

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Brunei Darussalam - 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations, b) The most representative workers organizations

92. To which employers organizations was the report sent? [12] Please provide the list

Chamber of Commerce

93. To which workers organizations was the report sent? [13] Please provide the list

Seafarer Association

94. Please describe the consultation process(es). [10.2]

Letters were sent to the respective organizations.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	No
84. Please provide details and provide any relevant URL(s) [6.2]	
95. Did employers organizations comment on the report? [11a]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	No
84. Please provide details and provide any relevant URL(s) [6.2]	
96. Did workers organizations comment on the report? [11b]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Unlikely
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62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	Current focus is on the potential to ratify other fundamental Conventions such as Occupational Safety and Health Convention, 1981 (No. 155), Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and further study of the Protocol is needed to understand its provisions in relation to obligations of constituent.
Existence of a policy and or plan of action for the suppression of forced or compulsory labour	
63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]	Yes
65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]	None at this time, however, any information with regards to any adoption has been transmitted to workers and employers organizations.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	
67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]	
68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]	No
69. Please describe these measures. [1.5]	
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	Such data would be in the form of number and types of complaints received by the enforcement agencies and number of incidents encountered during inspection or joint operations.
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]

(1) The implementation of Employment Order, 2009. (2) The introduction of committee on Trafficking in Persons(TIP). (3) Brunei Darussalam Panel Code. (4) The establishment of the Task Force on Public Awareness Program on TIP chaired by the Commissioner of Labour aimed to increase the public awareness on TIP. (5) Awareness programs, talks and briefings have been made to various sectors, embassies and learning institutions on the workers rights as per stated in the Employment Order 2009. (6) Leaflets on the rights of the workers have been translated to 5 different languages (English, Bangladesh Bengali, Indian, Philippines Tagalog and Thai).

Measures taken or envisaged to prevent forms of forced labour

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]

Yes

75. If so, please indicate the type of measures, [2.2]

a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, b) Strengthening and broadening of the coverage of legislation, particularly labour law, c) Regulation and supervision of the labour recruitment and placement process, f) Promotion of safe and regular migration, h) Capacity building for the competent authorities, j) Basic social security guarantees.

75.a-f. Please provide a description of measures taken or envisaged:

75.a-f. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]

Yes

77. If so, please indicate the type of measures [3.2]	a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants.
Measures taken or envisaged to facilitate access to remedies	
78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. If so, please indicate the type of measures, [4.2]	b) Free legal assistance, e) Access to remedies and compensation, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
79.a-g. Please provide a description of measures taken or envisaged:	
79.a-g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	
Cooperation with other Member States, international / regional organizations or NGOs	
81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]	Yes
81.1. Please specify	b) International and regional organizations

82. Please briefly describe the modalities of this cooperation. [5.2]	
Promotional activities	
90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	No URL for share at this point in time.
Special initiatives or Progress	
85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]	More measures envisaged to provide victims of all form of forced or compulsory labour with access to remedies.
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	
According to the social partners	
Employers' organizations	
86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	b) Lack of information and data, j) Lack of social dialogue on the principle, k) Lack of resources in employers organizations.
Workers' organizations	
86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	b) Lack of information and data, j) Lack of social dialogue on the principle, l) Lack of resources in workers organizations.

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

b) Lack of information and data, j) Lack of social dialogue on the principle, k) Lack of resources in employers organizations, l) Lack of resources in workers organizations.

TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

Yes

88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]

b) Awareness-raising and mobilization activities => Most Important

c) Collection and analysis of data and information => Important

d) Guidance on the development of the national policy and plan of action => Most Important

e) Strengthening the legal framework => Important

f) Capacity building for the competent authorities => Important

g) Inter-institutional coordination => Most Important

h) Promotion of fair recruitment and placement practices => Important

i) Promotion of fair migration policies => Important

j) Vocational training, job-creation and income-generation programmes for at-risk populations => Important

k) Basic social security guarantees => Important

l) Guidance on supporting due diligence => Important

	m) Capacity building for employers' and workers' organizations => Important n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Most Important o) Exchange of experiences between countries or regions; international cooperation => Important p) Other => Important
89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.	