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PERWAKILAN TETAP NEGARA BRUNEI DARUSSALAM
KE PERTUBUHAN BANGSA-BANGSA BERSATU
DI GENEVA

Permanent Mission of Brunei Darussalam to
The United Nations at Geneva

International Cointrin Centre
Block F/G
20, route de Pre-Bois
1215 Geneva 15

Our Reference: **GVA 24/1-B**

Your Reference:

06 December 2004

Mr. Juan Migueal Petit
Office of the High Commissioner for Human Rights
United Nations Office
1211 GENEVA 10
[ATTN : MS. MARA STEOCAZZINI]

Dear Mr. Juan Miguel Petit,

I wish to refer to your letter ref. G/SO 214 (69-14) dated 30 July 2004 on your request to the Government of Brunei Darussalam in providing you with relevant information and material on your study of "Child Pornography on the Internet", with reference to the Commission on Human Rights resolution 2004/48 on the "Rights of the Child".

In this regard, enclosed herewith is a copy of the information requested from Brunei Darussalam.

Thank you for your attention and further consideration.

Yours sincerely,

(FARIDA HAIRANI DR. HISHAM)
for the Permanent Representative

OHCHR REGISTRY

07 DEC 2004

Recipients : SPB

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Internet Code of Practice of the Broadcasting Act (Chapter 180)

Internet Code of Practice Notification (Which come into force in February 2001) under Section 9 of the Broadcasting Act (Chapter 180) of the Laws of Brunei among others, provides that all Internet Service Providers and Internet Content Providers licensed under the Broadcasting (Class Licence) Notification, 2001 to comply with this Code of Practice.

Under the Broadcasting Act, the Minister responsible for broadcasting matters has the power to impose sanctions, including fines on licensees who contravenes this Code.

Internet Code of Practice provides that Licensees must use their best efforts to ensure that nothing is included in any programme on Internet which is against the public interest or national harmony or which offends against good taste or decency.

The content, among others, of the following should not be allowed--

Under Code of Practice, Paragraph 2 (c) Public and Social Morals --

- (i) Contents which are pornographic or otherwise obscene; or
- (ii) Contents which propagate permissive or promiscuous behaviour; or
- (iii) Contents which depict or propagate gross exploitation of violence, nudity, sex or horror; or
- (iv) Contents which depict or propagate sexual perversions such as homosexuality, lesbianism and paedophilia.

LAMPIRAN A

Children Order, 2000

This is an Order which provide for the care and protection of children in matters incidental thereto or connected therewith.

Under Section 2 (Interpretation) of the Order,

S. 2(3) For the purposes of this Order --

".....

(c) a child is sexually abused if he has taken part, whether as a participant or an observer, in any activity which is sexual in nature for the purposes of any pornographic, obscene or indecent material, photograph, recording, film, videotape or performance or for the purpose of sexual exploitation by any person for that person's or another person's sexual gratification."

The sexually abused children are therefore entitled to protection under this Order.

PART VI

OFFENCES IN RELATION TO THE HEALTH AND WELFARE OF CHILDREN

III- treatment, neglect, exposure or abandonment of children

26. (1) Any person who, being a person having the care of a child, abuses, assaults, neglects, abandons or exposes the child in a manner likely to cause him physical or emotional injury or causes or permits him to be so abused, assaulted, neglected, abandoned or exposed, shall be punished with imprisonment which may extend to 7 years with 10 strokes of whipping or to a fine not exceeding \$20,000 or both.

Children not be used for begging or any illegal activities

27. Any person who causes or procures any child or, being a person having the care of a child, allows that child to be on any street, premises or place for the purposes of

- (a) begging or receiving alms, or of inducing the giving of alms; or
- (b) any illegal activity or activity detrimental to the health or welfare of the child,

shall be punished with imprisonment which may extend to 5 years with 8 strokes of whipping or to a fine not exceeding \$10,000 or both.

Sale, etc. of obscene articles

292. (1) For the purposes of this section and section 293 an article shall be deemed to be obscene if its effect or (where the article comprises 2 or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who, having regard to all relevant circumstances, are likely (or would have been likely but for the lawful seizure of the article) to read, see or hear the matter contained or embodied in it.

(2) In this section, "article" means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film, video cassette, photographic negative or other record of a picture.

(3) Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire distribution, public exhibition or circulation makes, produces or has in his possession any obscene article; or

(b) imports, exports or conveys any obscene article for any of the purposes aforesaid, or knowing or having reason to believe that such article will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene articles are, for any of the purposes aforesaid, made produced purchased, kept imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section or that any such obscene article can be produced from or through any person; or

(e) offers or attempts to do any act which is an offence under this section.

shall be guilty of an offence: Penalty, a fine of not less than \$500 and not more than \$5,000 and/or imprisonment for 12 months, and in the case of a second or subsequent conviction, a fine of not less than \$1,000 and not more than \$30,000 and/or imprisonment for 3 years.

Exception — This section does not extend to any book, pamphlet, writing, drawing or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple.

Sale, etc. of obscene articles to person under the age of 20 years

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of 20 years any obscene articles, or offers or attempts so to do, shall be guilty of an offence: Penalty, a fine of not less than \$1,000 and not more than \$10,000 and/or imprisonment for 2 years, and in the case of a second or subsequent conviction, a fine of not less than \$3,000 and not more than \$50,000 and/or imprisonment for 5 years.