

Social Institutions and Gender Index

# Brunei Darussalam

## SIGI Country Profile

19 of March 2024

SIGI Country Profiles are produced by the OECD Development Centre

The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

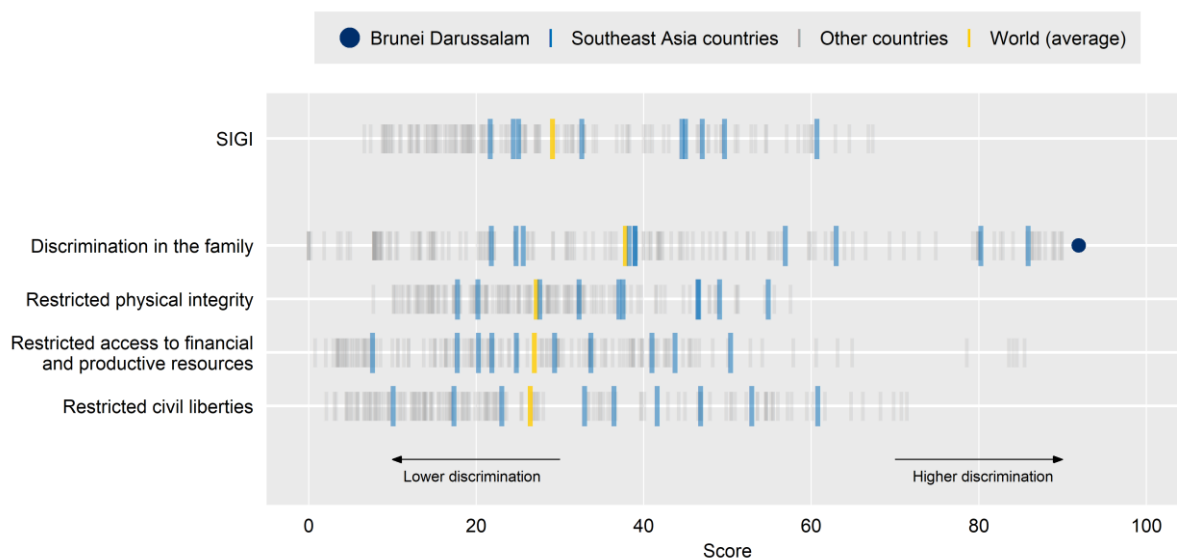
Suggested citation: OECD Development Centre (2023), "Brunei Darussalam SIGI Country Profile", *SIGI 2023 Country Profiles*, OECD, <https://oe.cd/sigi-dashboard>

# Social institutions in Brunei Darussalam

## The state of gender equality in Brunei Darussalam

The SIGI 2023 profile for Brunei Darussalam provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

**Figure 1. SIGI and dimension scores for Brunei Darussalam, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Brunei Darussalam did not obtain a SIGI score due to missing data in the "Restricted physical integrity", "Restricted access to productive and financial resources" and "Restricted civil liberties"

dimensions (Figure 1). The country is missing data on nearly all attitude and practice variables necessary to compute the SIGI, from violence against women to women’s reproductive autonomy, access to financial services, freedom of movement and access to justice. The country obtained a score of 92 in the “Discrimination in the family” dimension, denoting very high levels of discrimination in this dimension.<sup>1</sup>

## Legislative framework in Brunei Darussalam

Brunei Darussalam’s legal system is a dual system characterised by a civil system based on British common law cohabitating with a parallel religious system for Muslims based on Islamic Sharia, which supersedes the common law system in areas such as family and property law.<sup>2 3</sup> There are also other legislations enforced in Brunei Darussalam to govern the conduct of Muslims in the country, such as the Islamic Family Law Act, which make different provisions related to Islamic family law in areas such as marriage, divorce, maintenance, guardianship and other matters connected with family life.<sup>4</sup> Between 2013 and 2019, Brunei Darussalam underwent a series of reforms to amend the Penal Code. The Syariah Penal Code Order 2013, which went into effect in 2019, expands upon the existing religious legal systems and applies to all persons who live in Brunei Darussalam. Offences in the Penal Code follow a specific Islamic interpretation and justification, and include punitive measures such as corporal punishments, amputation and even capital punishment.<sup>5</sup> As part of the Malay cultural area, Brunei Darussalam is strongly associated with Malay *adat*.<sup>6</sup> These customs, although unwritten and sometimes conflicting with Islamic principles, remain a core element of Brunei’s social and cultural life and continue to be practiced, for example in the context of marriage.<sup>7</sup> The Constitution<sup>8</sup> only refers to customs in Article 3(A) to establish that the Adat Istiadat Council (or Council of Customs and Traditions) is the responsible authority for advising on matters of customs.

Brunei Darussalam’s Constitution does not recognise or prohibit multiple and intersectional discrimination – an essential provision to enhance gender equality from a legal perspective. Nevertheless, Brunei Darussalam ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>9</sup> in 2006 but holds reservations on Article 9(2) and Article 29(1).<sup>10</sup> Article 9(2) refers to men’s and women’s equal rights with respect to the nationality of their children, and Article 29(1) is on the inter-

<sup>1</sup> SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

<sup>2</sup> Greenwalt, P. (2020), *Factsheet: Brunei*, United States Commission on International Religious Freedom, <https://www.uscirf.gov/sites/default/files/2020%20Factsheet%20-%20Brunei.pdf>.

<sup>3</sup> University of Melbourne (n.d.), *Southeast Asian Region Countries Law: Brunei Darussalam*, <https://unimelb.libguides.com/c.php?g=930183&p=6721965>.

<sup>4</sup> ASEAN Law Association (2019), “Chapter 2: Sources of Law”, in *Legal System in Brunei Darussalam*, ASEAN Law Association, <https://www.aseanlawassociation.org/wp-content/uploads/2019/11/ALA-BRU-legal-system-Part-2.pdf>.

<sup>5</sup> Greenwalt, P. (2020), *Factsheet: Brunei*, United States Commission on International Religious Freedom, <https://www.uscirf.gov/sites/default/files/2020%20Factsheet%20-%20Brunei.pdf>.

<sup>6</sup> *Adat* refers to customary law in Malay.

<sup>7</sup> Samad, N. (2023), “Traditional Malay Marriage Ceremonies in Brunei Darussalam: Between *Adat* and *Syariah*”, in *(Re)presenting Brunei Darussalam, Asia in Transition*, Vol. 20, Springer Nature Singapore, Singapore, [https://doi.org/10.1007/978-981-19-6059-8\\_2](https://doi.org/10.1007/978-981-19-6059-8_2).

<sup>8</sup> Brunei Darussalam (1959), Constitution of Brunei Darussalam (Const. I)”.

<sup>9</sup> United Nations (1979), “Convention on the Elimination of All Forms of Discrimination Against Women”, *Treaties Series*, vol. 1249, United Nations, New York, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

<sup>10</sup> United Nations (2023), “Status of Treaties: Chapter IV - 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4).

State dispute procedure. Brunei Darussalam also expresses a general reservation regarding provisions that may be contrary to its Constitution and to the principles of Islam.

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Brunei Darussalam, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

## Positive highlights and significant challenges since the fourth edition of the SIGI

### Positive highlights

The law in Brunei Darussalam grants women and men equal rights to own and use land and non-land assets, including business properties, regardless of their marriage status.

### Significant challenges

The limited availability of data on practices and social norms restricts the analysis and prevents from having a clear understanding of the state of gender equality in the country. Brunei Darussalam lacks data that are comparable to other countries in nearly all areas covered by the SIGI, from the division of domestic responsibilities to violence against women, access to productive and financial assets, feeling of security and trust in the judicial system.

Discriminatory social institutions undermine women's rights and opportunities in many spheres of their lives. Marriage is regulated according to the laws and customs of different religious and ethnic groups in the country, which allows the marriage of women below the age of 18 years. In addition, Brunei Darussalam's Islamic Family Law Act, which regulates family matters for Muslims, contains many discriminatory provisions that restrict women's rights to be legal guardians of their children, to seek divorce and to inherit on an equal basis with men. Moreover, the legal framework on violence against women does not comprehensively protect women and girls from all forms of violence. For instance, domestic violence is not criminalised and there is no law specifically addressing violence against women. Discriminatory legal provisions also limit women's freedom of movement, citizenship rights, and access to justice. For instance, the Sharia Courts Evidence Order introduce differences regarding the value of women's and men's testimonies in Sharia Courts.

## Summary of results for Brunei Darussalam

<b>Discrimination in the family</b>	Unit	Value
Laws on child marriage	Score	100
Girl child marriage rate <sup>1</sup>	%	3.2
Boy child marriage rate <sup>1</sup>	%	0.6
Laws on household responsibilities	Score	100
Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem”	%	-
Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer”	%	-
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	-
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	-
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	-
Laws on divorce	Score	100
Laws on inheritance	Score	100
<b>Restricted physical integrity</b>	Unit	Value
Laws on violence against women	Score	75
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	-
Lifetime intimate-partner violence rate <sup>2</sup>	%	-
12-month intimate-partner violence rate <sup>2</sup>	%	-
Laws on female genital mutilation	%	75
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	-
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	-
Boy-to-girl ratio at birth (natural = 105) <sup>3</sup>	Ratio	108.1
Laws on reproductive autonomy	Score	75
Unmet needs for family planning <sup>4</sup>	%	-
<b>Restricted access to productive and financial resources</b>	Unit	Value
Laws on land assets	Score	0
Share of women among landowners	%	-
Laws on non-land assets	Score	0
Share of women among house owners	%	-
Laws on financial assets	Score	0
Share of women among bank account owners	%	-
Laws on workplace rights	Score	75
Share of the population declaring that “when jobs are scarce, men should have more right to a job than women”	%	-
Share of the population declaring that “men make better business executives than women do”	%	-
Share of women among managers	%	36.5
Share of firms with a woman as top manager	%	-
<b>Restricted civil liberties</b>	Unit	Value
Laws on citizenship rights	Score	100
Laws on political voice	Score	50
Share of the population declaring that “men make better political leaders than women do”	%	-
Share of women in Parliament (lower chamber)	%	9.1
Laws on freedom of movement	Score	75
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	-
Laws on access to justice	Score	75
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	-

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

<sup>1</sup> % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

<sup>2</sup> % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

<sup>3</sup> A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

<sup>4</sup> % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

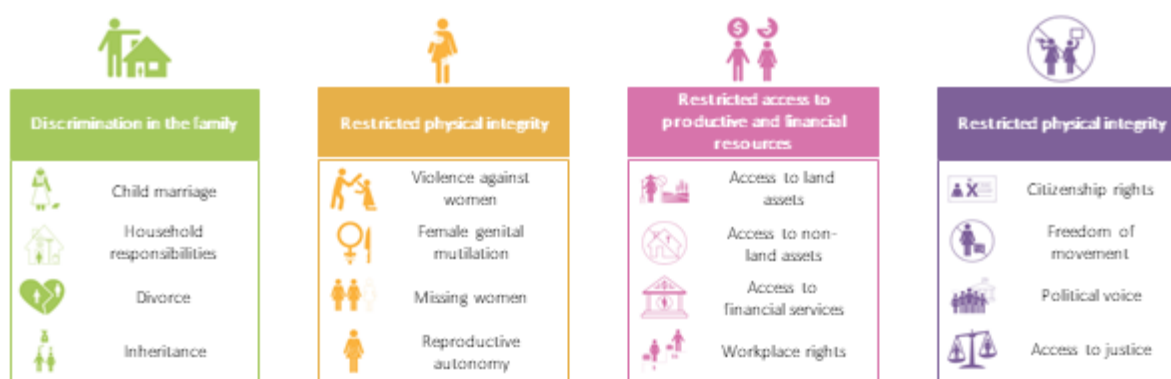
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

# Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.<sup>11</sup> The CEDAW General Recommendation No. 33 also recognises indigenous laws.<sup>12</sup> These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

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<sup>11</sup> United Nations (2018), “Module 1: The Theory and Practice of Women’s Access to Justice Programming”, *A Practitioner’s Toolkit on Women’s Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, [https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J\\_Module1.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf).

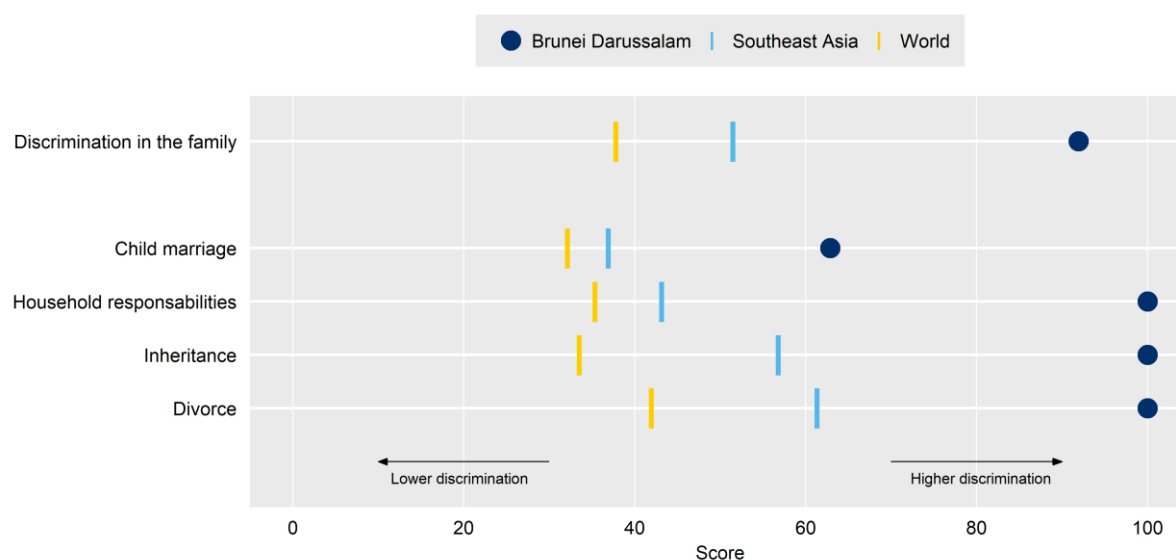
<sup>12</sup> UN Committee on the Elimination of Discrimination against Women (2015), “General recommendation No. 33 on women’s access to justice”, *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

## Discrimination in the family

Brunei Darussalam exhibits very high levels of discrimination within the family with a score of 92, compared to a world average of 38 and an average score of 52 in Southeast Asia – based on countries for which scores could be calculated.

In this dimension, women and girls in Brunei Darussalam experience the highest levels of discrimination in the “Household responsibilities,” “Inheritance” and “Divorce” indicators with scores of 100. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 63, still denoting very high levels of discrimination.

**Figure 3. Discrimination in the family scores for Brunei Darussalam, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Child marriage

### Practices related to child marriage

Child marriage remains limited in Brunei Darussalam. In 2023, 3% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 0.6% of boys.

### Legal frameworks concerning child marriage

Section 1 of the Marriage Act,<sup>13</sup> as amended, establishes that marriage is regulated according to the laws and customs of marriage of the different religious and ethnic groups of the country. The legal age of

<sup>13</sup> Brunei Darussalam (1948), “Marriage Act No. 8 of 1948 (Cap. 76)”.



marriage varies across communities. For instance, according to Section 6 of the Chinese Marriage Act,<sup>14</sup> as amended, the minimum legal age of marriage for women is 15 years.

Question	Answer	Assessment
What is the legal age of marriage for men?	18	✓
What is the legal age of marriage for women?	15	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	Yes	!
Does the legal age of marriage apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Household responsibilities

### Practices and social norms related to household responsibilities

There are no available data in Brunei Darussalam that are comparable to other countries on practices and social norms related to the division of household responsibilities. In 2023, across countries with available data, women dedicate 2.6 times more time on unpaid care and domestic work than men<sup>15</sup> worldwide, while in Southeast Asia this ratio is 3.1. Moreover, 56% of the world's population believes that when women work, the children will suffer. In Southeast Asia, this percentage reaches 35% – based on countries for which data are available.

### Legal frameworks concerning household responsibilities

Pursuant to Section 61 of the Islamic Family Law Act,<sup>16</sup> as amended, a married woman must obey her spouse in exchange for financial maintenance – establishing the man as the *de facto* head of the household or family. Section 95 establishes the father as the primary natural guardian of a minor child, even after separation or divorce, and Section 75 stipulates the father's duty to maintain his children even if they are not in his custody. Finally, pursuant to Section 5 of the Islamic Family Law Act and Section 2 of the Married Women Act,<sup>17</sup> as amended, family matters are regulated by the Married Women Act if none of the spouses are Muslim. Section 4 of this Act stipulates that spouses cooperate equally to the running of the household as well as the care and maintenance of the children.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be “head of household” or “head of family”?	No	!
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?	No	!
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?	No	!
Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?	Yes	!

<sup>14</sup> Brunei Darussalam (1955), “Chinese Marriage Act No. 6 of 1955 (Cap. 126)”.

<sup>15</sup> This indicator corresponds to SDG indicator 5.4.1

<sup>16</sup> Brunei Darussalam (2000), “Islamic Family Law Act No. S12/2000 (Cap. 217)”.

<sup>17</sup> Brunei Darussalam (1999), “Married Women Act No. S 30/1999 (Cap. 190)”.

Question	Answer	Assessment
Are there informal laws (customary, traditional or religious laws/rules that create different rights or abilities between men and women when it comes to being the legal guardians of their children?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Divorce

### Legal frameworks concerning divorce

Brunei Darussalam's Islamic Family Law Act, which applies to all marriages for which at least one of the parties is Muslim, introduces restrictions regarding women's rights to initiate and finalise a divorce. Pursuant to Sections 41 and 42 of the Islamic Family Law Act,<sup>18</sup> as amended, a married man can divorce his spouse at will, without any restrictions (*talaq*). In contrast, Sections 43 to 52 stipulate the specific circumstances upon which a woman can ask for the dissolution of the marriage. Section 48 grants married women the right to seek divorce by *khul'* – the process whereby the woman obtains a divorce in exchange of paying her spouse an agreed financial compensation. Section 13 also establishes a waiting period (*iddah*) for the divorced woman until she can remarry. Section 88 stipulates that the custody of a child belongs in priority to the mother, even after a divorce, unless she converts to another religion than Islam or she remarries with a person considered as non-*mahram* to the child (Section 90) – i.e. any person whom the child would be allowed to marry by law.

Question	Answer	Assessment
Do women and men have the same rights to initiate/file for a divorce?	No	!
Can women and men finalise a divorce or annulment with the same requirements?	No	!
Do women and men have the same rights to child custody following a divorce?	No	!
Regarding divorce, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Inheritance

### Legal frameworks concerning inheritance rights

Pursuant to Section 58 of the Probate and Administration Act,<sup>19</sup> rules governing inheritance differ depending on the religion and customs of the deceased person. For Muslims, inheritance matters are regulated by the principles of Islamic Sharia, whereby female heirs are entitled to half of the inheritance share of male heirs.<sup>20</sup> Muslim sons are entitled to twice the share received by daughters. Likewise, a surviving widower receives one half of the estate (or one quarter if there are surviving children), whereas a surviving widow receives one quarter of the estate (or one eighth if there are surviving children). Section

<sup>18</sup> Brunei Darussalam (2000), "Islamic Family Law Act No. S12/2000 (Chap. 217)".

<sup>19</sup> Brunei Darussalam (1984), "Probate and Administration Act No. 1/1984 (Cap. 11)".

<sup>20</sup> Musawah (2014), *Musawah Comprehensive Fact-Sheet on Muslim Family Laws: Brunei Darussalam*, Musawah: For Equality in the Family, <https://www.musawah.org/wp-content/uploads/2019/05/Brunei-Thematic-Report-CEDAW59-2014.pdf>.

58 of the Probate and Administration Act also stipulates that inheritance matters of non-Muslim citizens are governed by the Wills Act<sup>21</sup> or, if there is no will, in accordance with the law in force in England.

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	No	!
Do female and male surviving spouses have the same rights to inherit?	No	!
Regarding inheritance rights of daughters, does the law apply to all groups of women?	No	!
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

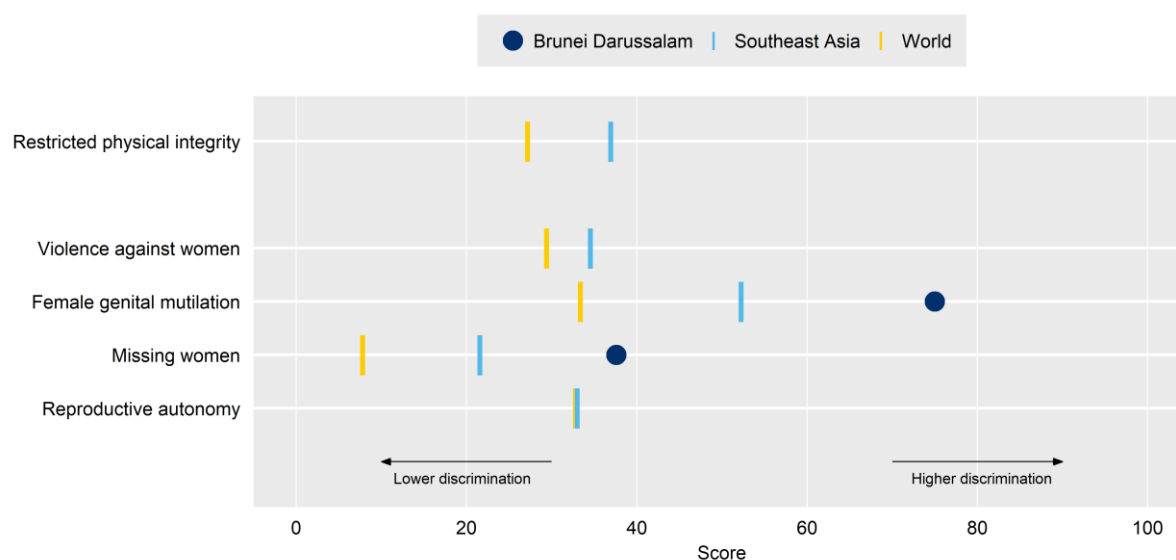
<sup>21</sup> Brunei Darussalam (1999), "Wills Act No. S 55/99 (Cap. 193)".

## Restricted physical integrity

Brunei Darussalam did not obtain a score in the “Restricted physical integrity” dimension because of missing data points in certain underlying variables – namely (1) the share of women who have experienced intimate-partner violence at least once over the last 12 months or during their lifetime, (2) the share of women who think a husband is justified in hitting or beating his wife under certain circumstances, and (3) the share of women of reproductive age (15-49 years) who declare having an unmet need for family planning.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Brunei Darussalam experience the highest levels of discrimination in the “Female genital mutilation” indicator, with a score of 75, followed by the “Missing women” indicator, with a score of 38.

**Figure 4. Restricted physical integrity scores for Brunei Darussalam, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Violence against women

### Practices and social norms related to violence against women

There are no available data in Brunei Darussalam that are comparable to other countries on the prevalence of intimate-partner violence against women nor on the social acceptance of it – whether it is calculated over their lifetime or during the last 12 months. In 2023, across countries with available data, 30% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In Southeast Asia this percentage reaches 33%.

### Legal frameworks concerning violence against women

Brunei Darussalam does not have a dedicated law addressing all forms of violence against women. Different forms of violence against women are covered in separate or general pieces of legislation. For instance, domestic violence is addressed in Part II-A of the Married Women Act,<sup>22</sup> as amended, and Part V-A of the Islamic Family Law Act,<sup>23</sup> as amended. Both laws do not criminalise it but provide for the issuance of protective orders whose breach leads to criminal charges. Moreover, although Section 75 of the Penal Code<sup>24</sup> criminalises rape and grounds its definition on the notion of consent, it does not specifically cover marital rape. There are no provisions in Brunei Darussalam's legal framework that prohibit nor criminalise sexual harassment.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	No	!
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	n.a.	n.a.
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	n.a.	n.a.
Does the law include reduced penalties in case of so-called "honour crimes"?	No	✓
<b>Domestic violence</b>		
Is domestic violence a criminal offence?	No	!
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	No	!
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	No	✓
<b>Rape</b>		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	Yes	✓
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	No	✓
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	Yes	!
Does the legal definition of rape include marital rape?	No	!
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	No	✓
<b>Sexual harassment</b>		
Does the law prohibit sexual harassment?	No	!
Does the law on sexual harassment include criminal penalties?	No	!
Do legal protections from sexual harassment apply in the workplace?	No	!
Do legal protections from sexual harassment apply in educational establishments?	No	!
Do legal protections from sexual harassment apply in public spaces?	No	!
Do legal protections from sexual harassment apply online / on the internet?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Female genital mutilation

### Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common.

<sup>22</sup> Brunei Darussalam (1999), "Married Women Act No. S 30/1999 (Cap. 190)".

<sup>23</sup> Brunei Darussalam (2000), "Islamic Family Law Act No. S12/2000 (Cap. 217)".

<sup>24</sup> Brunei Darussalam (2013), "Syria Penal Code Order No. S 69".

In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.<sup>25</sup>

There are no available data in Brunei Darussalam that are comparable to other countries on practices and social norms related to female genital mutilation and cutting.

### Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Sections 167, 168 and 169 of the Penal Code<sup>26</sup> allow to prosecute FGM/C acts on broad grounds, namely under acts of causing hurt or wounding any parts of the body. However, the law does not criminalise FGM/C on narrow grounds.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	Yes	✓
Does the law criminalise FGM/C on narrow grounds only?	No	!
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	Yes	!
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	No	!

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

### Missing women

#### Practices related to missing women

The “Missing women” indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

In Brunei Darussalam, the “missing women” phenomenon is a severe issue. The boy-to-girl sex ratio for children aged 0-4 is estimated at 108.1, which means that there are approximately 108.1 boys aged 0-4 for 100 girls of the same age. This ratio is substantially higher than the natural sex ratio at birth.

### Reproductive autonomy

#### Practices related to women’s reproductive autonomy

<sup>25</sup> Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

<sup>26</sup> Brunei Darussalam (2013), “Syariah Penal Code Order No. S 69”.

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

There are no available data in Brunei Darussalam that are comparable to other countries on the gap between women's reproductive intentions and their contraceptive behavior. Worldwide, in 2023 and across countries with available data, 12% of women aged 15-49 declare having an unmet need for family planning. In Southeast Asia this share reaches 11%.

### Legal frameworks concerning women's reproductive autonomy

Women's reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).<sup>27</sup> Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.<sup>28</sup>

Sections 158 to 163 of the Penal Code<sup>29</sup> prohibit and criminalise abortion. However, Section 164 introduces a legal exception, namely if abortion is necessary to save the pregnant woman's life.

Question	Answer	Assessment
Is abortion illegal under any circumstances?	No	✓
Is abortion legally permitted in cases where: it is essential to save the woman's life?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman?	No	!
Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of incest?	No	!
Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy?	No	!
Is abortion legally permitted in cases where: foetal impairment?	No	!
Does a woman require the approval of a medical practitioner to seek a legal abortion?	Yes	!
Does the law require the approval of the father of the foetus to seek a legal abortion?	No	✓
Is there any national plan or policy that provide universal access to family planning services?	No	!
Is there any law or national policy that provide free or subsidised access to contraception?	No	!
Does the national school curricula include mandatory and comprehensive sexuality education?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>27</sup> CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women's rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

<sup>28</sup> UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

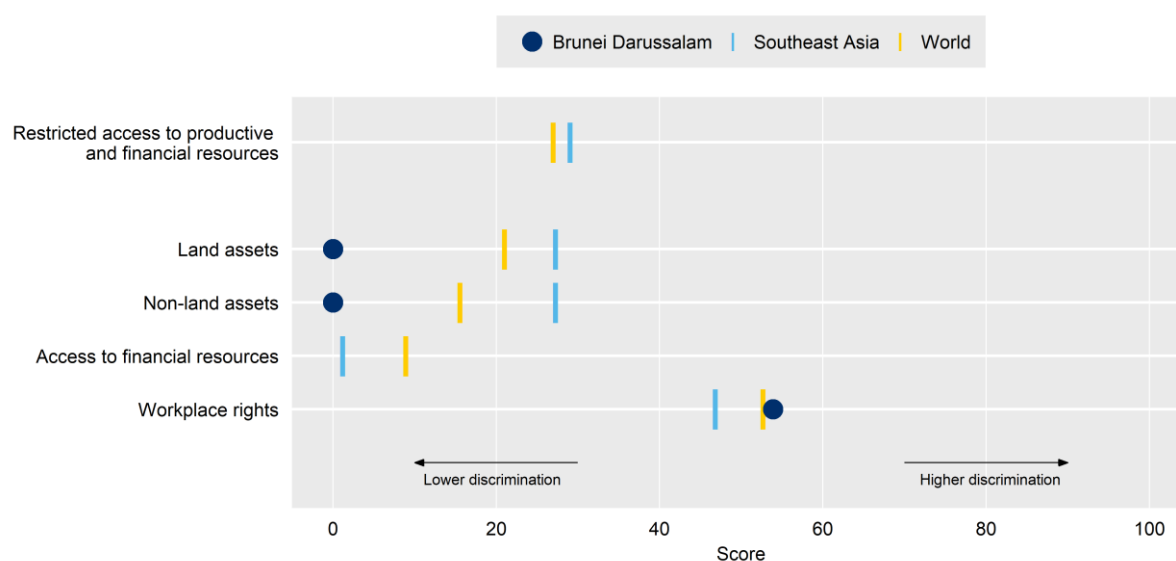
<sup>29</sup> Brunei Darussalam (2013), "Syria Penal Code Order No. S 69".

## Restricted access to productive and financial resources

Brunei Darussalam did not obtain a score in the “Restricted access to productive and financial resources” dimension because of missing data related to the share of women among bank account owners.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Brunei Darussalam experience the highest levels of discrimination in the “Workplace rights” indicator, with a score of 54. No discrimination is found in the “Access to land assets” and “Access to non-land assets” indicators with scores of 0.

**Figure 5. Restricted access to productive and financial resources scores for Brunei Darussalam, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Access to land assets

### Practices related to women’s access to secure land assets

In Brunei Darussalam, there are no available data that are comparable to other countries on practices related to access to land assets.

### Legal frameworks concerning women’s access to land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	Yes	✓



Question	Answer	Assessment
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to non-land assets

### Practices related to women's secure access to non-land assets

In Brunei Darussalam, there are no available data that are comparable to other countries on practices related to access to non-land assets.

### Legal frameworks concerning women's access to non-land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to financial services

### Practices related to women's access to formal financial services

In Brunei Darussalam, there are no available data that are comparable to other countries related to the access to financial services. Worldwide, in 2023 and across countries with available data, 67% of women have a bank account at a financial institution, compared to 72% of men. In Southeast Asia, 52% of women have a bank account, compared to 54% of men.

### Legal frameworks concerning women's access to financial services

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Workplace rights

### Practices and social norms related to women's workplace rights

Women remain partially excluded from decision-making power positions in the economic sphere. Women account for 36% of employees in a managerial position,<sup>30</sup> compared to a world average of 25% and an average of 36% in Southeast Asia – based on countries for which data are available.

There are no available data in Brunei Darussalam that are comparable to other countries on attitudes related to women's ability to be business executives or to men's priority to have a job compared to women. In 2023, 45% of the world's population agrees that when jobs are scarce, men should have more right to a job than women. In Southeast Asia this percentage reaches 64% – based on countries for which data are available.

### Legal frameworks concerning women's workplace rights

Brunei Darussalam's legal framework, and notably the Labour Act,<sup>31</sup> as amended, does not specifically prohibit gender-based discrimination in employment. Likewise, the law does not include any provision that mandates equal remuneration for equal work nor equal pay for work of equal value.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	No	!
Does the law mandate equal remuneration for work of equal value?	No	!
Does the law prohibit women from entering certain professions?	No	✓
Does the law allow women to work the same night hours as men?	Yes	✓
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	No	!
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>30</sup> This indicator corresponds to SDG indicator 5.2.2

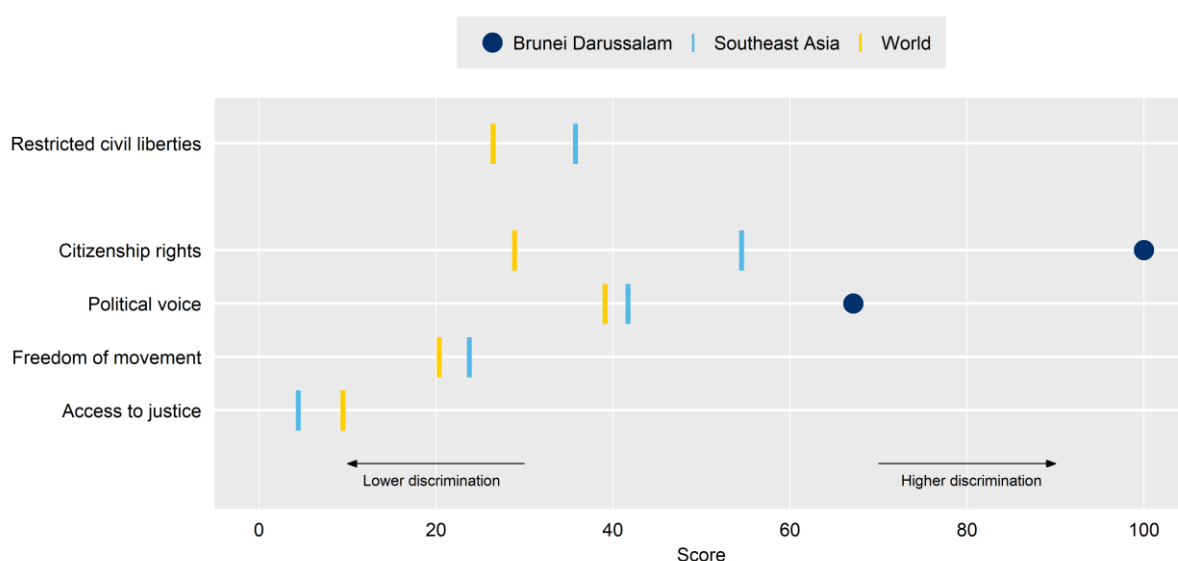
<sup>31</sup> Brunei Darussalam (1954), "Labour Act No. 11 of 1954 (Cap. 93)".

## Restricted civil liberties

Brunei Darussalam did not obtain a score in the “Restricted civil liberties” dimension because of missing data points in certain underlying variables – namely (1) the proportion of women among the people declaring not feeling safe walking alone at night in the city or area where they live, and (2) the proportion of women among the people declaring not having confidence in the judicial system and courts of their country.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Brunei Darussalam experience the highest levels of discrimination in the “Citizenship rights” indicator, with a score of 100, followed by “Political voice”, with a score of 67.

**Figure 6. Restricted civil liberties scores for Brunei Darussalam, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Southeast Asia region covers Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Viet Nam.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Citizenship rights

### Legal frameworks concerning women’s citizenship rights

The national legislation does not provide women the same rights as men to confer nationality to their children or to their spouse. Section 4 of the Nationality Act,<sup>32</sup> as amended, stipulates that a child automatically acquires Bruneian citizenship if the father is Bruneian at the time of birth. Conversely, a child cannot acquire citizenship if only the mother holds Bruneian citizenship. Meanwhile, Section 5(6) of the Nationality Act establishes that a foreign woman can acquire Bruneian citizenship by marrying a Bruneian national, which is not the case for foreign men.<sup>33</sup> Moreover, the national legislation does not provide the

<sup>32</sup> Brunei Darussalam (1961), “Brunei Nationality Act No. 4 of 1961 (Cap. 15)”.

<sup>33</sup> Statelessness Network Asia Pacific, The Brunei Project, Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion (2019), *Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic*

same rights to married women and married men when it comes to retaining their nationality. Section 5(6) establishes specific conditions for married women to acquire citizenship that are not outlined for married men, while Section 9(5) stipulates that a Bruneian woman who was naturalised by virtue of marriage and who acquires a new foreign citizenship by virtue of a subsequent marriage loses the Bruneian citizenship previously acquired. No such provision exists for men.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to acquire nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?	Yes	✓
Does the law provide married women with the same rights as married men to change their nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to retain their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their spouse?	No	!
Does the law provide married women with the same rights as married men to confer nationality to their children?	No	!
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?	No	!
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?	No	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Freedom of movement

### Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. There are no available data in Brunei Darussalam that are comparable to other countries on practices related to freedom of movement.

### Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

Section 61 of the Islamic Family Law Act,<sup>34</sup> as amended, stipulates that a married woman can lose her right to spousal maintenance if she disobeys her spouse, including leaving her spouse's home against his wishes or refusing to move with him to another home or place.

Question	Answer	Assessment
Does the government provide national identity cards?	Yes	✓
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)	Yes	✓
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)	Yes	✓
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?	Yes	✓

Review: Brunei Darussalam, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6509&file=EnglishTranslation> (accessed on 1 October 2023).

<sup>34</sup> Brunei Darussalam (2000), "Islamic Family Law Act No. S12/2000 (Cap. 217)".

Question	Answer	Assessment
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?	Yes	✓
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside the country?	No	!
Does the law provide married women with the same rights as married men to travel outside their homes?	No	!
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Political voice

### Practices and social norms related to women's political voice

Women's political representation in the country is very low, with women accounting for only 9% of the members of parliament in 2023, compared to a world average of 27% and an average of 22% in Southeast Asia.

Regarding attitudes on women's ability to be political leaders, there are no available data in Brunei Darussalam that are comparable to other countries. In 2023, 48% of the world's population thinks that men make better political leaders than women. In Southeast Asia, this percentage reaches 62% – based on countries for which data are available.

### Legal frameworks concerning women's political voice

Question	Answer	Assessment
Does the law provide women with the same rights as men to vote?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the legislative branch?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the executive branch?	Yes	✓
Does the law provide women with the same rights as men to hold public office in the judiciary branch?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?	No	!
Do constitutional/legislated gender quotas exist to promote women's political representation at the local level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the national level?	No	!
Does the law provide for special measures other than quotas to promote women's political representation at the local level?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to justice

### Practices related to women's access to justice

There are no available data in Brunei Darussalam that are comparable to other countries on practices related to access to justice.

## Legal frameworks concerning women's access to justice

Section 118 of the Evidence Act,<sup>35</sup> as amended, and Section 6 of the Married Women Act,<sup>36</sup> as amended, establish no differences between the weight of women's and men's testimonies. However, Sections 105, 106, 107 and 117 of the Syariah Courts Evidence Order<sup>37</sup> introduce differences regarding the value of women's and men's testimonies in Sharia Courts. For instance, Section 106 stipulates that any matter related to a conflict between spouses requires the testimonies of four men if it is related to adultery (*zina*), and the testimonies of two men or one man and two women for other issues.

Question	Answer	Assessment
Does the law provide women with the same rights as men to sue?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the family courts?	No	!
Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>35</sup> Brunei Darussalam (1939), "Evidence Act No. 2 of 1939 (Cap. 108)".

<sup>36</sup> Brunei Darussalam (1999), "Married Women Act No. S 30/1999 (Cap. 190)".

<sup>37</sup> Brunei Darussalam (2001), "Syariah Courts Evidence Order No. S63".