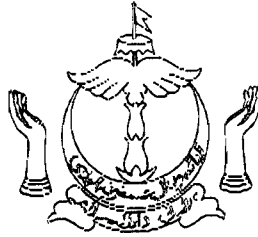


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## جاپتن قمبراؤونن مشاركة

JABATAN PEMBANGUNAN MASYARAKAT  
KEMENTERIAN KEBUDAYAAN BELIA DAN SUKAN  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MINISTRY OF CULTURE YOUTH AND SPORTS  
SIMPANG 336-17, JALAN KEBANGSAAN  
BANDAR SERI BEGAWAN BC4415  
NEGARA BRUNEI DARUSSALAM

Rujukan Kami :  
Our Reference : JAPEM/3.2/1/1/03

15 October 2005

To:  
United Nations  
High Commission For Human Rights  
Geneva

(Attention : Ms. L. O'Henlon)  
Faks No : +41 (22) 917 9006

With reference to your letter G/SO214 (89-9) dated 16 August 2005 regarding the reports of the status of violence against women in Brunei Darussalam.

We are pleased to forward you the brief report of Violence Against Women in Brunei Darussalam.

Attached herewith the requested report for further perusal.

Thank you.

Best Regards

[ DATIN HAJAH ADINA BTE OTHMAN ]  
Director

Daerah/Districts

Belait (Tel. : 3342053, Fax : 3340128), Tutong (Tel. : 4221040, Fax : 4221390),  
Temburong (Tel. : 5221563, Fax : 5221512)

## BRUNEI DARUSSALAM REPORT ON VIOLENCE AGAINST WOMEN

In Brunei Darussalam the laws governing the protection of women and girls can be found in several different legislations:

- The Penal Code (Section 22)
- The Unlawful Carnal Knowledge Act (Section 29)
- The Women and Girls Protection Act 1972 (Chapter 120)
- Emergency (Muslim's Family Laws) 1999, Act 57, Section 83(3). Enforced in 2001.
- Emergency (Married Women) Order 1999 (Chapter 190), Section 83(3), enforced in 1999.
- Emergency (Guardianship of Infants) Order, 1999. Enforced in 1999.
- Children Order 2000, Section 83(3).
- Criminal Procedure Code 262.

*The Unlawful Carnal Knowledge Act (Chapter 29)*, is an Act that renders unlawful sexual intercourse with a girl less than 16 years of age.

Under the *Women and Girls Protection Act 1972*, women and girls are protected against exploitation such as prostitution or other unlawful or immoral purposes. *Section 4 (1)* of the Women and Girls Protection Act (Chapter 120) covers the provision for the offence of trafficking in girls for which punishment can extend to 5 years imprisonment and fine up to \$20,000.00

There is an act in the *Children Order 2000*, Part VI under ill-treatment, neglect, exposure or abandonment of children, this include girl-child under 18 years of age; in *section 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".

Other legislation is *Emergency (Muslim Family Law) Order, 1999* and *Emergency (Married Women) Order, 1999*. Under the *Emergency (Muslim Family Law) Order, 1999*, Section 129 “a husband who fails to give proper justice to his wife in accordance with ‘Hukum Syara’ is guilty of an offence and liable on conviction to a fine not exceeding two thousand dollars, imprisonment not exceeding six months or both”.

*Emergency (Married Women) Order, 1999* covers particular focus on the rights of women, putting them on a more equal footing with the men. The law also states that the husband and wife shall have the right to separately engage in any trade or profession or in social activities. The wife shall have the right to use her own surname and name separately and the husband and wife shall have equal rights in the running of the matrimonial household. Errant husbands who do not maintain their wives and children can now have their salaries taken away by law. Any husband or father breaking the law may be fined and jailed for one month for each month’s allowance remaining unpaid. There is also particular protection as regards to the property of the wife and she may take civil or criminal action against him to protect and secure her own property. However, this law excludes Muslim marriages.

Another marked development on the protection of women was the enforcement of the *Trafficking and Smuggling of Persons Order 2004* which came into effect in December 2004. Under this new law severe punishment are enforced to any person found to be involved in people trafficking in and out of the country will face a maximum \$1 million fined and 30 years jail and whipping.

Where legal safeguards exist in the various legislations, there are other factors that contribute to the ineffectiveness of these legislations. They include:

- Poor response by the police who are often reluctant to interfere in domestic matters
- Social and cultural attitudes whereby a certain level of violence is tolerated
- Attitudes of women themselves who accept violence for various reasons such as economic dependency, guilt, shame etc.

The relevant authorities through the Task Force on Child Abuse and Domestic Violence under the auspices of the Ministry of Culture Youth and Sports are looking at various plans of actions to ensure that women are protected from violence. A recent

development initiated by the Community Development Department (CDD) was the drafting of Domestic Violence Order, which at this point in time has been submitted to the Prime Minister's Office for further consideration.

The establishment of three homes/institutions namely the Taman Noorhidayah I, II and Darussakinah II as a rehab home, protection and place of safety for women and girl-child (aged 18 below) is one of the programmes in ensuring the safety of women and girls from being victims of violence. Other actions and programmes initiated are: the dissemination of information on the existing legislations, the provision of support services such as counselling and several awareness programmes for the public through the government and the non-government organisations and especially the women organisations, media coverage and publicity, magazines, pamphlets and many more to come.

Prepared For

The Department of Community Development  
Ministry of Culture, Youth and Sports  
Brunei Darussalam  
2005