



**STOP**

**SEX TRAFFICKING  
OF CHILDREN & YOUNG PEOPLE**



# SEX TRAFFICKING OF CHILDREN IN BRUNEI

## What is child trafficking?

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.

UN Convention against Transnational Organised Crime

A child is anyone under the age of 18 years.

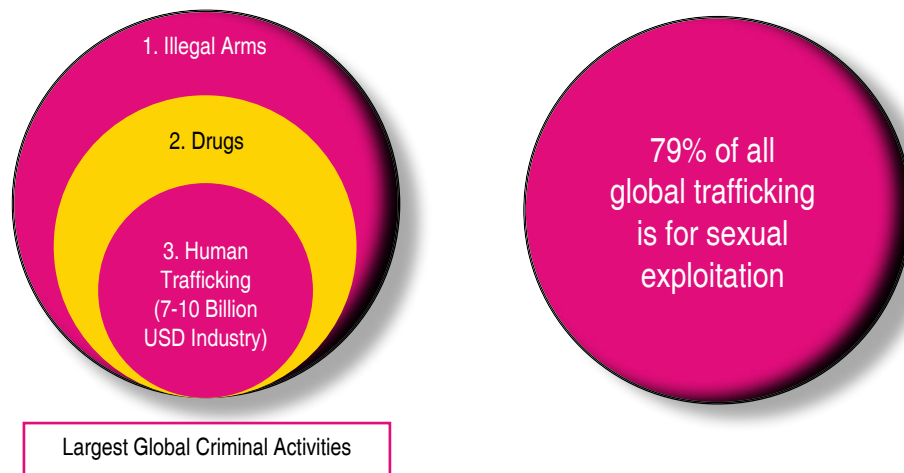
UN Convention on the Rights of the Child

## What's the problem?

### GLOBAL SEX TRAFFICKING

Human trafficking is a complex phenomenon fueled by the tremendous growth in the global sex market. Exploitation is driven by poverty, uneven development, official corruption, gender discrimination, harmful traditional and cultural practices, civil unrest, natural disasters and lack of political will to end it.

The number of child victims trafficked worldwide for sexual exploitation or cheap labour on an annual basis is 1.2 million.<sup>1</sup> Human trafficking, the third largest international crime, following illegal drugs and arms trafficking, is believed to be worth billions of dollars each year. Driving the trade is the demand for commercial sexual exploitation. Seventy-nine per cent of all global trafficking is for sexual exploitation.<sup>2</sup>



### CHILD SEX TRAFFICKING IN BRUNEI

Lack of reliable data makes it unclear whether there are a significant number of trafficking victims in Brunei. The presence of large numbers of young migrant labourers in the country presents the possibility that some may face conditions of involuntary servitude. This raises concerns that there may also be trafficking of children in Brunei.

Brunei is a destination country for men and women who migrate legally from Indonesia, Malaysia, the Philippines, Bangladesh, China, and Thailand for domestic or low-skilled labour. A small but unknown number may be subjected to conditions of

involuntary servitude after arrival. There were isolated instances of women forced into prostitution in Brunei.<sup>3</sup> Asian children and women may end up being sexually exploited in Brunei after being falsely promised employment as housemaids.<sup>4</sup> The Philippine Embassy assisted in the repatriation of two Filipina victims who were lured to Brunei with false promises of jobs as guest relations officers or restaurant helpers but were instead forced into prostitution upon their arrival.<sup>5</sup>

There are also concerns that the country has been used as a transit stop for smugglers trafficking individuals to third countries. On 24 September 2008, a foreign mission rescued four trafficked women who were being exploited in a neighbouring country and were in the country to obtain work visa re-entry permits. Such visa renewals apparently occurred on a once-a-month basis. Local immigration officers assisted in the rescue mission.<sup>6</sup>

Under the Trafficking and Smuggling Persons Order, a person convicted of trafficking persons, harbouring smuggled persons or endangering the lives or safety of trafficked or smuggled persons can be fined up to B\$1 million (\$700,000), imprisoned for up to 30 years and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to B\$50,000 (\$35,000) and imprisoned for up to 10 years. Immigration and other law enforcement officials received training to investigate and prosecute suspected offenders and to deal with trafficked victims. In 2008, there were no reported cases of prosecutions for human trafficking, nor were there any reports of government officials involved in trafficking. A national committee coordinates government-wide strategies for combating transnational crime, including trafficking.<sup>7</sup>

## Who gets trafficked?

In places where law is weak or not properly enforced, children are less protected and at greater risk of trafficking. Children may also be less aware of the risks of trafficking and more easily deceived.

Countries are considered as:

- 'Sending' or 'origin' – from where children are sent;
- 'Transit' – where the children might be moved through and temporarily kept on the way to their final destination; and
- 'Receiving' or 'destination' – where the children finally end up.

Depending on the reason for trafficking, some countries may only be sending, while others might be both sending and transit. Brunei Darussalam is a country of origin, transit and destination for trafficking in persons. Asian children and women are trafficked to Brunei, and young people from Brunei and several other countries in southeast Asia have reportedly been trafficked to Australia using student visas. In reality, however, they are forced by their traffickers to sell drugs or to engage in prostitution.<sup>8</sup>

Brunei has limited capacity to protect foreign trafficking victims. There are no NGOs to assist trafficking victims, and victims were subject to prosecution for violations of immigration and labour codes. There was no formal system of protection or benefits for foreign trafficking victims. In cases where the government considers a victim to be a material witness in the prosecution of traffickers, police will provide temporary protection and shelter as necessary. Several foreign embassies also provided shelter for persons who may have been victims of trafficking.<sup>9</sup>

In the East Asia and Pacific region, there is much movement in terms of child trafficking flows. Child victims from the Southeast Asia (Thailand, Cambodia, Myanmar, Lao and the Philippines) area are moved within the Greater Mekong Sub-Region or sent to Taiwan, Japan and Australia. Victims from China are moved to Southeast Asia (for transit), Taiwan, Japan, Malaysia and Australia. South Korean victims are also trafficked to Hong Kong, Japan and Australia.<sup>10</sup>

For child trafficking, **Brunei** is primarily considered as a:

- ✓ origin country
- ✓ transit country
- ✓ destination country
- internal/domestic country



## Who creates demand?

Traffickers prey on children and young people to meet the sexual demands of paedophiles and people who pay for sex. Any person who patronises the commercial sex market may end up sexually exploiting a child. There is no common profile of perpetrators who sexually exploit children – they may be young, old, married, single; they come from all types of socio-economic backgrounds and work in all kinds of professions.

## Who are the traffickers?

Traffickers can be a stranger or someone the child knows, such as a relative or a friend. Traffickers are often part of an organised criminal network that ‘recruits’ children and supplies them with fake identification. They may also pose as boyfriends or girlfriends in order to convince children to leave for a new life.

### CASE STUDY

In 2007, Brunei police investigated and made arrests in 10 cases involving foreign women in prostitution. The women were from Thailand, Indonesia, the Philippines, and China and had entered the country as tourists. Police investigations indicated that the women had been identified as possible “prostitutes” by their home country law enforcement agencies. In one case, two women asserted that they were trafficked by their handlers. The women were provided shelter by their embassies, but declined to cooperate with the police investigation and were repatriated. In October 2007, two Thai nationals were arrested for living,

in part, on the earnings of prostitution from three Thai nationals who were possible trafficking victims and were sheltered at a government facility as the police investigated the case. Due to insufficient evidence of trafficking, and lack of cooperation of the victims, the suspected pimps were prosecuted under other criminal statutes.<sup>11</sup>

## How can we stop the trafficking of children?

### LAW AND LAW ENFORCEMENT

- Brunei has not ratified the 2000 UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and should do so as soon as possible.
- Minimum age for marriage is 14 years, which is far too low. Even younger children may marry under Islamic law. The minimum age for marriage should be increased and should be the same for boys and girls as there is a risk of children being trafficked for early marriage.
- Brunei should ratify *ILO Convention No. 138 (1973), the Minimum Age Convention* so that protective legal cover can be provided to children in the work place or involved in certain illicit and illegal activities.

International Convention/Law	Date of Ratification by Brunei	Date of Reports Submitted	UN Committee on the Rights of the Child Recommendations for Brunei
<i>Convention on the Rights of the Child (CRC)</i>	Acceded on 27 December 1995.	Initial report submitted in 2001	The UN Committee recommended that the State party: <ol style="list-style-type: none"> <li>1) Carry out public education campaigns about the negative consequences of ill-treatment of children</li> <li>2) Establish effective child-sensitive procedures and mechanisms to receive, monitor, and investigate complaints, including intervening where necessary;</li> <li>3) Ensure the protection of child victims during legal proceedings, recovery and reintegration;</li> <li>4) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment of children;</li> <li>5) Rehabilitate offenders.</li> </ol>
<i>Optional Protocol on the sale of children, child prostitution and child pornography</i>	Acceded on 21 November 2006.	N/A	N/A
<i>The Protocol to Prevent, Suppress &amp; Punish Trafficking in Persons, Especially Women &amp; Children</i>	N/A	N/A	N/A
<i>ILO Convention No. 182 on the Worst Child Labour</i>	9 June 2008	N/A	N/A

## PREVENTION OF CHILD TRAFFICKING AND VICTIM PROTECTION AND ASSISTANCE

- Further research and analysis must be conducted on the trafficking of children to and within Brunei to assess the true nature of the problem.
- The Government must take steps to implement coordination and prevention initiatives in possible destination or origin countries by cooperating with governments in the region for safe migration, awareness-raising on trafficking and repatriation of survivors.
- The Government should make efforts to protect trafficking victims, such as institutionalising child-friendly procedures in law enforcement and child protection policies in relevant agencies. Child victims must be provided with health and psychosocial care, vocational training, legal counselling and repatriation/reintegration services.
- Brunei authorities often treat foreign victims of trafficking as criminals, finding them guilty of soliciting for prostitution, placing them in jail and deporting them. The sentences imposed on alleged pimps are often milder than for those exploited in prostitution.

## TO REPORT A SUSPECTED INCIDENT OF CHILD TRAFFICKING, CONTACT:

Recently, each ASEAN country established a reporting hotline so that people witnessing suspicious behaviour can voice their concerns to the appropriate authorities. The hotline services are available during business hours only.

The hotline number for Brunei is: **2380 444**

## MORE INFORMATION

- ECPAT International: [www.ecpat.net](http://www.ecpat.net)
- The Body Shop and ECPAT Stop Trafficking of Children and Young People Campaign : [www.thebodyshop.com/stop](http://www.thebodyshop.com/stop)

## Endnotes

- <sup>1</sup> UNICEF. *UNICEF calls for increased efforts to prevent trafficking of children*. 16 June 2007. Accessed from: [http://www.unicef.org/media/media\\_40002.html](http://www.unicef.org/media/media_40002.html)
- <sup>2</sup> UNODC. *Global Report on Trafficking in Persons*. 2009. <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>
- <sup>3</sup> Ibid.
- <sup>4</sup> Child Trafficking. "Child Prostitution Attracting Foreign Businessmen to Indonesia," *Asia Pulse*, 11 April 2001. Accessed from: [www.childtrafficking.com/Docs/the\\_protection\\_project\\_saudiarabia\\_0109.doc](http://www.childtrafficking.com/Docs/the_protection_project_saudiarabia_0109.doc)
- <sup>5</sup> "RP Embassy Rescues Filipinas from Human Traffickers". *Manila Bulletin*. 31 July 2003. Accessed from: <http://www.highbeam.com/doc/1G1-106106628.html>
- <sup>6</sup> US Department of State. *2008 Human Rights Report: Brunei Darussalam*. 25 February 2009. Accessed from: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119034.htm>
- <sup>7</sup> Ibid.
- <sup>8</sup> Gee, Steve. "Student Visas a Cover for Criminal Activities, Say Police," *Daily Telegraph* (Sydney), 13 January 2003.
- <sup>9</sup> US State Department. *2008 Human Rights Report: Brunei Darussalam*. February 25, 2009. Accessed from: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119034.htm>
- <sup>10</sup> US State Department. *Trafficking in Persons Report 2008*. Accessed from: <http://www.state.gov/documents/organization/105656.pdf>
- <sup>11</sup> Ibid.



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