whether physical or mental, and its work also covers cases involving injury or abuse, neglect, maltreatment or exploitation, including sexual abuse.

179. This unit works closely with Medical Social Workers and the Social Affairs Services Unit. Any reports of suspected abuse are normally made direct to the nearest police station. The Domestic Violence and Child Abuse Unit deals with the criminal prosecution of alleged offenders while the Medical Social Worker and the Social Affairs Services Unit provide shelter for the victims.

180. Cases of child abuse have been reported from the police as well as the hospital (refer to annex II). Consequently, various sentences are available upon conviction for offences committed under the Children's Order 2000 (refer to annex II).

181. To provide protection for abused children, a shelter is provided if all efforts fail to find a proper shelter within the family (refer to annex III). This shelter home is under the supervision of the Social Affairs Services Unit, Ministry of Culture Youth and Sports. At this shelter home children are provided with services such as Islamic religious knowledge, counselling services, skill training, and attending normal schools.

182. The Social Affairs Services Unit provides two hotlines which operate during office hours to provide access for the public to inquiry or report incidents of child abuse and neglect as well as any other cases of social problems.

183. At the national level, there is an Action Team on Child Abuse which determines actions taken in dealing with child abuse cases. This team is chaired by the Permanent Secretary of the Ministry of Culture, Youth and Sports. The Raja Isteri Pengiran Anak Saleha Hospital established an Action Team on Child Abuse to determine cases of non-accidental injuries which came into the attention of the hospital.

184. Constraints include:

- There are still cases of neglect and abuse not reported to the authorities due to social stigmatization and possible legal implication;
- There are no programmes of rehabilitation for perpetrators of child abuse; and
- Failure to recognize abuse, which needs more public awareness.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Survival and development**

#### **Legal context**

185. The Quarantine and Prevention of Disease Act (cap. 47) provides that parents of every child born in Brunei and every child not born in Brunei but residing therein, within six months after its birth and six months after its arrival in Brunei, respectively, to bring the child to the public vaccinator of the vaccination district. If this is not done, the parents will be fined B\$ 50 and the court shall order that the child be vaccinated within a certain time. If this order is omitted, he or she shall be guilty with a fine of B\$ 100 (and for every day he has omitted), a fine of B\$ 10.

186. The act also provides that the parent or any person having the custody of any child in Brunei who has attained the age of 7 years shall, within six months after such child has attained that age, take such child to a public vaccinator or medical practitioner for exam (section 9 of the act). If the public vaccinator or medical practitioner is of opinion that such child (a) has not been successfully vaccinated within the previous 12 months he shall forthwith vaccinate the child; (b) has not been specifically vaccinated within the previous 12 months he shall forthwith vaccinate the child; and (c) has been successfully vaccinated within the previous 12 months, he shall direct when such child shall be brought for vaccination. This is done provided that no child who has been twice successfully vaccinated before the age of 10 years shall be required to submit further vaccination except or hereinafter enacted (section 39 of the act).

187. The act also provides that it is an offence to inoculate or attempt to inoculate a child with various matters or to produce or attempt to produce the disease of smallpox in any such child. Penalty will be a fine of B\$ 1,000 and imprisonment for six months (section 49 of the act).

188. The parent or person who has the custody of any of unvaccinated pupils attending a government school, should cause them to be vaccinated. It is an offence to omit this and penalty will be a fine of B\$ 100 and such pupil will not be admitted to any government school until he has been vaccinated.

189. The Labour Act also provides conditions for employment of minors to ensure that their employment will not adversely affect their development. A child is prohibited to work in any ship except a ship approved by the Commissioner as a school or training ship. The employment of a child or any young person on any ship is conditional on the production of a medical certificate attesting their fitness to work. Their continued employment at sea shall be subject to the repetition of such medical examination at intervals of not more than one year.

#### **Implementation**

##### *General health status*

190. With increasing public awareness on health issues, and the privilege of good socio-economic status, Brunei Darussalam continues to progress towards better health status.

191. Brunei Darussalam has endorsed the Alma-Ata Declaration of Health for All by the Year 2000 and adopted Primary Health Care, as the key strategy to attain the goal set by the Declaration.

**Table 1**

**Global indicators appraised for the year 1998 to meet WHO targets**

1. Life expectancy at birth (year 1994-1996) (target: > 60 years)	Male Female	75.4 years 77.7 years
2. Literacy rate (percentage) (age 9 years+) (year 1991) (target: > 70%)	Male Female	93.7 84.7
3. Infant mortality rate/1 000 live births (target: < 50)		6.5
4. Under-5 mortality rate/1 000 live births (target: < 70)		8.5
5. Maternal mortality rate/100 000 live births (target: < 100)		40.2
6. Percentage of newborns weighing at least 2 500 g at birth (target: > 90%)		89.6
7. Percentage of children whose weight-for-age is acceptable (target: 90%)		90.8
8. Percentage of children whose weight-for-height is acceptable (target: > 90%)		88.3
9. Percentage of deliveries by trained health personnel (target: > 95%)		99.0
10. Per capita GDP at current prices (B\$) (target: US\$ 500)		25 100

192. The infant mortality rate has steadily declined to 6.5 per 1,000 live births (1998). This included babies born as prematurely as 24 weeks' gestation. Similarly, the childhood mortality rate has declined and remained low at 0.5 per 1,000 (1-4 year) population (1998).

193. Paediatric vital statistics since 1978, showing five-year trends as well as those of the last seven years (1992-1998), are as shown in the enclosed table (refer to annex IV). These figures are comparable to those of other advanced nations.

194. Majority of pregnant mothers choose to deliver in hospitals. Out of a total of 7,457 live births recorded in 1998, 96.8 per cent were delivered in hospitals. The maternal mortality rate was 0.4 per 1,000 total births (1998). This too has remained low.

## **B. Harmful communicable diseases**

### **Legal context**

The legal context as listed above are applicable Survival and Development.

### **Implementation**

195. The childhood immunization rate is above 95 per cent and Brunei Darussalam is free from all major communicable diseases. However, minor communicable diseases such as chickenpox, measles, rubella and mumps are seen in small outbreaks from time to time. These are being monitored.

196. Although there are no cases of malaria in the local population, a few cases of imported malaria are detected from time to time among the migrant workers from other countries. Strict surveillance is also being carried out for cases of acute flaccid paralysis, as part of a process to declare the country free of poliomyelitis.

## **C. Water and sanitation**

197. Ninety-nine per cent of the population has access to clean safe water. The remaining 1 per cent in the remote areas rely on rain or fresh river water, which is then purified. Fluorinated water is available to most of the population.

198. Sewer facilities with septic tanks are available to all living in the urban area. Studies are being conducted to improve sanitation of the remote areas.

## **D. Disabled children**

### **Children with special needs**

199. With a third of the population less than 15 years of age, priorities in health-care services are given to this group of young population, in particular with regards to prevention of disabilities by optimal prenatal and post-natal care.

200. Any child with an impairment, either mental or physical, is detected as early as possible, so as to enable early intervention.

201. Paediatricians are available to attend to deliveries of an at-risk nature. With more advanced medical technology and improved medical and health-care provisions, more premature infants from neonatal intensive care are now surviving. Efforts are made to promote disability-free survival. Follow-ups of at-risk infants are carried out.

202. Counselling for parents are carried out by a senior paediatrician, right from the start. This is to support the parents and to help them to come to terms with the child's special needs and to plan for future management.



203. Any of these children with identified specific learning or with physical disability (motor, visual, hearing, speech), including some children whose disability may become apparent only later, in the course of their development, will be fully assessed to identify their special needs, and to arrange for early stimulation and long-term care with appropriate assistance from the available resources.

204. The multidisciplinary team for children with special needs meet and discuss management of individual cases, to plan programmes for these children including rehabilitation, specific therapies, and other services in order to stimulate them early. These therapies include:

- Speech therapy;
- Physiotherapy;
- Hearing aids (cochlear implant is now available);
- Teaching for children with hearing impairment;
- Special schools for children with visual impairment. Those with partial visual impairment are taught in special school locally, while the more severe ones are sent to special schools overseas;
- Orthopaedic services such as special shoes, callipers, artificial limbs, frames to facilitate gait and encourage mobility;
- Minor surgery e.g. tendon release;
- Major surgery e.g. reduction of dislocated hips, insertion of shunts to relieve hydrocephalus;
- Dietary/nutritional advice for children with problem swallowing or eating; and
- Specific medical treatment e.g. epilepsy, asthma, infection, bedsores.

205. These children are not discriminated against because of their disabilities. In fact, any necessary medical or surgical interventions to improve the quality of their lives will be taken. For instance, there are cases of children with Down's syndrome complicated by congenital heart disease who had been operated overseas at the Brunei Government's expense, to enable them to live a better-quality life.

206. The National Advisory and Coordinating Committee for Children with Special Needs is a multidisciplinary committee, focusing on educating children with special needs. Plans are being made to provide for nurseries or full-time preschool programmes, including early interventions needed to prepare these children with special needs to start schools at around 5 years of age.

207. The Social Affairs Services Unit established centres for handicapped children, mainly Guidance Classes for Handicapped Children to provide such children with social skills and also to provide basic education to the children. There are such centres throughout the country. The non-governmental organization KACA is actively involved in the welfare and social activities of these children with special needs.

### **E. Health status and Brunei children**

208. Emphasis and priority in health care including promotion, prevention, curative and support services are given to meet the needs of this category of young children.

209. The health-care delivery system is efficient. This is served by four government and two private hospitals, with a total bed capacity of about 1,000 beds. There is a government hospital in each district. Raja Isteri Pengiran Anak Saleha Hospital in the capital is the major referral hospital. Patients are transported by boats, cars, ambulance or helicopters.

210. Apart from hospital-based services, community-based outpatient services as well as mother-and-child health services are provided all over the country with:

- 1 health-screening centre;
- 3 health centres with polyclinic facilities;
- 13 health clinics;
- 14 mother-and-child health clinics, providing antenatal and postnatal care for mothers as well as child health care;
- 15 mobile health clinics equipped with dispensary services; and
- 6 flying medical teams.

211. Dental services for children are available at these health centres and clinics as well as schools.

212. A good number of community midwives are allocated in each given area. These midwives will attend and assist the few mothers who opt to have home delivery, and will supervise the postpartum period, including encouraging breastfeeding, and to ensure that the baby be checked routinely by a paediatrician. There is no formal policy on family planning but child-spacing is encouraged. A number of private practitioners are also available.

213. The Flying Medical Team makes regular visits by helicopter, providing medical services to the remote villages, where access to health care is more difficult. However, accessibility to health-care services is generally good, as 90 per cent of the population live along the coastal area served by good road system.

214. There are a total of 344 medical doctors (1998) serving in the country, making the doctor population ratio 1:939.

215. Laboratory services are provided by the State Laboratory at RIPAS Hospital, the Laboratory of Scientific Services, and laboratories at each district hospital and health centres.

### **F. Nutrition**

216. A nutritional survey was conducted from January to June 1995 on pregnant mothers and children under 5, with a sample size of 817 and 1,137 respectively. Results show that 38.9 per cent of pregnant mothers had anaemia with haemoglobin of less than 11 g/dl. For the under-5 children, there were no severe cases of protein-calorie malnutrition but there were 3.6 per cent of those surveyed with weight two standard deviations below the median, and 9.1 per cent were found to be obese, with weight two standard deviations above the median.

217. A further detailed nutrition survey involving families was conducted over a one-year period, which was only completed recently. This will provide more information to plan future programmes on nutrition.

### **G. Health provisions for disadvantaged children**

#### **Legal context**

218. AIDS had been gazetted as a notifiable disease since March 1987, under the Quarantine and Prevention of Infectious Disease Act. Under the provision of this act, all cases of HIV infection must be reported to the health authorities. This is to enable surveillance and preventive measures to be taken.

219. However, HIV infection being such a highly stigmatizing condition has raised profound ethical dilemmas, in balancing between public health priorities and individual's civic liberties.

220. For surveillance, treatment and control purpose, the Disease Control Unit of Public Health Services maintain lists of those affected by HIV/AIDS, then encodes them, so that HIV-related confidentiality is maintained and privacy of the individuals concerned are protected. For locals with HIV/AIDS, there is no discrimination against them for jobs, housing, access to health care and schooling for affected children.

#### **HIV/AIDS**

221. The first adult case of HIV infection was detected in 1986. Since then, there are a total of 18 cases of HIV/AIDS affecting Brunei nationals and permanent residents. This includes one prenatal-acquired HIV case, and a pregnant mother who was offered antenatal screen was found to be HIV-positive.

222. Active programmes on primary prevention of HIV through education and behaviour modification, are being carried out to the public and especially the at-risk group.

223. Other strategies for the prevention and control of HIV/AIDS have been adopted in Brunei Darussalam. These are:

(a) To ensure safety of blood and blood products. Apart from screening for syphilis, Hepatitis B and C, all blood donated has been screened for HIV since 1986, and so far no blood tainted with the virus has been found. Only safe and adequately treated blood products are used for patients with clotting disorders;

(b) Intensified surveillance programmes. Currently, counselling and blood screening for HIV are done on the following at-risk groups: all blood donors; prisoners; persons with other sexually-transmitted diseases; drug abusers; persons with high-risk behaviours; health-care workers exposed to occupational risk; patients with tuberculosis; foreign workers; and individuals who seek voluntary testing;

(c) Prevention of prenatal transmission through antenatal HIV screening. A limited study was carried out from January 1989 to July 1993 on antenatal mothers who are mostly local residents. None of them are found to be seropositive for HIV. The most exciting advance in preventing paediatric HIV infection, for countries that can afford it, has been the report of the AIDS Clinical Trial Group (ACTG) protocol 076 strategy. It now appears that if women seropositive for HIV receive zidovudine in second and third trimester, followed by IV zidovudine during labour and further followed by oral zidovudine for the infant for six weeks, the prenatal transmission rate can be reduced by two thirds (Connor E.M., et al., 1994, Sperling R.S., et al., 1996). This ACTG 076 strategy has now become the standard of care and it now seems more justifiable to offer antenatal screening to women when such impressive benefit could be offered if they were found to be HIV-positive. Since January 1997, after the diagnosis of the first case of prenatal, acquired HIV infection by a symptomatic couple who were unaware of their HIV status, HIV screening is now offered to all antenatal mothers;

(d) Prevention of prenatal transmission through breastfeeding. It has been clear for some time that women who are seropositive for HIV opting to bottle-feed rather than breastfeed are thus able to prevent infection of probably 10 per cent of children exposed prenatally (Dunn D.T., et al., 1992). In Brunei Darussalam, safe infant formula is available and affordable. Breastfeeding is emphasized to all mothers. However, for any mother known to be HIV-positive, advice for alternative feeding for the newborn will be given; and

(e) Counselling on reproduction decisions for HIV-infected couples. Although the number of women of reproductive age who are HIV-infected is very few, advice and counselling on future pregnancies had been given to the couples concerned in a non-coercive manner, as well as information on the proven benefit of the ACTG 076 protocol, should they decide to have more children.

### **Treatment of HIV/AIDS**

224. Initial counselling and epidemiological investigations are carried out by the epidemiologist of the Disease Control Unit. All known cases of HIV/AIDS are then referred for treatment to the appropriate physicians/paediatricians/obstetricians.

225. General management includes education, counselling, emotional and physical support services, advice on nutrition, contraception, specific precautions and advice on decisions about future pregnancies are given where relevant.
226. In view of the small number of cases, open access to wards with easy contact with their doctors are made available, for general medical care as well as specific problems. Specific treatment for prophylaxis against opportunistic infections are given as deemed appropriate.
227. All children of HIV-infected mothers commence *pneumocystis carinii* pneumonia prophylaxis around the age of 6 weeks to 2 months, and continue the therapy until the age of 6 months or until it becomes clear that the infant is uninfected, whichever occurs first.
228. Combination anti-retroviral therapy is available in Brunei Darussalam and treatment is free for Brunei citizens and permanent residents, regardless of the stage of the infection.
229. A special HIV Fund has been set up by a non-governmental organization recently to meet the needs of any family affected by HIV/AIDS.

#### **H. Child abuse and neglect**

230. As mentioned earlier, the Children's Order 2000, under its section 19, places a duty on a registered medical practitioner, including a medical officer, to immediately notify a protector or police officer, if he believes on reasonable grounds that a child he is examining or treating is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, so that necessary steps can be taken. Further, under section 19 (4), such medical officer has the power to take such a child under temporary custody until such time as temporary custody of that child can be assumed by a protector or police officer.
231. The hospital is commonly the initial place where unexplained injuries are detected. Nurses and doctors dealing with children are trained to look out for the tell-tale signs which may suggest child abuse. Health education talks including child abuse and prevention are given to the public through the mass media.
232. Although there is no mandatory reporting, complaints are often made by a parent, relatives or neighbours who are concerned, which reflects an increasing public awareness of the problem.
233. From time to time, cases of physical and sexual abuse and neglect are dealt with in the hospitals. At RIPAS Hospital, the Child Protection Team, comprising of a multidisciplinary team, holds regular case conferences with the following objectives:
- (a) To share all relevant information and review evidence of abuse, causative factors and likelihood of recurrence;
  - (b) To consider safety of child(ren) in family and to decide whether legal action is needed to protect the child(ren); and

(c) To formulate a plan for future work with the child and family, including assessment of needs of family and help available locally, nomination of a key worker and recommendations for follow-up and case review.

234. These discussions are based on the principle that the welfare of the child is always the paramount consideration. Parents are kept informed and, where relevant, decisions are made with their involvement. They are also encouraged to draw support from the extended family system. Parental counselling is provided whenever necessary.

235. The ability to combine their skills for an effective child-protection system was clearly needed, for instance, in a recent High Court trial of a case of child sexual abuse. Video-recording was admissible in the Brunei courts as evidence, in order to avoid a young child witness going through further stress and the trauma of giving evidence in the court in the presence of the defendant. A carefully prepared video-recording of the interview with the young child was done at the hospital which was admitted to the court. The trial went on to cross-examination of this young child, again with the combine skills of the inter-agency partnership, special rooms with video-link system was set up at RIPAS Hospital to enable the child to testify against the natural father without the added stress of being in a formal courtroom in the presence of the defendant.

236. The child protection work requires good inter-agency cooperation. The Child Protection Team at RIPAS Hospital has a good working relationship with other professionals and regards interdisciplinary work as an essential process in the task of attempting to protect children from an abuser.

### **I. Budgetary and other provisions**

237. The government budget allocation for health has been constantly increased over the past years, reaching 6.97 per cent of the National Budget. The per capita health budget is B\$ 619 (1998).

238. Health care is free for all Brunei citizens and permanent residents, all children below 12 years of age, regardless of their nationality, as well as all government employees and their dependents. For others, a nominal fee is charged. For medical care not available in the country, Brunei citizens and those eligible are sent overseas for treatment at the Brunei Government's expense.

239. Local and overseas training of doctors, nurses and health-care providers for children is given a high priority.

### **J. Paediatric services**

240. To enable better delivery of paediatric care, hospital paediatric services are available at RIPAS Hospitals as well as other district hospitals. Community paediatric services are made available to all districts including the rural areas.

241. After birth, all newborns are routinely checked by a paediatrician. Following discharge from the hospital, the mothers and babies will be seen to at home daily by the community home midwifery services for the first 7-10 days, to encourage breastfeeding, child-spacing and to supervise the postpartum and early neonatal periods.

242. The well babies will be followed up at the nearest mother-and-child health clinic. Routine vaccinations and child health surveillance, including developmental checks, are done at various stages of their development. Inquiry about specific developmental problems are made to identify any children with impairment of physical disability, so as to provide early interventions if necessary.

### **K. Living standards**

243. Although Brunei Darussalam has undoubtedly made great progress in the field of child health care, there is still much work to be done. Emphasis must be made especially to prevention, as good prevention of childhood conditions will prevent chronic disease in adulthood.

244. As the health services for the country expand to cater for the increasing needs of the people, more construction of new health centres and clinics is being carried out. A women's and children's hospital for Bandar Seri Begawan under the Seventh National Development Plan has been approved to meet the health needs of the women and children of the country.

## **VII. EDUCATION, SPORTS, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training**

#### **Education (Non-Government Schools) Act (cap. 55)**

245. This is an act to provide for the registration and control of secular education in schools not wholly maintained or wholly managed or controlled by the Government and for matters connected therewith.

246. This Education (Non-Government Schools) Act (cap. 55) does not have a provision concerning the right of a child to education. But the act deals with matters concerning the healthy, spiritual and educational development of the child by regulating the establishment of private schools so that any possible negative or undesirable influence brought by these private schools can be well controlled by the relevant authority. The welfare of the pupils attending these private schools is protected by making it compulsory for the schools and managers and teachers to be registered. The registrations will be refused if the schools, teachers and managers do not comply with the regulations stated in the act, for instance if the school is unsanitary or unhealthy or a dangerous building.

### **Emergency (Education) Order 2000**

247. New legislation on education is in the process of being finalized. Its main purpose is:

- To provide for matters related to education, including registration of private educational institutions as a means of regulating the education system in Brunei Darussalam and ensuring conformity to the national curriculum;
- To ensure that education is available from the pre-school stage, i.e. nursery and kindergarten, right through to higher education stage;
- To provide for special education for children with special educational needs; and
- To provide a legal structure that will ensure that the rights of children and young persons are protected, namely the right to education.

### **Implementation**

#### **(a) General overview and budget**

248. The provision of education has been and always will be one of the main national agenda of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam. This commitment is reflected both in terms of national budget allocation and the implementation of national undertaking such as the establishment of a local university in 1985. About 21 per cent of the allocation (B\$ 1,978 million) for the social services sector of the Seventh National Development Plan (1996-2000) has been allocated to education which is approximately B\$ 407 million. Hence, given such high priority, schooling is available to all while literacy is above 90 per cent.

249. Formal education began in 1912 with one Malay school in the capital city of Brunei and by 1918, the number of schools had increased gradually to the other districts in the country. The period following the Second World War saw much reconstruction in Brunei and education was no exception. Progress in education was made in areas such as infrastructure and professional development. In 1941, there were 42 schools throughout the State, having 312 girls among 1,764 pupils. Even though the number of girls going to schools seem to be relatively small, it was impressive by Brunei standards (Brunei Annual Report, 1941:45). By 1951, the Government was able to introduce an English education complement in the Malay schools.

250. The first Education Development Plan of 1954-1959 brought about further progress in fulfilling the needs of the country, particularly in providing more English preparatory and secondary schools. With the expansion of the physical infrastructure there was a need to have a national education policy to give future directions as to the development of education in Brunei. Eventually two education reports, the Education Report of 1959 and the Education Commission of 1972 were submitted to the Brunei Government. These reports recommended, among others, the use of the Malay language as the medium of instruction in all schools.



251. Further progress was achieved when, in 1984, bilingual education policy was introduced to ensure that pupils attained a high degree of proficiency in both the Malay and English languages. The bilingual policy provides broader opportunities for Brunei children to pursue higher education internationally. Instruction in other languages is also available and languages such as Mandarin, Arabic and French are taught in schools as optional subjects.

**(b) Aims of education**

252. The National Education Policy of Brunei Darussalam aims to establish an effective, efficient and equitable system of education that is in line with the national philosophy of a Malay Islamic Monarchy. The aims of the National Policy of 1997 are as follows:

- To provide at least 12 years of education for every Brunei child, namely 7 years in primary (including pre-school), 3 years in lower secondary and 2 years in upper secondary or in a vocational or technical college;
- To provide a common curriculum and common public examination for all schools in the country;
- To promote and sustain the bilingual system in which Bahasa Melayu will continue to play a leading role, while the standards of English language instruction will be raised progressively;
- To provide education in the Islamic religion by ensuring that Islamic values and the Islamic way of life are integrated into the education system through an appropriate curriculum;
- To promote the development of a national identity, in which all Bruneians, as loyal subjects and under the leadership of the Monarch, play useful roles in fulfilling the changing needs of the country;
- To offer higher education opportunities to those who are capable and qualified, in accordance with the changing needs of the country; and
- To provide all Brunei children with opportunities to fulfil their needs and aspiration and to allow them to participate as citizens in the development of the nation.

253. Although education is not compulsory, it is estimated over 99 per cent of the children in Brunei Darussalam attend primary schools.

254. At present there are 123 government primary schools, 26 government secondary schools and 60 non-government or private schools. Total enrolment in all schools and institutions under the Ministry of Education for the year 1999 was 93,895.

**Table 2**  
**Number of schools, students and teachers in general education,  
including kindergarten, in years 1995-1999**

School year	Schools	Classes	Students	Teachers	Average number of students per school	Average number of students per class	Average number of students per teacher
1995	202	3 283	83 703	5 874	414	25	14
1996	206	3 418	85 464	6 530	415	25	13
1997	211	3 499	87 088	6 551	413	25	13
1998	215	3 857	90 606	6 998	421	23	13
1999	219	3 956	93 895	7 151	429	24	13

Source: Education Statistical Year Book.

**(c) Education facilities, support services and student welfare**

255. In terms of school enrolment, Brunei Darussalam has undoubtedly experienced tremendous progress. The high enrolment rate is due to several factors such as the provision of free education to all citizens from primary level to higher institutions, while non-Brunei children are required to pay minimal fees at the secondary level. Furthermore, schools are accessible in all parts of the country, particularly in the remote areas where even a small number of children are being catered for. Most importantly, Brunei Darussalam gives equal opportunities in education for both boys and girls from primary right through to tertiary education, thus accounting for the high enrolment rate.

256. Most of the schools in the State are presently provided with adequate modern facilities and equipment. Besides the physical aspect, the Government also recognized the importance of well qualified and trained teachers. Tremendous efforts have been made to produce locally trained teachers while overseas recruitment helps to meet the increasing staffing needs of the school. As a result, the student-teacher ratio in Brunei schools is considered as favourable and conducive to teaching and learning.

257. The provision of education in Brunei is not only undertaken by the Government but also by the private sector. There are 60 non-government schools offering different levels of schooling. The participation of the private sector provides parents with alternatives and the freedom to choose what is best for their children. Besides the academic curriculum, the schools are also required to provide co-curriculum programmes in order to foster the continuing, all-round development of each individual in terms of intellectual, spiritual, social, physical and aesthetic competencies and dispositions, that would enable him or her to uphold, and contribute to, the aspirations of the country.

258. Broadly, co-curriculum education is intended to provide enhancement of personal development, including values such as cooperation, understanding and respect for one another and acceptance of differences. Students from primary, secondary and higher institutions are encouraged to participate in both intellectual and physical activities. Provisions for enrichment programmes include participation of children in national and international events, science projects and many more recreational activities organized by the schools or the co-curriculum department. Ultimately it is hoped that through these programmes Brunei children would acquire those values which are important in promoting the development of national identity.

259. School dropouts exist in any educational system and Brunei is no exception. There are several factors contributing to this problem which are educational, economic and social in nature. In the context of Brunei Darussalam, various educational strategies are put in place to prevent early dropouts. These include strategies to improve academic performance, language proficiency and thinking skills.

260. In Brunei Darussalam children are required to sit for national examination at various levels. There are, however, some who fail to attain the required academic standards in the mainstream curriculum. For these less academically inclined students, special alternative curriculum and assessments are designed to ensure that they will be able to achieve a certain level of skills, especially in the technical and vocational field for future employment.

261. Students who fail the Primary Certificate of Education (PCE) twice are promoted to lower-secondary Form I but follow the Level II Curriculum. This level II programme introduced in 1997 was designed to cater to the needs of those students who are less academically inclined but are motivated more towards a vocationally oriented curriculum. This curriculum comprises practically oriented, modular-based optional subjects to enable students to explore their abilities and aptitudes.

262. On completion of the Lower Secondary Assessment (PMB), mainstream students are channelled into streams leading to the Brunei Cambridge General Certificate of Education at Ordinary Level (O Level) or the General Certificate of Education at Normal Level (N Level); or to pursue craft and basic technical level courses at technical/vocational schools.

263. The N-Level course, with a syllabus comprising 70 to 80 per cent of the O Level course, is offered to students who find the O Level too demanding. However, the first opportunity of a "lateral transfer" from the N Level to the O Level is provided in the first six months of the N-Level course, based on high academic performance.

264. At the end of the second year of the upper secondary level, the high academic achievers sit for the Brunei-Cambridge Ordinary Level Examination. Those less academically inclined sit for the Brunei Cambridge GCE Normal Level Examination. Students obtaining a good pass at N Level are given the opportunity to transfer into the academic stream. Upon completion of one further academic year of study, these students sit the GCE Ordinary Level. Alternatively, after completion of the N-Level examination, students may opt for training leading to diplomas in the technical field, or enter the employment market.

265. In terms of access and equity, the Ministry of Education set up a Special Education Unit in 1997 to research, plan and implement special education programmes to cater for children with special needs. These needs are served in an inclusive school environment, thus providing early integration with normal children. Teachers are trained to implement early-intervention programmes based on an individualized educational plan with the overall aim of developing these children into independent, useful and contributing members of the community. More resources and expertise are planned to serve specific needs such as visual and hearing impairment, mental retardation and physical disabilities.

266. Besides free schooling, the Brunei Government also takes care of children who are in need of economic assistance. The Ministry of Culture, Youth and Sports are handling funds for these children. The Sponsorship Fund provides B\$ 500 per year to cater for the child's school fee, books and clothing while the monthly financial assistance provides B\$ 65 for each child per month for the same reason. These funds apply to children aged between 5 to 18 years of age. Such assistance is dispensed through various government agencies including the Ministry of Education, which offers amongst other things the Feeding and Hostel Accommodation Scheme and transport allowance. All schoolchildren also benefit from the School Health Service programme, which provides early health screening so that medical problems are diagnosed at the earliest possible stage. Medical teams made up of a doctor and nurses make regular visits to schools in the urban as well as the rural areas. Treatment will be given in areas of vision, nutrition and inoculation. The Dental Service provides both school and mobile dental clinics for schoolchildren.

267. The Ministry of Education has also set up a Counselling and Career Guidance Unit to provide guidance and counselling services to students in all educational institutions. Activities of the unit include orientation programmes, dissemination of relevant information, educational/vocational guidance, work placement, visits, careers exhibition and conventions. Training courses and educational visits abroad for schools heads and careers teachers are also planned and organized by this unit. Careers development has also been established in schools to broaden the outlook of our students in choosing relevant courses for their careers.

268. As the number of local educational institutions is limited, the Government has continuously made scholarships available for overseas studies. This very generous gesture on the part of the Government has enabled many students, irrespective of gender, to further their studies and obtain necessary qualifications for nation-building. Scholarships to study abroad include those for medicine, engineering, architecture, accounting and aircraft engineering. Brunei recognizes the importance of human resource development in nation-building and hence investment in education is one of the Government's priorities.

269. Another major concern of the Ministry of Education is the overall welfare of all children. Hence the principles and practice of pastoral care have been one of the main features of school organization in Brunei. Teachers are trained in counselling to enable them to help children with various problems such as absenteeism, truancy, vandalism and smoking. Children who are in need of further emotional and social support also have access to the counselling service, which is supported by several agencies such as the Ministry of Health, the Ministry of Culture, Youth and Sports and the Ministry of Religious Affairs.

**(d) Islamic religious education**

270. Formal religious education in Negara Brunei Darussalam is taught at the primary right up to the higher education level. Islamic Religious Knowledge, better known as IRK, is a subject taught in all government and non-government primary and secondary schools throughout the State. Its objectives are basically to nurture and encourage Muslim students to know the basic knowledge of the Islamic faith. It also tries to instil in the students the spiritual value of Islam as well as acting as guidelines for students to become responsible citizens with high moral values. The children are also taught the history of Islam and the sense of brotherhood among people around the world.

**(e) Islamic religious schools**

271. Religious education is also taught at religious schools at the pre-primary level, from primary 1 through to primary 6. Generally, the main purpose of having these schools is to educate, instil, guide and train children the deeper meaning of the Islamic faith. Every child is taught to understand, believe and practise the Islamic teachings with faith in Allah The Almighty (see annex V).

272. Arabic schools and higher Islamic institutions were set up to produce Muslim intellectuals in various disciplines so as to meet the manpower needs of the country based on the principle of Malay Islamic Monarchy. There are 134 religious schools in Brunei where over 37,000 pupils and students attend classes to study religion. There are about 1,770 religious teachers teaching in these religious schools.

273. To streamline the administration of education in the country, all types of schools, including Islamic religious schools, are gradually being placed under the purview of the Ministry of Education.

**(f) Discipline in schools**

In 1984, a book on discipline and rules for schools and hostels in Brunei Darussalam was published by the Ministry of Education and Health. Basically, the book provides guidelines for school administrators and teachers to use as reference whenever needed.

274. However, at present most schools, both primary and secondary, have counsellors to assist discipline teachers in handling disciplinary cases within their respective schools. Cases which needed further assistance are brought to the attention of the Department of Schools, Ministry of Education.

275. A new book pertaining to rules and guidelines for handling disciplinary cases is under process and will soon be published.

**B. Leisure, recreation and cultural activities (Convention art. 31 )**

276. Children are given a fair and equal chance with respect to their involvement in leisure and cultural activities.

277. The country is well equipped with the infrastructure for leisure, cultural and social activities. The Department of Co-Curriculum, the Ministry of Education and the Ministry of Youth and Sports organize, monitor and implement such activities for the youth and children throughout the country.

278. The Language and Literature Bureau has set up libraries in all the districts for the general public. Where no building structure is available, especially in remote or rural areas, and where there is no easy access, mobile library services are provided.

279. This bureau also organizes special programmes and activities for children during the school holidays to provide fun and enjoyment as well as encouraging them to read more books during their leisure hours. One such project, which is organized annually by this bureau, is the Children's Village where children all over the country congregate in the capital and participate in all outdoor activities, which include competitions. This activity indirectly provides children with opportunities to meet friends and develop a healthy social life. Another project popular with children and organized by this bureau is the reading project which aims at encouraging children to enjoy reading and to develop a reading culture among Brunei children. The Language and Literature Bureau also publishes a monthly bulletin/newsletter which will develop their writing skills.

280. Radio Television Brunei (RTB) provides all-round entertainment for Brunei children, be it for educational or leisure purposes. Many types of children's programmes are televised such as promotional activities and documentaries for children, apart from broadcasting foreign programmes.

281. Children are also provided with special safety programmes to remind them of the importance of safety, especially for those who live in the Water Village where drowning accidents have occurred. Another safety campaign is safety in the home, especially since accidents do occur due to negligence, fire and other household mishaps.

282. Radio Television Brunei also organizes many competitions to cultivate young talents in various fields such as singing competitions and painting workshops. Several quiz programmes are also organized annually.

283. Besides RTB and the Language and Literature Bureau, the Ministry of Education, with the cooperation of other agencies, also organizes programmes and projects for children. The Social Affairs Service Unit, through the Family Development Division, also organizes many projects for children with the aim of cultivating a more wholesome and rounded life for young children in the country.

284. The private sector too plays a role in providing activities for children by sponsoring painting competitions, photographic competitions and educational tours. The participation of non-governmental organizations (NGOs) is also very important in this sector where social activities are often organized for orphans, the handicapped and the needy.

## **VIII. SPECIAL PROTECTION**

### **A. Children in situations of emergency (Refugees) (art. 22)**

#### **Legal context**

285. Brunei Darussalam has no legal provisions for people seeking refugee status or asylum.

#### **Implementation**

286. Brunei Darussalam has and will continue to extend humanitarian assistance to any boat people on a case-by-case basis, within its capacity. For example, if a refugee craft is totally unseaworthy and there is danger of sinking, there is serious illness or injury on board, or if there is a total absence of basic food supply.

287. Although Brunei Darussalam does not accept refugees and is not a party to any related international instruments, Brunei Darussalam does support by extending financial contributions voluntarily to various programmes and projects implemented by this United Nations agency since 1984.

#### **Constraints**

288. Being a small country with a small population, the presence of refugees in Brunei Darussalam might have adverse social, political and security implications.

### **B. Children in armed conflict (art. 38) and social reintegration (art. 39)**

#### **Legal context**

289. The minimum age requirement for entry into the armed forces in Brunei Darussalam is governed by the Royal Brunei Armed Forces Act (cap. 149). Section 12 of the act states that “a recruiting officer may enlist such eligible persons who have attained the age of 17½ years in the Armed Forces and Reserve Regiment”. Further, section 13 also makes provision to allow the recruiting officer to enlist “eligible young persons” into the Armed Forces or the Reserves Regiment for the purpose of raising and maintaining any unit consisting of or including boy soldiers or boy reservists with written consent from the boy’s parents, person with parental rights and powers or the District Officer.

#### **Implementation**

290. Brunei Darussalam has no experience at all on this issue.

### **C. Children in conflict with the law**

**(The administration of juvenile justice (art. 40), children deprived of their liberty (art. 37 (b)-(d)), the sentencing of children (art. 37 (a), physical and psychological recovery and social reintegration of the child (art. 39))**

#### **Legal context**

291. There are a number of provisions in the laws of Brunei, which serve to protect children in this aspect. The main provisions are contained in the Criminal Procedure Code (cap. 7), which regulates the administration of criminal justice in Brunei.

292. Section 2 (1) of the Criminal Procedure Code confines the definition of youthful offender to those between the ages of 7 and 18. By this definition a child below the age of 7 commits no offence. This is also specifically provided by section 82 of the Penal Code (cap. 22). Under section 82 of the Penal Code, nothing is an offence, which is done by a child under 7 years of age. By section 83 of the same, nothing is an offence that is done by a child above 7 years of age and under 12, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.

293. Section 238 (1) of the Code prohibits capital punishment for persons under the age of 18. Section 238 of the Code provides that sentence of death shall not be passed against a person convicted of an offence if it appears to the court that at the time when the offence was committed, he was under the age of 18 years. The court shall sentence such person to be detained on the pleasure of His Majesty.

294. A youthful offender shall be produced before a Magistrate's Court and dealt with in a same manner as if he is an adult. Although the law provides for the setting up of juvenile courts, such courts have not been set up. Bail application where offences involve a youthful offender is usually entertained. Bail is granted as a right if a youthful offender is charged with a bailable offence, which carries a penalty of less than two years' imprisonment. For more serious offences which go beyond the jurisdiction of that of a Magistrate's Court, bail application would then be heard in the Intermediate Court and the High Court upon an application by a Deputy Public Prosecutor who has the choice of the venue or court in which the case will be tried. The court rarely grants bail to youthful offenders being charged with capital offences (e.g. murder and possession of firearm), as the offences are non-bailable. The youthful offender would then be remanded in the State prison pending hearing.

295. When a youthful offender is convicted of any offence punishable by fine or imprisonment, the court may instead of passing a sentence discharge him with warning or on execution of bond of good behaviour for a period of not exceeding 12 months. In the case of serious offences, he may be committed to custody in a place of detention of not less than one year and not more than five years.



296. The Ministry of Culture, Youth and Sports run a centre specifically for girls and women. The centre was set up under Women and Girls Protection Act and is called *Taman Noor Hidayah*. The Centre was set up with the following objectives:

- To provide guidance and training in the form of moral rehabilitation to girls and women who were engaged in adverse social activities.
- To provide shelter to women and children who are victims of abuse.

297. The Centre has been operational since 1987. The Centre does not specifically provide for children but from records there have been admission of youth into the Centre. Since 1987, out of 105 admissions, 42 were youths.

### **Implementation**

298. There are rules under section 262 of the Criminal Procedure Code relating to the youthful offenders' place of detention, which is intended to provide sufficient protection for them. The rules cover aspects such as accommodation, discharge and removal, prohibited articles, clothing and bedding, food, health and cleanliness, employment, religious instruction, education, visit and communications, offences and discipline. It also covers restraints, complaints by inmates, classifications and grades, discharge on parole, staff, the warden and medical officer, house masters, the advisory board and appointment of places of detention. An inmate shall become eligible for release on parole after he has served 12 months of his terms of detention.

299. Under section 262 (5) (b) of the Criminal Procedure Code (cap. 7) the Minister of Culture, Youth and Sports with the approval of His Majesty the Sultan and Yang Di-Pertuan, is authorized to make rules to regulate the classification, treatment, employment, discipline, control, diet and recreation of youthful offenders detained in any place of detention within Brunei.

300. The Misuse of Drugs Act (cap. 27) is an act that provides for the control of dangerous or otherwise harmful drugs and for the purpose connected therewith. Under the Misuse of Drugs (Approved Institutions) Discipline Regulation, 1987, "Centre" is interpreted as any approved institution as defined in the Misuse of Drugs Act. Section 2 of the act defines approved institution as any institution or place approved by the minister with the approval of His Majesty the Sultan and Yang Di-Pertuan for the treatment and rehabilitation of drug addicts. There is no separate provision for children.

301. There is one institution or place for the treatment and rehabilitation of drug addicts, the *Rumah Al Islah* at Jalan Pelumpong, Muara.

302. According to figures provided by the Narcotics Control Bureau, Prime Minister's Office, in the year 2000 there were 19 arrests on drug abuse cases of children below the age of 15 years, while 70 arrests for youth aged from 16 to 20 years.

303. When a youthful offender is arrested on suspicion of having committed an offence, the youthful offender will be dealt with under the provision of the Criminal Procedure Code in the same manner as an adult offender. There is no special provision for children in the law relating to criminal investigation, arrest, remand custody and bail.

304. If a youthful offender is arrested on suspicion of having committed a less serious offence, for example, theft or minor assault, it is almost the case, they will normally be granted police bail. The police would take all reasonable steps to inform the family of the youthful offender and release him on police bail on the same day. For more serious offences, including capital offences, the youthful offender would be remanded in police custody but the practice is usually to keep them separated from adults.

305. The police have a special unit, the Domestic Violence And Child Abuse Unit, which deals with cases involving young offenders and women. They deal with cases of physical and mental violence, injury, abuse, neglect, maltreatment, sexual handling, stolen property and exploitation. The unit works side by side with the Medical Social Worker and the Social Affairs Services Unit. According to the statistics compiled by the unit, between 1993 and 1998 there were 14 cases of child abuse. During the said period there were seven cases of unlawful carnal knowledge.

306. Analysis made by the Domestic Violence And Child Abuse Unit base on investigation of reported cases since 1995 show that Child Abuse resulted from the following factors:

- Stress and mental pressures because of financial problems;
- Parents remarried; and
- Uncontrolled anger.

307. According to the figures provided by the police in 1998, there were 511 juvenile arrests. Of these 457 were male and 63 were female. The figures recorded a decrease from previous years in the number of child offenders. For example, in 1997 there were a total of 713 male and 29 female and in 1996, the figures were 917 male and 14 female. Notably there is a slight increase in the number of female offenders throughout the years. Not all arrests led to prosecutions as some of the offenders were released or referred to the appropriate authorities by the police.

308. The Criminal Procedure Code provides that upon conviction, the court should sentence the accused according to the law. The Code does not have special provision for children except for that relating to capital punishment. However, in sentencing young offenders, the court is very much aware of the limitation of young offenders. Prior to sentencing them, the court procedurally requires the prosecution to provide the court with the antecedents and record of previous convictions options available in dealing with if any. In most cases the court would also order the prosecution to produce the youthful offender's academic performance report, if he is still in school, in order to assist the court with the appropriate sentence. Heavy fines are not

normally enforced as it would unnecessarily cause financial hardship to his parents/guardians and tantamount only to sending him to prison. The court, in having regard to youthful offender's means, would normally specify a period within which a fine must be paid. On some occasions, the court may order fines to be paid in instalments.

309. A bond for a good behaviour is the most common sentence imposed against youthful offenders. The bond may be ordered for any term not exceeding two years. Normally, this sentence is imposed on a first offender. The court, however, may attach conditions to the bond, for example, a bond for good behaviour for 12 months of a sum of B\$ 1,500 with parents/guardians as insurance. What this means is basically the parents or the guardians act as guarantors and as such are required to comply with the conditions of the bond.

310. The court may order a youth to undergo police supervision for a period not exceeding two years. This sentence is imposed on condition that the defendant had been sentenced to imprisonment for a term not less than two years. Police supervision is rarely ordered on its own.

311. The court usually sees custodial sentence as the last resort. It is imposed on a youthful offender who is most likely to have previous convictions or a habitual offender. In this regard, the court is usually left with no alternative but to impose custodial sentence after having regards to the poor record of the offender.

312. The judiciary compiled its own record of juvenile crimes in Brunei for the period between January 1994 and October 1998. According to their statistics, there were 358 cases involving juvenile offenders for the said period. Other offences include house break-ins, handling stolen property, mischief, rape, voluntarily causing hurt, custom offences, and traffic and immigration offences. Majority of the offence was theft (44 per cent) and followed by misuse of drugs (10 per cent). There were 337 male offenders compared to 21 women. Most of them were between the ages of 16 and 18. Factors that have contributed to the juvenile problems appeared to be parental neglect, marital problems of the parents, delinquent parents and negative peer influences.

313. Once convicted, and if a prison sentence is imposed, the youthful offender will be sent to Jerudong Prison, which is also a prison for adults. Brunei Darussalam has no special correctional facilities for young offenders and, due to overcrowding, the prison authority is unable to keep youthful offenders in a separate wing. Similarly in the drug rehabilitation centre, the young offenders are kept together with adults. Statistics from the Prison Department confirmed that only a few of the young offenders received a prison sentence. Between 1995 and 1998, there were 89 youthful offenders in prison. The lowest age is 14.

314. Youthful offenders are kept in prison with adult inmates who are (a) more mature, (b) to be released soon, (c) very pious and (d) committed for non-serious offences. It should also be pointed out that this is done in the hope that these adult offenders could guide the youthful offenders to realize their mistakes. Moreover, youthful offenders are given as far as possible, such treatment due to them as youthful offenders.

315. Brunei Darussalam became a party to the Convention on the Rights of the Child on 27 December 1995 and, with the accession, comes further commitment towards the protection of the interest and survival of the child and the enhancement of its growth and development. Steps are being taken to further protect the right of the children when they are found to be in conflict with the law. For example, the building of a new prison with more facilities will enable the Prison Authority to take into serious consideration the welfare of young offenders who are sent to prison.

316. Being an Islamic nation that strives to practise and uphold the principles of the religion, Islam permeates every aspect of life in Brunei Darussalam, at every level and the national concept of Malay. Muslim monarchy further strengthens this religious influence. Apart from the provisions under the Religious Council and Kadi's Court Act, (cap. 77) which affords children certain rights, there are various rules in the Koran and *hadiths* (tradition and practices of the Prophet) which guide adult Muslims in their relationship and treatment of children. It is in the adoption of Islamic lifestyle and in the practice of Malay tradition of devotion and dedication to children that Brunei Darussalam has been an abode of peace for all, including children. It is worth noting that certain cases of juvenile delinquencies are in fact the result of unrestrained love and devotion.

### **Constraints**

317. The various authorities that are involved in the administration of justices are keen to review the approach towards young offenders to keep to the spirit and intent of the Convention on the Rights of the Child. However due to limited resources, the efforts have to be taken at slower pace.

318. There is no separate correctional facilities for youthful offenders due to the fact that there is a small number of youthful offenders actually being imprisoned.

## **D. Exploited children**

### **Legal context**

319. The law prohibits the employment of people under the age of 16. The Employment of those below 14 is considered as child labour. The Labour Act (cap. 93, sect. 24 (1)) prohibits the employment of children in any industrial undertaking. Under this law a child is defined as a person under the age of 14 years old.

320. The Penal Code (cap. 22) and the Women and Girls Protection Act (cap. 120), imposes heavy penalties for the offences of sale, trafficking and the abduction of women, girls and children. The offences would include kidnapping or abduction of a child for the purposes of slavery and selling minors for the purposes of prostitution and is punishable with a term of imprisonment extending to 10 years.

## **Implementation**

321. Most job-seekers are above the age of 18; there are also a small number of young job-seekers. Parents may apply for the consent of the Commissioner of Labour to allow their under-age children to work. In exercising his discretion, the Commissioner would act on the best interests of the children. Consent is only given if the type of work is not physically and mentally taxing and jeopardizes their safety. According to the statistics provided by the Labour Department, there were 40 under-age job-seekers in 1998.

322. The presence of children at work may technically be considered child labour. However, children are normally found helping in family business such as at night markets, fruit and vegetable stalls or groceries shops and other family businesses. Helping the family is traditional in Brunei culture, for some families, it is a way of training their children to take on their family business when they are ready to do so. Many are not paid for their assistance or given minimal sum as encouragement.

## **Constraint**

323. The Labour Department is working hand in hand with the Ministry of Education and the private sectors on training programmes to help young job-seekers in enhancing their skills and exploring other alternatives to compensate for their insufficient academic background. The main constraint will be that this type of programme has to be specifically targeted to this type of applicant so that they do not have to compete for places with youths who have better educational background than them.

324. The presence of registered under-age job-seeker may be due to poor academic performance, which prevented them from continuing their education to higher levels. Another reason is the need for some families to require their children to work early to help in supporting the family.

## **E. Children involved in drugs and substance abuse**

### **Legal context**

325. The Misuse of Drugs Act (cap. 27) is an act that provides for the control of dangerous or otherwise harmful drugs and for the purposes connected therewith. There is no provision in the legislation which deals specifically with children.

### **Implementation**

326. The Narcotics Control Bureau is the main agency responsible for the enforcement of drug laws in Brunei Darussalam. The officers of the bureau have full powers of investigation in drug cases. Recently, there was one occasion where a child was used to import drugs. This child was body-strapped with drugs by the child's parents. After their arrest, the natural father of the child was sentenced to 27 years and the stepmother received 24 years' imprisonment. Most of the

children are arrested for consumption and possession for their own use. Despite the lack of legislative provision, as in other areas where children are found to be in conflict with the law, the Narcotics Control Bureau practises a more humanitarian and sympathetic approach in dealing with children.

327. The bureau also provides after-care services through its supervision programme. This programme caters to drug offenders who have completed treatment and rehabilitation programme, convicted of consuming drugs or young offenders who voluntarily enter the programme after being identified as drug abusers. Under this programme the clients are monitored by means of regular urine screening and random visits for a maximum period of two years. An extension of another year is provided for under the law but in practice this is rarely used. During the period of supervision, counselling services are provided to the clients and their family. Activities such as recreation, sports and religious classes are arranged as ways of encouraging and introducing them to adopt a healthier lifestyle. A similar programme is offered to inhalant abusers under the Emergency (Intoxicating Substances) Order 1991, but their supervision programme is for a maximum period of one year.

328. The institutionalized treatment and rehabilitation of drug addicts come under the jurisdiction of the Prisons Department. Treatment and rehabilitation is for a period of 6 to 36 months. Inmates then undergo supervision for another 24 months after release under the jurisdiction of the Narcotics Control Bureau. In Brunei there is one treatment and rehabilitation centre for drug addicts and as such there are no separate facilities for young offenders. The Centre also provides treatment and rehabilitation for inhalant abusers. The treatment and rehabilitation for inhalant abusers is for a period of 6 to 12 months.

329. Most young offenders abuse codeine and psychotropic substances and there is an increasing trend towards abusing amphetamine-type of stimulants. The drugs are also popular among adult offenders, so as far as the choice of drugs is concerned, there is no difference in preference between young offenders and adults. The adults who do abuse intoxicating substances normally carry their habits from childhood.

330. The bureau believes that young persons should be given every opportunity to rehabilitate themselves without the stigma of a criminal record. As such, in dealing with young offenders their rehabilitation potential and future prospects are the main considerations.

331. In practice, the following guidelines normally apply:

(a) On arrest, young offenders are offered bail unless they are involved in serious cases, for example trafficking. As far as possible they are not remanded in custody because there is no separate place of detention for children. Whenever children have to be remanded, steps are taken to separate them from adult offenders; and

(b) Students and young persons are not prosecuted unless they are known drug traffickers or repeat offenders. They are released with a warning, put under the Bureau Supervision Programme or recommended for treatment and rehabilitation.

332. Brunei Darussalam currently has no data on the number of children and youths addicted to drugs. The Narcotics Control Bureau, however, keeps records of the number of student abusers. According to the bureau, from 1995 to 2000 the total number of students arrested was 279. Out of this number, 147 were 15 years and below and the rest were below the age of 19 years. The total is, however, decreasing. In 2000, 25 students were arrested, compared to 30 in 1999 and 33 in 1998. The arrest of those under the age of 15 has also dropped to 19 in 2000 from 20 in 1999 and 29 in 1998.

333. During the year 2000, four students were placed under the supervision programme. The figures were 18 in 1997, 2 in 1998 and just 1 in 1999.

334. The decreasing trend in student arrests has contributed to a closer relationship between the bureau and the Ministry of Education. The bureau has a working arrangement with the Ministry of Education in controlling the spread of drug abuse among students. Urine screening is conducted in schools and colleges to identify the student abusers. Their school counsellors or the Counselling Unit of the Ministry of Education deals with the students who have been identified through urine screening or other means first before they are referred to the bureau. The bureau takes over cases that cannot be dealt with effectively by the schools or the unit. The bureau is also working with the Ministry of Education on possible revamping of anti-drug education in the school curriculum, which also includes higher education institutions.

335. In the attempt to create awareness of the dangers of drug abuse among young people, the bureau conducts anti-drug lectures in schools, colleges and villages throughout the year. In 2000 the bureau conducted a total of 98 lectures throughout the country and 59 of the lectures were to students, covering a total of 11,777 students. The bureau also assists the Ministry of Education in conducting activities such as quiz and counselling courses to student leaders.

336. Campaigns towards gearing young people into alternative activities to drug abuse are also rigorously conducted. The conducted joint efforts with village community groups in running healthy activities for youth. With this type of campaign it is hoped that the bureau will be able to reach children who have left schools.

337. In their efforts to identify the problems of drug abuse in educational institutions and subsequently to attempt to eradicate them, the Narcotics Control Bureau has conducted two surveys; one in 1994 and the other one in 1998. The results of the survey assisted them in identifying the magnitude of the problem and subsequently prepare their future strategies.

### **Constraints**

338. Efforts towards eradication of drug abuse are expensive and limited resources have been the main constraint in preventing the children's problem from being addressed separately. For instance, there are limited correctional and detention facilities for children in Brunei. However, steps are being taken in this area.

## F. Children of aboriginal or ethnic minority groups

### Legal context

339. Although there is no legislation regarding the specific protection of the rights of children of aboriginal or ethnic minority groups, under the Nationality Act (cap. 15), Brunei law does recognize 7 indigenous groups of the Malay race (namely, *Belait, Bisayah, Brunei, Dusun, Kedayan, Murut* or *Tutong*) as well as 15 groups of people considered to be indigenous to Brunei Darussalam (namely *Bukitans, Sea Dayaks, Land Dayaks, Kalabits, Kayans, Kenyahs, Kajangs, Lugats, Lisums, Melanaus, Penans, Sians, Tagals, Tabuns and Ukits*) who could be considered as subjects of His Majesty the Sultan and as such are entitled to full rights as accorded such a status.

### Implementation

340. All children are treated the same irrespective of religion, background and race.

## IX. CONCLUSIONS

341. **Brunei Darussalam became a party to the Convention on the Rights of the Child on 27 December 1995 and with this accession comes further commitment towards the protection of the interest and survival of the child and the enhancement of its growth and development.**

342. **Being an Islamic nation that strives to practice and uphold the principles of the religion, Islam permeates every aspect of the life in Brunei, at every level. The national concept of Malay Muslim Monarchy further strengthens this religious influence. Not only has the Shariah law (Religious Council and Kadi's Court Act, chap. 77) afforded children certain rights but there are various rules and *hadith* (traditions and practices of the Prophet) which guide adult Muslims in their relationship with, and in the treatment of, children. It is in adoption of an Islamic lifestyle and in the practice of the Malay tradition of devotion and dedication to children that Brunei Darussalam has since time immemorial been an abode of peace for all - including children. It is worth noting that certain cases of juvenile delinquencies are in fact the result of unrestrained love and devotion.**

343. **With the accession to the Convention on the Rights of the Child, however, Brunei Darussalam realizes the pressing need to focus and redefine this devotion and to better implement the Islamic and civil laws for maximum benefit of the children of Brunei Darussalam. As a step towards fulfilling the obligation of the Convention, Brunei Darussalam has set up the National Children Council on 18 January 2001 as proposed by HRH Pengiran Isteri Hajah Mariam, when she officiated the Consultative Meeting on CRC in 1996. This body should be able to better coordinate efforts by the different agencies responsible for children affected in Brunei Darussalam. It is very much realized that what is needed is a holistic approach in dealing with issues on children.**



344. **Our education system provides all children with free secular and religious education from primary to tertiary levels and our health system provides free health care from preventive to curative services. In these two areas, it is believed Brunei Darussalam has done very well and by legal provisions has been implemented fully.**

345. **Our social security system and safety nets are constantly evolving to keep them in line with the CRC.**

346. **In the process of preparing and drafting the report, it has assisted Brunei Darussalam in realizing the need to focus more on issues which have not been sufficiently addressed before. The Convention on the Rights of the Child has also helped Brunei Darussalam in formulating its strategies in dealing with its children in the near future and Brunei Darussalam could not see any reason for not improving its policies towards full and comprehensive implementation of the objectives of the Convention.**

**Annexes**

**Annex I**

**Statistic on abandoned babies found in Brunei Darussalam**

Year	Male	Female	Total
1995	1		1
1996		1	1
1997	1		1
1998	2	1	3
1999	6		6
2000		1	1

Source: Attorney-General's Chambers.

**Annex II**

**Offences under the Children’s Order 2000**

**Offence**

s.26  
Ill-treatment,  
Neglect,  
Exposure or  
abandonment of a  
child

s.33  
Unlawful transfer  
of possession,  
custody or control  
of a child

s.34  
Importation of  
child under false  
pretences

s.28  
Leaving child  
without  
reasonable  
supervision

s.27  
Using any child  
for the purpose  
of begging or  
any illegal  
activities

**Punishment**

Imprisonment  
7 years maximum  
with 10 strokes of  
whipping or a fine  
\$20,000 maximum  
or both

Imprisonment  
7 years maximum  
with 10 strokes of  
whipping or to a  
fine \$20,000  
maximum or both

Imprisonment  
7 years maximum  
with 10 strokes of  
whipping or to a  
fine \$20,000  
maximum or both

Imprisonment  
5 years  
maximum with  
10 strokes of  
whipping or to a  
fine \$10,000  
maximum or  
both

Imprisonment  
5 years  
maximum with  
8 strokes of  
whipping or a  
fine \$10,000  
maximum or  
both

Source: Attorney General’s Chambers.

**Annex III**

**Statistics on female inmates at Taman Noor Hidayah  
(a shelter run by the Social Affairs Services Unit)**

Reasons for staying in shelter	1995	1996	1997	1998	1999	Total
Out of control	9	9	2	12	11	13
Sexual exploitation	-	-	-	-	5	5
Family problems	-	-	-	1	3	4
Neglect (orphans)	4	4	-	-	-	8
Sexual abuse	3	-	-	-	6	9
Total	16	13	2	13	25	69

Source: Social Affair Services Unit.

## Annex IV

### Paediatric vital statistics for Brunei Darussalam

	1978	1983	1988	1992	1993	1994	1995	1996	1997	1998
Total births	5 662	6 031	6 932	7 330	7 354	7 321	7 401	7 690	7 498	7 457
Total live births	5 598	5 981	6 884	7 290	7 314	7 270	7 341	7 633	7 459	7 411
Late foetal death (still-birth) Rate (per 1 000 total births)	11.3	8.3	6.9	5.5	5.4	7.0	8.1	7.4	5.2	6.2
Prenatal mortality Rate per 1 000 live births	22.1	13.4	10.1	9.8	11.4	10.5	12.3	10.7	8.9	9.0
Early neonatal mortality Rate per 1 000 live births (1st week)	10.9	5.4	3.2	4.4	6.0	3.6	4.2	3.3	3.8	2.8
Neonatal mortality Rate per 1 000 live births (1st month)	12.2	6.1	3.8	6.7	7.7	5.1	5.3	4.5	4.7	4.7
Infant mortality Rate per 1 000 live births (1st year)	20	10.9	7.0	9.6	11.2	8.4	7.9	6.9	7.4	6.5
Childhood mortality Rate per 1 000 (1-4 years) population	1.4	1.3	0.6	0.5	0.6	0.5	0.5	0.5	0.5	0.5

**Annex V**

**Numbers of Islamic religious schools, students and teachers (1996-2000)**

School year	1996	1997	1998	1999	2000
Schools	113	114	110	115	117
Classes	1 426	1 486	1 573	1 632	1 673
Students (male)	16 055	16 816	17 128	18 060	18 740
Students (female)	15 469	15 912	16 203	16 914	17 489
Teachers	1 176	1 406	1 468	1 579	1 580
Ratio student: school	279	287	303	304	310
Ratio student: class	22	22	21	21	22
Ratio student: teacher	26	23	23	22	23

Source: Department of Islamic Studies, Ministry of Religious Affairs.

