Violence, Exploitation, and Abuse and Discrimination in Migration

Affecting Women and Children in ASEAN: A Baseline Study
Singapore
Violence, Exploitation, and Abuse and Discrimination in Migration Affecting Women and Children in ASEAN: A Baseline Study
Violence, Exploitation, and Abuse and Discrimination in Migration Affecting Women and Children in ASEAN: A Baseline Study

by

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Acronyms

AGC  Attorney-General’s Chambers, Singapore
AWARE  Association of Women for Action and Research
BSS  Beyond Social Services
CABCY  Coalition Against Bullying for Children and Youth
CEDAW  Convention on the Elimination of Discrimination Against Women
CPO  Child Protection Order / Care and Protection Order
CRC  Convention on the Rights of the Child
CSEC  Commercial sexual exploitation of children
CYP A  Children and Young Persons Act
ECPAT  End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes (civil society group)
FDW  Foreign domestic worker
HOME  Humanitarian Organization for Migration Economics
ICA  Immigration and Checkpoints Authority, Singapore
IMC  Inter-Ministry Committee
MCYS  Ministry of Community Development, Youth and Sports, Singapore
MFA  Ministry of Foreign Affairs, Singapore
MHA  Ministry of Home Affairs, Singapore
MND  Ministry of National Development, Singapore
MICA  Ministry of Information, Communication and the Arts, Singapore
MOE  Ministry of Education, Singapore
MOH  Ministry of Health, Singapore
MOM  Ministry of Manpower, Singapore
MUIS  Majlis Ugama Islam Singapura (Islamic Religious Council of Singapore)
NCSS  National Council of Social Service
NGO  Non-governmental organisation
PPO  Personal Protection Order
SAFV  Society Against Family Violence
SCS  Singapore Children’s Society
SCWO  Singapore Council of Women’s Organisations
SPF  Singapore Police Force
TWC2  Transient Workers Count Too
UN Women (formerly UNIFEM)  United Nations Entity for Gender Equality and the Empowerment of Women
UPR  Universal Periodic Review
VWO  Voluntary Welfare Organization

Abbreviations

AWARE’s Shadow Report  
AWARE’s 2011 CEDAW shadow report
CRC Committee  
Committee on the Rights of the Child
CEDAW Committee  
Committee on the Elimination of Discrimination Against Women
ECPAT’s CSEC Report  
ECPAT International’s 2010 research report on CSEC
MinLaw  
Ministry of Law
SCWO’s Shadow Report  
SCWO’s 2011 CEDAW shadow report
### Formal Name: Republic of Singapore
### Capital City: Singapore is a city-state

| Population\(^1\) | Male: 2,308,964  
| | Female: 2,431,773  
| | Both sexes: 5,353,994 (July 2012) |
| Life expectancy\(^2\) | Male: 81.47  
| | Female: 86.2  
| | Both sexes: 83.75 (2012) |
| Age structure\(^3\) | 0-14 years: 13.8% (male 338,419/female 314,704)  
| | 15-64 years: 77% (male 1,774,444/female 1,874,985)  
| | 65 and over: 9.2% (male 196,101/female 242,084) (2011 est.) |
| Sex ratio\(^4\) | At birth: 1.07 male(s)/female  
| | Under 15: 1.05 male(s)/female  
| | 15-64 years: 0.96 male(s)/female  
| | 65-over: 0.82 male(s)/female  
| | Total: 0.96 male(s)/female (2012 est.) |
| Religions\(^5\) | Buddhist 42.5%, Muslim 14.9%, Taoist 8.5%, Hindu 4%, Catholic 4.8%, Christian 9.8%, other 0.7%, none 14.8% (2000 census) |
| Ethnic groups\(^6\) | Chinese 76.8%, Malay 13.9%, Indian 7.9%, others 1.4% (2000 census) |
| Functional literacy rate\(^7\) | Male: 96.6%  
| | Female: 88.6%  
| | Both sexes: 92.5% |
| National poverty line\(^8\) | No information available |
| Percentage of population living below the national poverty line\(^9\) | No information available |
| Gross Domestic Product per capita\(^10\) | S$63,050/ US $50,123 (2011) |

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2. Ibid.
3. Ibid.
4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid; See also ’Women and Education & Training: Literacy Rate by Gender (2011),’ MCYS, accessed 8 May 2012, http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/ LiteracyRatebyGender.aspx. (Female residents above 15: 94.1%; Male residents above 15: 98.1%).
| **Net enrolment ratio in post-secondary schools** | Intake for Institute of Technical Education (2010): Females: 37.8%; Males: 62.2%
Intake for polytechnics (2010): Females: 49.3%; Males: 50.7%
Intake for universities (2010): Females: 49.9%; Males: 50.1% |
| **Migration rate** | 15.62 migrant(s)/1,000 population (2012) |
| **Number of citizens working overseas** | 150,000 (2008) |
| **Number of low-skilled or semi-skilled foreign workers in country** | 856,000 (December 2009)
206,000 FDWs (2011) |
| **Percentage of female-headed households** | 21.6% (2010) |
| **Labour force participation rate** | Male: 75.6%
Female: 57% (June 2011) |
| **Unemployment rate** | Male: 9.9%
Female: 16.6% (2009) |
| **Maternal mortality rate** | 3 deaths/100,000 live births (2010) |
| **Infant mortality rate** | 2.65 deaths/1,000 live births |
| **Legal definition of 'child'** | The Children and Young Persons Act defines a ‘child’ as a person who is below the age of 14 years. A ‘young person’ is defined as a person who is 14 years of age or above and below the age of 16 years. Under the Employment Act, a ‘child’ is a person who has not completed his 15th year of age. A ‘young person’ is a person who has completed his 15th year of age but who has not completed his 16th year of age. |
| **Marriageable age** | 18 With consent of parents or guardians: between 18-21 With Special Marriage Licence from the Ministry of Community Development: below 18 |
| **Age of consent** | 16 years of age |
| **Age of criminal responsibility** | 7 |
| **Minimum age of employment** | The minimum age of employment of children is 13 years. While a child, who is above 13 years of age but has not completed his 15th year (young person), is allowed to work under the law, Singapore’s labour legislation restricts the type of work and maximum hours the child or young person may be employed. |
| **Minimum age for military recruitment and participation** | Under the the Enlistment Act (Cap. 93), the minimum age for compulsory enlistment for national service in the armed forces is 18 years. The Singapore Armed Forces (Volunteers) Regulations provides for the minimum age for voluntary enlistment in the armed forces as 16 years and 6 months. |
A. OVERVIEW

For Singapore, 2011 and 2012 saw a number of significant legal and policy developments relevant to the protection of women and children. In late 2011, the Singapore parliament decided to repeal a provision in the Evidence Act that allowed the use of the sexual history of sexual assault survivors to discredit them in court.30 In early 2012, parliamentarians discussed a proposal to completely criminalise marital rape, which is presently only criminalised in limited circumstances.31 In the second quarter of 2012, news broke of the prosecution of 48 men for having sex with an underaged call girl.32 The news triggered public controversy and debate over local laws that make having commercial sex with a minor an offence even where the offender mistakenly believed the minor was of legal age.

Sex and labour trafficking have also been in the spotlight. In March 2012, the government rolled out its National Plan of Action against trafficking in persons. This came after the 2010 and 2011 US State Department’s Trafficking in Persons reports made local headlines for placing Singapore on the Tier 2 Watchlist.

The abuse of foreign women, particularly foreign wives and FDWs, has been another hot topic. Scathing reports on the dire situations faced by some foreign wives and FDWs have been released by local NGOs and other organizations such as Human Rights Watch. In March 2012, the government established a new immigration policy, in the form of a special long term visit pass for foreign spouses, that has the potential to reduce the financial dependence of foreign wives on their husbands. In May 2012, the government announced that the Employment of Foreign Manpower Act was under review, and that the review was open to public consultation. One of the government’s proposals was to impose stiffer penalties on employers who receive kickbacks or bribes from foreign workers to get employed.33

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16 HOME and TWC2, Justice Delayed, Justice Denied, 2010, 3, citing Francis Chan, ‘Foreign worker levy to increase over 3 years,’ Straits Times, 23 February 2010.

17 Amanda Tan, ‘Weekly day off for maids a must from next year,’ Straits Times, 6 March 2012


21 Ibid.

22 Ibid.

23 CYPA, s 2 (1).


26 Penal Code, Section 376A.

27 Penal Code, Section 82.

28 Singapore’s 2nd and 3rd periodic CRC reports, CRC/C/SGP/2-3, 6.

29 Ibid., para. 447.


31 Tay Suan Chiang & Shuli Sudderuddin, ‘Proposed marital rape law welcomed,’ Straits Times, 18 February 2012.


33 Janice Heng, ‘Errant bosses face stiffer penalties,’ Straits Times, 11 May 2012.

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These developments must be seen within the current political and human rights contexts in Singapore. In 2011, Singapore's periodic reviews for CEDAW, CRC and the UPR were conducted, and Singapore was put in the hot seat at an international level. Notably, the CEDAW and CRC are the only human rights treaties ratified by Singapore. The year 2011 was also when a watershed general election took place. Political participation by Singaporeans reached new highs during this election, which saw the most number of opposition members elected to Parliament in independent Singapore's history.

Local NGOs played a role in these developments. The government's decision to repeal the evidentiary provision allowing the use of the sexual history of sexual assault victims was a direct response to a request by local NGO, AWARE. Local NGOs have also been active in pushing for reforms, through publishing advocacy reports, and submitting shadow reports in respect of the CEDAW, CRC and UPR.

Momentum has been generated from the slew of policy reforms and debates. With government policies being placed under a greater level of scrutiny, and the government displaying an openness to instituting reforms, this stock-taking exercise of Singapore's situation relating to violence, exploitation and migration affecting women and children is timely.

SUMMARY OF KEY FINDINGS

a. Violence

The following table gives an overview of key data available in relation to issues of violence affecting women and children in Singapore. More detailed findings, such as profiling studies, are set out further below in this report.

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singapore has the lowest rate of lifetime violence against women aged 18 to 69 years old (9.2%) among 12 participating countries.</td>
<td>2010 International Violence Against Women household survey, which assessed physical and sexual violence</td>
<td>-</td>
</tr>
<tr>
<td>2,971 PPO applications were made in 2009. PPOs are court orders protecting persons from family violence.</td>
<td>Statistics disclosed by the Subordinate Courts</td>
<td>More recent data is unavailable. PPOs are not gender-specific. A 2004 MCYS study showed that 82% of victims in PPO applications are women. Information solely on PPOs is insufficient to identify trends in family violence against women and children over the years.</td>
</tr>
<tr>
<td>The number of rape cases, including statutory rape, has increased yearly from 118 in 2006 to 202 in 2009.</td>
<td>Statistics disclosed by the government in its 2011 response to issues raised at its fourth CEDAW periodic review</td>
<td>Reasons for the increase are not known, save that the increase is attributable to an increase in cases involving culprits whom victims know.</td>
</tr>
<tr>
<td>The number of child abuse cases has increased yearly from 100 in 2007 to 193 in 2010.</td>
<td>MCYS statistics, which appear to record only intra-familial child abuse cases</td>
<td>Reasons for the increase are not known.</td>
</tr>
</tbody>
</table>

34 The other 11 countries were Australia, Costa Rica, Czech Republic, Denmark, Greece, Hong Kong, Italy, Mozambique, Philippines, Poland and Switzerland.

35 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 37-38.
### Data | Source | Remarks
--- | --- | ---
The number of sexual offences involving victims less than 18 years old decreased from 631 in 2007 to 543 in 2009. However, statutory rape cases increased in number from 77 in 2007 to 101 in 2009. The numbers then decreased to about 50 cases in 2010. | Statistics disclosed by the government in its 2011 response to issues raised during the second and third CRC periodic reviews | Reasons for the trends are unknown.
The number of outrage of modesty cases increased by 11% from 1,273 cases in 2009 to 1,414 cases in 2010. The number dropped slightly to 1,396 in 2011. | Statistics disclosed by the SPF in its annual report | Outrage of modesty is not a gender-specific offence. The statistics disclosed were not disaggregated by age or gender. Percentage of cases involving workplace sexual harassment is unknown. Reasons for the general increase are unknown.
Between January and March 2011, 31 cases of outrage of modesty and 2 cases of insulting the modesty of a woman in the workplace were recorded. | Statistics disclosed by the government in its 2011 response to issues raised at its fourth CEDAW periodic review | The data is isolated. Larger trends relating to workplace sexual harassment are unknown.
214 of 500 male and female respondents were women who had experienced sexual harassment in the workplace. | 2008 informal survey by AWARE | The study was aimed at raising awareness, and was not an attempt to examine prevalence rates.
Around 25% of schoolchildren experience bullying. | Formal medium to large-scale surveys conducted by the SCS in 2006, 2007 and 2010 | The surveys have been criticised by the Minister of Education for representing a wide spectrum of bullying behaviours, including 'teasing.'

The following observations can be made. First, in view of the available data on cases of rape and outrage of modesty, sexual violence against women is cause for concern. The existence of sexual harassment in the workplace has received particular attention from local NGO, AWARE. However, no reliable data on its prevalence is available.

Second, also of concern is the increase in child abuse cases and the sexual exploitation of minors. Reportedly on the increase are cases of peer-to-peer online sexual exploitation (posting of sex pictures of youth online by their peers), and of Singaporean teenagers exchanging sexual services for prized gadgets or luxury items or for extra pocket money, using the Internet or mobile phones to advertise or sell sex services. This phenomenon is also known as 'compensated dating.'

Third, as shown by the data in relation to PPO applications and outrage of modesty cases, there is an unavailability of updated and sufficiently disaggregated data to enable the analysis of emerging trends in relation to violence against women. This was noted in AWARE's Shadow Report.

Fourth, currently available information on violence affecting children is more comprehensive and updated than that on violence affecting women. In contrast to the data on violence against women, statistics on intra-familial child abuse from 2007 to 2011 are available, and appear to be published annually by MCYS.

In the course of the research process, the piecemeal availability of data was a source of difficulty. Although the SPF keeps data on all reported criminal cases, including sex-disaggregated data, and in particular, data on offences committed against women and children (including age, sex

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36 Disaggregation of data by type of offence can be found below at Figure 3 - MCYS data on types of child abuse prevalent from 2007 to 2010.


38 Ibid, paras. 95-97.

39 Ibid, 22-23.

40 Ibid, para. 19.7.

41 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report, (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 52.
and relationship of perpetrator to victim). Such data is not regularly published. Only selected types of data relating to sexual offences against women and children were disclosed by the government during the 2011 CEDAW and CRC reviews. The reasons for the selective disclosure are unclear. When asked by the press for overall data on child sex abuse cases, the SPF declined to disclose the numbers given the ‘sensitive nature of the information.’

Another data gap is the absence of nationality profiling from all publicly available government data. It is not known if the government in fact collects data on nationality. The lack of such data renders the assessment of the prevalence of violence against foreign women difficult. This is particularly significant given that violence against foreign wives from low-income backgrounds is a ‘hot-button’ issue.

Recent independent studies are the International Violence Against Women Survey, funded by the National University of Singapore, and surveys by the SCS and CABCY on child abuse and bullying of schoolchildren, including cyber-bullying. Also notable is a 2008 SAFV assessment of gaps in the areas of direct service provision, processes and supportive institutions in the management of family violence.

Save for the few NGO research reports above, there is a dearth of empirical research by NGOs on the problem of violence against women and children. The SCWO has emphasized that NGOs lack resources and expertise to conduct the necessary empirical studies, and rely on the government to do so.

Government bodies such as MCYS and the Subordinate Courts have conducted prevalence and profiling studies. These were mainly in relation to family violence and intra-familial child abuse, and are rather dated, having been conducted in 2004 and 2005. MCYS has acknowledged the lack of research overall, albeit in relation to family violence specifically.

Finally, due to resource limitations, this research study did not canvass local medical journals. Such journals may contain data on prevalence of violence cases, and medical studies may have examined the impact of violence against women and children. Also, VWOs providing counselling and case management services may also publish data on, for example, family violence cases in their annual reports. Piecing together such data is outside the scope of this study.

b. Exploitation

With regard to trafficking in persons, convictions have increased from 0 convictions in 2007 and 2 convictions in 2008 and 2009 respectively, to 13 convictions in 2010. Eighty-one trafficked victims were reported by the authorities in 2010, of whom 23 were children in prostitution; of these children 1 was Singaporean. In all official cases of trafficking for sexual exploitation, the victims were female.

Controversy has surrounded the significant differences in the numbers of trafficking cases reported by non-State actors, such as foreign embassies, and the numbers reported by the government. The difference has been attributed to circumstances causing foreign victims to be reluctant to report to local authorities, and the adoption by authorities of a narrower definition of trafficking that may ignore situations of coercion and deception. The government has in 2010 and 2011 reported higher numbers of potential trafficking cases.

50 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 52.
Non-State actors and the government have also taken different positions on the scope and definition of Singapore's various different legal provisions against trafficking, such as whether they cover cases of debt bondage, deception and coercion. The reports do not appear to have looked into judicial interpretations of the relevant provisions. Some legal provisions may remain untested before the courts, as prosecutors may bring charges under other provisions. Enacting a consolidated anti-human trafficking law provides an opportunity to resolve the matter, but plans to do so are uncertain.

Local empirical research on trafficking is scant. The only field level research study done on sex trafficking in Singapore is ECPAT's CSEC report. The study involved 111 Filipina, Chinese, Indonesian and Bangladeshi sex workers, who ranged from under 18 years of age to above 24 years of age. Profiling was conducted, and the victims' recruitment, movement, exploitation and exit and post-exist trajectories were investigated.

With regard to other forms of sexual exploitation of women, information on prevalence is lacking. Information on the prevalence of sexual exploitation of children is available, but piecemeal. There were 5, 20 and 15 victims of sexual exploitation (not necessarily involving monetary compensation) under 16 years of age in 2007, 2008 and 2009 respectively. In 2008, there was 1 conviction under a new 2008 law penalizing the commercial sexual exploitation of a minor under 18 years of age. This number will certainly increase in the wake of a high profile scandal in 2012 involving one underaged callgirl and 48 men charged with paying her for sex, a number of whom pleaded guilty. Such data is particularly significant given the highlighted trend of increasing numbers of Singaporean teenagers prostituting themselves for access to material goods and more pocket money.

With regard to labour exploitation and trafficking, prevalence is less clear. Pinning down what constitutes labour exploitation poses difficulties, as various factors such as withholding of passports, contract substitution and coercion need to be taken together on a case-by-case basis to determine the existence of labour exploitation and trafficking.

In this regard, there were 8 labour trafficking convictions in 2010, mainly relating to 'shell companies and the persistent withholding of passports by employment agents,' according to the government in response to the 2011 US State Department's Trafficking in Persons report. HOME and TWC2, which provide services to foreign workers, have included in their shadow reports information relating to numbers of Employment Act contraventions and unpaid wage cases occurring among their shelter residents. One small-scale survey was conducted on residents at a shelter run by HOME, which collected information on indicators of exploitation.

c. Abuse and Discrimination in Migration

This study focuses on FDWs, as most of the literature on issues affecting foreign female workers in Singapore pertain to FDWs.

Abuses of FDWs are relatively well-documented. The government reported 59 cases of substantiated abuse against FDWs in 2005, 42 in 2006, 68 in 2007, 53 in 2008 and 60 in 2009. Independent research has been conducted on FDW

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51 For example, Section 140 of the Women's Charter has been interpreted by the US Department of State in its 2011 TIP report as not prohibiting non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process. The Inter-agency Task Force on Trafficking in Persons has disagreed with this interpretation, taking the position that section 140 covers a wide variety of situations, including where there is no threat of physical injury. Ministry of Foreign Affairs, Singapore Inter-Agency Taskforce's Detailed Response to the 2011 US State Department's Trafficking In Persons Report, press release, 1 August 2011, http://app.mfa.gov.sg/2006/lowRes/press/view_press.asp?post_id=7160, para. 23. Separately, local NGO, TWC2, together with the Global Alliance against Traffic in Women, have in their 2011 CEDAW Shadow Report taken the view that section 140(c)(iii) of the Women's Charter does appear to offer an avenue for prosecuting those who trap women into sex work by using their indebtedness. The said NGOs note, however, that the provision seems little used.

52 Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), 32, Table 15.


56 'Fact sheet: Foreign Domestic Workers in Singapore (Complaints and
abuse, including one small-scale survey conducted on residents at a shelter run by HOME, and a 2005 Human Rights Watch research report. Anecdotal information on FDW abuse was provided in the 2011 CEDAW and UPR shadow reports of HOME, TWC2 and Solidarity for Migrant Workers (a coalition comprising HOME, TWC2 and Migrant Voices), which also relied on media reports on FDW abuse.

Empirical investigations into the causes of abuse of FDWs do not appear to have been conducted. It has been surmised that abuse stems from perceptions that abusive behaviour towards FDWs is acceptable, and FDWs are regarded as the ‘subservient other’ in the home, and the ‘inferior other’ in the public sphere. Racial, ethnic and religious discrimination have also been cited as reasons.

State policies discriminating against FDWs were identified in the advocacy reports of HOME, TWC2 and Solidarity for Migrant Workers. These policies are:

a) Prohibition of becoming pregnant or delivering any child in Singapore during and after the validity period of the work permit,

b) Prohibition of marrying a Singapore citizen or permanent resident (whether or not the marriage takes place in Singapore), during and after the validity period of work permit, without prior approval, and

c) Mandatory initial and 6-monthly medical examinations. Positive diagnosis for infectious diseases, namely tuberculosis, malaria, syphilis and/or HIV, will lead to repatriation.

These prohibitions are reported to have led to FDWs self-administering unsafe abortions or to undergoing illegal ones, leading to serious injury, the separation of FDWs from their children, and greater vulnerability to trafficking. These policies stem from the government’s strict stance that restrictions on immigration are necessary to keep the population size manageable. Singapore is said to regard FDWs as a transient workforce that can be repatriated during periods of economic slowdown.

NGOs have also taken issue with the exclusion of FDWs from the Employment Act and the Work Injury Compensation Act. The government’s position is that for domestic workers, such regulation is not practical given that they work in a home environment and domestic arrangements vary in different households.

Migrant child labour does not appear to be an issue in Singapore. According to the government, there were no cases of migrant workers under 18 years of age from 2007 to 2009. This appears to exclude migrant sex workers, who usually enter Singapore on visit passes, not work permits.

61 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, ANNEX J.
62 Ibid, ANNEX I.
63 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/4/Add.1, 18 May 2011), 24.
65 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.47.
66 Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 156.
Recommended Areas of Research

Violence

Table 2 – Recommended Areas of Research (Violence)

<table>
<thead>
<tr>
<th>Recommended areas of research</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Sexual harassment of women; workplace sexual harassment</td>
<td>These were issues of concern identified by NGOs. There is however a lack of evidence substantiating the extent of these forms of violence.</td>
</tr>
<tr>
<td>• Abuse of elderly women, including financial abuse</td>
<td></td>
</tr>
<tr>
<td>• Abuse of foreign wives</td>
<td></td>
</tr>
<tr>
<td>• Impact of committal on juveniles aged 16 to 18 years old</td>
<td></td>
</tr>
<tr>
<td>Reasons for:</td>
<td></td>
</tr>
<tr>
<td>• the rise in rape cases</td>
<td>These are trends are of concern, but their underlying reasons are unknown.</td>
</tr>
<tr>
<td>• the rise in outrage of modesty cases</td>
<td></td>
</tr>
<tr>
<td>• the rise in child abuse cases</td>
<td></td>
</tr>
<tr>
<td>The prevalence of and types of gender stereotypes, and whether they are related to violence against women in Singapore</td>
<td>NGOs have argued that a gender-mainstreaming approach is lacking. Such research could help substantiate whether such an approach is needed.</td>
</tr>
<tr>
<td>The effectiveness of the various aspects of the management of family violence. One specific area is assessing the grant of PPOs, including Domestic Exclusion Orders, especially in view of the purported government response to family violence of requiring the perpetrator and victim to remain in the same home.</td>
<td>Evaluative research on the family violence management system was identified by both MCYS and the SAFV as needed.</td>
</tr>
</tbody>
</table>

Exploitation

Table 3 - Recommended Areas of Research (Exploitation)

<table>
<thead>
<tr>
<th>Recommended areas of research</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>The phenomenon of ‘compensated dating’, i.e. Singaporean teenagers prostituting themselves for access to material goods and more pocket money.</td>
<td>Such cases appear on the increase. No empirical research appears to have been conducted on the issue.</td>
</tr>
<tr>
<td>Monitoring law enforcement responses to trafficking and sex exploitation</td>
<td>Trenchant criticisms have been levelled against victim identification procedures in law enforcement. Reports indicate that law enforcement officers are responsive, not proactive, in identifying victims, and undocumented sex workers are by default regarded as immigration offenders.</td>
</tr>
<tr>
<td>Assessment of safeguards adopted against exploitation of FDWs, such as accreditation of employment agencies, standard contracts, and education of FDWs upon arrival.</td>
<td>Exploitation of FDWs is difficult to monitor. It is therefore crucial to ensure the effectiveness of existing preventive measures.</td>
</tr>
</tbody>
</table>

---


Abuse and Discrimination in Migration

Table 4 – Recommended Areas of Research (Abuse and Discrimination in Migration)

<table>
<thead>
<tr>
<th>Recommended areas of research</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature and extent of the impact of State policies purportedly discriminatory against FDWs, namely, illegal or self-abortions and separation of FDWs from children</td>
<td>This was an issue of concern identified by NGOs. There is however a lack of evidence substantiating the extent of such impacts.</td>
</tr>
<tr>
<td>Reasons for abuse of FDWs</td>
<td>To increase the effectiveness of ongoing campaigns against FDW abuse, and measures such as the education of employers of FDWs</td>
</tr>
</tbody>
</table>

B. Singapore and the CRC and CEDAW

Singapore's Obligations under CEDAW and the CRC

Table 5 - Singapore's obligations under CEDAW and the CRC

<table>
<thead>
<tr>
<th>Date of Ratification</th>
<th>Instrument</th>
<th>Reservations / Declarations</th>
<th>Implementing Legislation⁷⁰</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 October 1995</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
<td>Reservations: Articles 2, 11(1), 16 and 29(1)⁷¹</td>
<td>No specific implementing legislation.⁷²</td>
</tr>
<tr>
<td>20 August 2010</td>
<td>Amendment to Article 20(1) of the Convention on the Elimination of All Forms of Discrimination Against Women</td>
<td>None.</td>
<td>No specific implementing legislation.⁷¹</td>
</tr>
<tr>
<td>5 October 1995</td>
<td>Convention on the Rights of the Child</td>
<td>Reservations: Articles 7, 9, 10, 22, 28 and 32 Declarations: Articles 12 to 17, 19 and 39⁷³</td>
<td>No specific implementing legislation.</td>
</tr>
</tbody>
</table>

⁷⁰ Article 38 of the Constitution gives law-making power exclusively to Parliament. Accordingly, international conventions and treaties, though ratified, can neither impose duties nor create rights enforceable in the Singapore courts unless there exists implementing domestic legislation.


⁷³ The 2011 CRC Committee expressed concern that ‘the Convention has not yet been fully incorporated into domestic legislation, and is not directly applicable in the State party.’ Committee on the Rights of the Child, Concluding Observations: Singapore (CRC/C/SGP/CO/2-3, 2 May 2011), para. 16.

⁷⁴ Children’s rights under Articles 12 to 17 are to be exercised ‘with respect for the authority of parents, schools and other persons who are entrusted with the care of the child and in the best interests of the child and in accordance with the customs, values and religions of Singapore’s multi-racial and multi-religious society regarding the place of the child within and outside the family.’ Articles 19 and 39 do not prohibit (a) the application of any prevailing measures prescribed by law for maintaining law and order in the Republic of Singapore; (b) measures and restrictions which are prescribed by law and which are necessary in the interests of national security, public safety, public order, the protection of public health or the protection of the rights and freedoms of others; or (c) the judicious application of corporal punishment in the best interest of the child. Convention on the Rights of the Child. ‘Reservations and Declarations. Singapore.’ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.
Singapore's reservations to both the CRC and CEDAW carry, in similar terms, the following significant immigration-related reservation:

Singapore is geographically one of the smallest independent countries in the world and one of the most densely populated. The Republic of Singapore accordingly reserves the right to apply such laws and conditions governing the entry into, stay in, employment in and departure from its territory to those who do not have the right under the laws of Singapore to enter and remain indefinitely in Singapore, and to the conferment, acquisition and loss of citizenship of women who have acquired such citizenship by marriage and of children born outside Singapore. (CEDAW reservation)

This stand is reflected in policies affecting foreign wives, trafficked women and foreign workers in Singapore, as will be seen further below.

Also noteworthy is Singapore’s declaration in respect of the CRC, that child’s rights under Articles 12 to 17 are to be exercised ‘with respect for the authority of parents, schools and other persons who are entrusted with the care of the child and in the best interests of the child and in accordance with the customs, values and religions of Singapore’s multi-racial and multi-religious society regarding the place of the child within and outside the family.’ This reflects Singapore’s policy of permitting corporal punishment in schools and homes.

The absence of specific implementing legislation for CEDAW underscores criticisms that Singapore’s approach to women’s issues is not premised on gender equality, but rather on the promotion of other goals, for example, the preservation of the family in relation to domestic violence.

CEDAW and CRC Implementing Mechanisms

The following are bodies involved in the implementation of CEDAW and the CRC:

<table>
<thead>
<tr>
<th>CEDAW</th>
<th>Composition and Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inter-Ministry Committee on CEDAW (IMC-CEDAW)</td>
<td>Comprises officials from the AGC, MHA, MOM, MOH, the MCYS, and MUIS. Monitors the implementation of CEDAW.</td>
</tr>
<tr>
<td>Office of Women’s Development (formerly known as the Women’s Desk up to 1 July 2011)</td>
<td>Serves as the Secretariat to the IMC-CEDAW. Conducts gender analysis and analyses trends to ensure appropriate and timely implementation of gender-sensitive measures and policies using gender-disaggregated data collated from Ministries and agencies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRC</th>
<th>Composition and Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inter-Ministry Committee on the Rights of the Child (IMC-CRC)</td>
<td>Monitors implementation of the CRC. Comprises MCYS, MHA, MOH, MOM, MOE, MICA, MinLaw, the Ministry of Defence, the MND and the AGC. Provides the platform for mutual exchange of information, including aggregate and specific data collected by respective agencies, and fosters dialogue amongst members in the consideration of the welfare and best interests of children in Singapore.</td>
</tr>
</tbody>
</table>

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76 The name change has been described as ‘befitting of its standing and evolved role’: Alvina Soh, ‘MCYS to identify gaps on women’s issues,’ Channel NewsAsia, 24 June 2011, accessed 8 May 2012, http://www.channelnewsasia.com/stories/singaporelocalnews/view/1136957/1.html.
77 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), 14.
78 Ibid.
79 Ibid.
81 Ibid.

Delphia Lim
Some Criticisms

The Office for Women’s Development is situated within MCYS’ Family Development Group. This is seen to ignore the fact that women face many issues outside the family situation, and suggests that the said Office’s goals relate primarily to strengthening families and marriages, instead of addressing gender equality. Further, human and financial resources, capacity and authority of the Office for Women’s Development to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices are reportedly lacking.

Also, NGOs have criticised IMC mechanisms for dealing with the domestic implementation of international obligations and resolving conflicts between international obligations and domestic policies and programmes as ‘opaque’.

C. VIOLENCE

1. Description of the Problem

   a. Prevalence of Violence

According to one household survey, prevalence of violence against women whether within or outside the family is relatively low. The 2009 International Violence Against Women Survey of 2006 women aged from 18 to 69 found that, compared to other participating countries, Singapore had the lowest rate of lifetime violence (9.2%), physical violence (6.8%) and sexual violence (4.2%) victimisation. Singapore had the second lowest rate in respect of experience of violence (2.6%), physical violence (2.1%) and sexual violence (0.5%) victimisation in the 12 months preceding the survey.

The survey also found that women abused in relationships faced more serious abuse, and were less likely to report the incident. Findings also showed that a considerable number of women were well-educated; 30.2% of women who had experienced violence had university or postgraduate education. In other words, violence against women remains a concern across varying educational and income levels.

Family Violence

As will be shown below, the majority of victims of family violence cases are women and children. Also, an over-representation of minority groups in family violence cases has been found in a number of reports; one noted that the issue required further attention.

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83 Ibid, 21.
87 Other countries that have conducted IVAWS are Australia, Costa Rica, Czech Republic, Denmark, Greece, Hong Kong, Italy, Mozambique, Philippines, Poland and Switzerland.
89 Incidents involving partner victimisation were more serious than non-partner victimisation; but the former were less likely to regard the incident as a crime or a wrong. Significantly 77.5% and 71.7% of those involved in non-partner and partner victimisation respectively did not report the incident to the police.
90 Incidents involving partner victimisation were more serious than non-partner victimisation but the former were less likely to regard the incident as a crime or a wrong. Significantly, 77.5% and 71.7% of those involved in non-partner and partner victimisation respectively did not report the incident to the police.
92 Foo and Seow, Domestic Violence in Singapore: A Ten Year Comparison of Victim Profile, Singapore Medicine Journal (2005); 46(2): 73.
Indicators of the prevalence of family violence include the numbers of PPOs issued by the courts, as well as family violence cases identified in hospitals, reported to the police, or referred to Family Service Centres. Information on the number of PPO applications appears more publicly accessible than information from other sources such as hospitals, the police or Family Service Centres.

<table>
<thead>
<tr>
<th>Year</th>
<th>Fresh PPO Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>2,783</td>
</tr>
<tr>
<td>2004</td>
<td>2,522</td>
</tr>
<tr>
<td>2005</td>
<td>2,691</td>
</tr>
<tr>
<td>2006</td>
<td>2,667</td>
</tr>
<tr>
<td>2007</td>
<td>2,554</td>
</tr>
<tr>
<td>2008</td>
<td>2,547</td>
</tr>
<tr>
<td>2009</td>
<td>2,571</td>
</tr>
</tbody>
</table>

PPOs are available to both men and women. Statistics on PPOs are usually not gender-disaggregated. However, as will be shown below, profiling studies prove that the vast majority of victims in PPO applications are women.

Trends in the number of PPO applications are not necessarily reflective of the prevalence of family violence. Increases or decreases in this number could be due to the extent of public awareness of and access to assistance, the extent of public education, the effectiveness or ineffectiveness of early intervention, among other reasons.

A 2008 SAFV report, which consolidated data from various sources, sought to provide a more comprehensive picture of the prevalence of family violence from 1995 to 2005. Its findings are below:

**Figure 1 - Compilation of data on family violence from 1995 to 2005**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases identified in hospitals**</th>
<th>Reports lodged with the police</th>
<th>Referrals by police to FSC</th>
<th>PPO Applications</th>
<th>Convictions</th>
<th>Sentencing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>446</td>
<td>28</td>
<td>*</td>
<td>978</td>
<td>6</td>
<td>Ranged from 2 months to 2 years &amp; 3 strokes of the cane</td>
</tr>
<tr>
<td>1996</td>
<td>504</td>
<td>33</td>
<td>*</td>
<td>1,306</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>617</td>
<td>25</td>
<td>*</td>
<td>2,019</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>658</td>
<td>2,223</td>
<td>*</td>
<td>2,730</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>533</td>
<td>2,340</td>
<td>*</td>
<td>2,822</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>537</td>
<td>2,027</td>
<td>*</td>
<td>2,861</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>257***</td>
<td>1,452</td>
<td>171</td>
<td>2,974</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>443</td>
<td>1,784</td>
<td>*</td>
<td>3,028</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>263</td>
<td>1,725</td>
<td>658</td>
<td>2,783</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>363</td>
<td>1,290</td>
<td>*</td>
<td>2,522</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>297</td>
<td>1,080</td>
<td>*</td>
<td>2,692</td>
<td>*</td>
<td></td>
</tr>
</tbody>
</table>


*Data not presented in CEDAW report.
** Public sector hospitals
*** Incomplete data.

Research findings from 2004 showed that 42.5% of PPO application cases involved the causing of hurt, 26.4% were of threats and continual harassment, and 26.1% involved multiple forms of violence. As sexual violence is not included in the statutory definition of family violence, this type of violence was not reflected in the survey.

Family violence is most likely underreported. In this regard, a 2007 MCYS study on public perceptions on family violence revealed that 51% of the 1,015 respondents polled believed that violence in the family ‘is a private affair’ and 10% believed that an abusive spouse should not be reported to the authorities.

93 PPOs are orders protecting family members from family violence. See the Women’s Charter (Cap 353, 2009 Rev Ed Sing), s 64-66.
97 Figures might not take into account the overlaps occurring when the same case is referred to the police, the hospital and/or the family service centre.
Family Violence Against Women / Spousal Violence

Women comprise the majority of victims in family violence cases. In 2006, spousal violence accounted for 76% of PPO applications and over 80% of the alleged victims were wives.101 In a 2004 study of PPO applications, women made up 82% of complainants.102

Marital rape, in limited circumstances, is criminalized, following 2008 amendments to the Penal Code. (Previously, marital rape was an exception to the definition of rape.) According to a 2011 government report, ‘very few’ reports of marital rape have been made since the said amendments, and in all those cases, there were no grounds for prosecution and hence no convictions.103

Foreign Wives

The abuse of foreign wives, primarily those from low-income backgrounds, has been in the spotlight in recent years. In this regard, the number of marriages between Singapore citizens and foreigners is significant. In 2010, among the 20,273 marriages involving at least one Singapore citizen, 30% were between a Singapore citizen and a foreigner (excluding permanent residents).104

The 2007 CEDAW Committee expressed concern regarding ‘foreign wives of Singaporean citizens, especially in regards to violence and abuse.’105 There has reportedly been an increase in recent years in foreign wives seeking help and being abandoned, with a notable proportion of cases involving physical abuse.106

Children (below 21 years of age) were involved in 32% of PPO applications surveyed in 2004, either directly or as witnesses, with 68% of the children suffering hurt.107

The following MCYS data indicates the prevalence of child abuse in a family setting:108

<table>
<thead>
<tr>
<th>Evidence of Abuse</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100</td>
<td>114</td>
<td>124</td>
<td>193</td>
<td>82</td>
</tr>
<tr>
<td>Lacks Evidence but Needs Assistance</td>
<td>54</td>
<td>62</td>
<td>41</td>
<td>50</td>
<td>22</td>
</tr>
<tr>
<td>False Complaint</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Pending Investigation Outcome</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>104</td>
</tr>
<tr>
<td>Total</td>
<td>154</td>
<td>176</td>
<td>169</td>
<td>246</td>
<td>210</td>
</tr>
</tbody>
</table>

Source: MCYS, Child Abuse Investigations110


103 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), paras. 37 and 41.


106 AWARE, CEDAW Shadow Report, May 2011, paras. 6.27 and 19.19-19.20. In assessing the prevalence of abuse of foreign wives, the report relied on newspaper reports and cases reported to voluntary welfare organizations.


108 It appears that MCYS statistics exclude cases of abuse outside the family setting. MCYS generally has purview over cases referred to the Child Protection Service (CPS), which deals with cases of abuse related to a family setting; cases not related to a family setting would generally not be referred to the CPS; see MCYS, Protecting Children in Singapore, October 2005, chap. 3. Further, CYPA (Cap. 38, 2001 Rev Ed Sing), s 5 defines the crime of child abuse as one necessarily committed by ‘a person who has the custody, charge or care of the child or young person’; also, MCYS defines child abuse as abuse committed by a ‘parent or guardian’ of the child: MCYS, Protecting Children in Singapore, October 2005, 2.

109 Complete data unavailable at time of publication.

110 Ibid.
A 2005 MCYS study found that 54% of perpetrators of intra-familial child abuse were biological parents. Other perpetrators included step-parents, siblings or other caregivers.112

CPOs, which are issued to protect children from abuse in a family setting, are also indicators of prevalence of child abuse:

Table 8 - Numbers of CPO applications from 2007 to 2009

<table>
<thead>
<tr>
<th>CPO Applications113</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>113</td>
<td>78</td>
<td>73</td>
</tr>
</tbody>
</table>

Neglect of the child was a significant feature of CPO cases studied in 2004.114 The types of neglect included physical neglect (40.2%), failure to supervise or protect leading to physical harm, such as drunk driving with a child or engaging in dangerous criminal activities with a child (35.3%), educational neglect (26.5%), abandonment / refusal of custody (19.6%), and failure to supervise or protect leading to sexual abuse (15.7%).

Intra-familial child abuse may be under-reported.115 A 2005 MCYS study on child sexual abuse revealed that more than half of the family members informed about the abuse failed to make reports due to shame or economic factors.116 Cases of physical child abuse may be underreported due to the perceived acceptability of forms of discipline such as caning.117

**Sexual Offences**

Sexual offences against women and children are rising significantly, as shown by government statistics:

Figure 4 - Numbers of rape and outrage of modesty cases from 2002 to 2009

<table>
<thead>
<tr>
<th>Offence</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Rape cases involving culprits known to the victim’s</td>
<td>122</td>
<td>102</td>
<td>96</td>
<td>123</td>
<td>113</td>
<td>121</td>
<td>154</td>
<td>195</td>
</tr>
<tr>
<td>Outrage of modesty</td>
<td>1 099</td>
<td>1 082</td>
<td>1 096</td>
<td>1 308</td>
<td>1 280</td>
<td>1 339</td>
<td>1 236</td>
<td>1 273</td>
</tr>
</tbody>
</table>

Source: Singapore’s 2011 report to CEDAW in response to issues raised at the fourth periodic review.118

The above rape cases include statutory rape cases (i.e. consensual sex with minors), date rapes and rapes that take place when the victim is intoxicated. The increase in rape cases may be accounted for by culprits that rape victims

111 Complete data unavailable at time of publication.
112 MCYS, Protecting Children in Singapore, October 2005, chap. 3. This report appears to be the last official report comprehensively profiling child abuse cases in Singapore. Data on the type of abuse (i.e. physical, sexual and emotional abuse and physical neglect) and factors associated with the abuse were also provided.
115 John M. Elliot, Joyce I. Thomas, and Chua Yee Sian, Child Sexual Abuse in Singapore: Professional and Public Perceptions, SCS, Research Monograph No. 5, http://www.childrensociety.org.sg/images/Monograph%205%20Proofread%20Copy.pdf, chap. 2. This was shown by comparing data on intra-familial child abuse, and data on child abuse generally.
118 Rape is a gender-specific offence. While outrage of modesty is not a gender-specific offence, the fact that these statistics were cited by the government in relation to the issue of violence against women indicates that most of such cases involved women. According to the government, the police keep data on all reported cases, including sex-disaggregated data: Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 52.
personally know. Ex-husbands were involved in one rape case in 2008 and 2009 respectively. The number of statutory rape cases decreased in 2010 from 2009, although the total number of children or young persons who are victims of sexual offences decreased. The number of statutory rape cases decreased in 2010 from about 90 to 50 cases. Sexual Harassment

Sexual harassment of women and girls in Singapore appears prevalent. Incidences of sexual harassment would be reflected to some extent by the numbers of outrage of modesty cases. Between January and March 2011, 31 cases of outrage of modesty and 2 cases of insulting the modesty of a woman in the workplace were recorded. According to a 2008 NGO survey on workplace sexual harassment of both men and women, about 214 of the 500 respondents were women who had experienced sexual harassment in the workplace. A similar study was conducted in 1993 on women from 56 Japanese companies. Of the 386 respondents, 46.9% reported having experienced sexual harassment. There have also been reports of sexual harassment on public transportation.

A 2008 MCYS study of 20 men who had molested children related to them showed that around 6 in 10 'groomed' the child before sexually abusing him or her. According to official figures, there were 4 cases of sexual grooming of minors in 2008. Online sexual grooming is also a concern. Teenagers in Singapore have been raped, molested or otherwise abused by persons they met in online chat rooms.

Statutory rape cases increased in number from 2007 to 2009, although the total number of children or young persons who are victims of sexual offences decreased. The number of statutory rape cases decreased in 2010 from about 90 to 50 cases.

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>VICTIM'S AGE</th>
<th>CY 2007</th>
<th>CY 2008</th>
<th>CY 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape</td>
<td>Below 14 years old</td>
<td>70</td>
<td>64</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Age 14 - 15 years old</td>
<td>7</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Age 16 - 17 years old</td>
<td>6</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>Outrage of</td>
<td>Total Victims</td>
<td>83</td>
<td>88</td>
<td>112</td>
</tr>
<tr>
<td></td>
<td>Below 14 years old</td>
<td>255</td>
<td>244</td>
<td>187</td>
</tr>
</tbody>
</table>

Source: Singapore’s 2011 CRC report in response to issues raised during the second and third periodic reviews.

Sexual grooming of children in Singapore is 'common.' A 2008 MCYS study of 20 men who had molested children related to them showed that around 6 in 10 'groomed' the child before sexually abusing him or her. According to official figures, there were 4 cases of sexual grooming of minors in 2008. Online sexual grooming is also a concern. Teenagers in Singapore have been raped, molested or otherwise abused by persons they met in online chat rooms.

122 Committee on the Elimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), paras. 37-38.
123 Ibid, para. 68.
125 AWARE, Research Study on Workplace Sexual Harassment, 2008, 18, Table 3. 215 of the 267 respondents who had identified their gender were female. Respondents were profiled according to age and occupational level. Different types of sexual harassment were identified in the survey. Some weaknesses of the study were that it covered a limited sample size, and not all questions were answered. The study stated that it 'is not an attempt to examine prevalence rates.'
127 A 2009 straw poll conducted by Singapore Management University (SMU) students on 150 female students at the university revealed that 4 in 10 respondents had experienced some form of sexual harassment while on public transport, and almost half knew of someone who had been sexually harassed on public transport: Leong Wee Keat, 'Public Transport Pests,' TODAY, 13 March 2009, http://www.smu.edu.sg/news_room/smu_in_the_news/2009/200903.asp. It has been noted that the findings were potentially affected by many variables, and further study was warranted.
128 Under section 375 of the Penal Code, it is a crime for a man to have sexual intercourse with a girl below the age of 14 years, even with her consent. Section 140 of the Women’s Charter makes it an offence for a man to have 'carnal connection' with any girl below the age of 16 years old, except by way of marriage.
132 Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 111.
133 ECPAT International Research Report, Commercial Sexual Exploitation and Trafficking of Children and Young People in Singapore, 2010, 22, citing...
Bullying Among Children and Youth

Surveys by the SCS on the prevalence of bullying among children in schools, conducted in 2006 and 2007, found that 25% of secondary school students and 21% of primary school students were victims of bullying. More boys than girls were bullied in primary schools, while similar proportions of both genders were bullied in secondary schools. Bullies were largely male, with 4 times more male than female bullies in primary schools and 3 times more male than female bullies in secondary schools. Most bullies, boys or girls, targeted students of the same gender. Verbal bullying, particularly hurtful or vulgar name-calling, was most prevalent among students, while cyber-bullying was least common. Physical bullying was intermediate in prevalence, when assessed relative to verbal, cyber and relational bullying. The majority of bullies in primary and secondary schools, as identified by the victims, were boys. Most bullies, boys or girls, targeted students of the same gender. Bullies in both primary and secondary schools were also mainly targeting students of the same ethnicity. However, it was found that Indian primary school students were subjected to racial taunts more often, although they were not bullied more because of their race.134

The SCS conducted another survey in 2010, which was a retrospective study of the recollection of primary and secondary school bullying experiences by young adults aged 25 to 29 years old. Twenty-five per cent (25%) of the young adults said they were bullied in school, which matched the results of the 2006 SCS survey on bullying in secondary schools.135 There was no evidence of more male or female respondents reporting bullying, although more male than female respondents were likely to be bullied through physical violence, and threats of harm, intimidation and hostile gestures. Cyber-bullying was not surveyed, as a pilot study had shown that the young adults were not exposed to this form of bullying at the time they were in school. It was also found that proportionally more Malays than Chinese were bullied in schools.136

The SCS’ surveys were, however, criticised by the Minister for Education for representing a wide spectrum of bullying behaviours, including ‘teasing’. The Minister maintained that bullying involving hurt or intimidation remained infrequent.137 A 2006 MOE survey put prevalence at 3.7 cases per 1000 students, although internal studies conducted by the said Ministry are said to indicate prevalence of between 20% to 30%. One survey by the Health Promotion Board put prevalence at around 30%.138

Cases of bullying with an element of sexual abuse have been reported. In a 2007 case, a girl was slapped, stripped and filmed by her schoolmates. There have also been incidents of self-generated sexual images or films being posted online by ex-boyfriends of teenagers.139

A pilot survey of cyber bullying was conducted by CABCY in or around 2010. The respondents were 3,488 students aged 13 to 17. Findings showed that 1 in 4 had been victims of cyber bullying, and of these, 34% were also victims of traditional bullying.140

Punishment of Children and Young Persons

a. Criminal Responsibility and Punishment

Children above the age of 7 and under 12 who have ‘attained sufficient maturity of understanding’ may face criminal responsibility.141 Children aged 14 and above but below the age of 16 can be committed to prison where the court certifies that he is of ‘so unruly a character that he cannot be detained in a place of detention or a juvenile rehabilitation centre’.142

140 Ng and Rigby, Breaking the Silence. Bullying in Singapore (Singapore: Armour Publishing, 2010), x.
141 Penal Code, s 82 and s 83.
142 CYPA (Cap 38, 2001 Rev Ed Sing), s 37(2).
Children below the age of 16 can be sentenced to corporal punishment, i.e. caning, but only by the High Court.\(^{143}\) For criminal cases from 2005 to 2009, no sentence of caning was meted out to any juvenile offender.\(^{144}\)

Child offenders aged 16 and above are not protected by the juvenile justice procedures set out in the CYPA.\(^{145}\) They may accordingly be committed to prison, and may not be offered appropriate rehabilitation services as decisions are not required to be guided by the principle of welfare for the child.\(^{146}\) While youths between 16 and 18 years of age are tried in the Community Court, which has a policy of rehabilitating offenders in the community, where possible,\(^{147}\) many convicted are reportedly sent to adult prisons.\(^{148}\)

### b. Residential Institutions for Children and Youth

Children and youth alleged to have committed crimes may be placed in remand homes during the period of investigation. If convicted, they may be sent to government homes, namely, the Singapore Boys’ Home and the Singapore Girls’ Home. Children whose parents have applied for Beyond Parental Control orders\(^{149}\) against them are, during the period of investigation, placed in remand homes. They may thereupon be placed in homes which also house juvenile offenders.\(^{150}\)

According to BSS, a local NGO, the standard of care in children’s homes has improved over the years, but bullying and harassment still occur, and children may develop aggressive behaviours in order to protect themselves. Also, children may be influenced by those who exhibit more delinquent behaviour, and develop age-inappropriate sexualised behaviours.\(^{151}\)

Such conditions relating to the institutionalisation of children have led to concerns that institutionalisation is over-used. In particular, the Beyond Parental Control and voluntary care agreement schemes, under which parents may apply for placement of their children in the care of others, even where their children have not committed crimes, have been criticised as being potentially used simply as a means for parents to abdicate their responsibilities to their children.\(^{152}\)

In government homes, remand homes, and other homes for children and youth, corporal punishment is permitted as a last resort for serious misconduct. The only form of corporal punishment permitted is caning on the palm and, for boys, on the buttocks over clothes. The number of strokes cannot exceed 10, and caning must be carried out in the presence of another staff member. Persons with mental or physical disability are exempted from such punishment. Also, solitary confinement is permitted for children of and above 12 years of age, save in remand homes.\(^{153}\)

### c. Corporal Punishment in Schools and Homes

In schools, corporal punishment against girls is not permitted. Corporal punishment against boys can only be administered with a light cane on the palms of the hands or on the buttocks over the clothing.\(^{154}\) In child care centres, corporal punishment is specifically prohibited.\(^{155}\)

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\(^{143}\) Ibid, s. 37(3). Children below the age of 16 are generally tried only before the Juvenile Court, save where the offence is triable only in the High Court.

\(^{144}\) Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3), Add.1, 12 January 2011, para. 157.

\(^{145}\) The CYPA does not apply to persons other than children and young persons. A ‘young person’ is defined as a person who is 14 years of age or above and below the age of 16 years: CYPA, s 2.


\(^{149}\) Beyond Parental Control orders are orders made upon the application of parents for the removal of their children, or their placement under the supervision of others: CYPA, s 50.


\(^{151}\) Ibid, 4.

\(^{152}\) Ibid, 9.


\(^{154}\) Education (Schools) Regulations (Cap 87, Reg 88, 1990 Rev Ed Sing), reg 88.

\(^{155}\) Child Care Centres Regulations (Cap 37A, 2012 Rev Ed Sing).
Corporal discipline at home is permitted, as long as this is 'force lawfully used by way of correction towards a child under 21 years of age', which is expressly provided to not amount to family violence.156 Also, acts done in good faith for the benefit of a person under 12 years of age by a parent or guardian is a defence to certain crimes in the Penal Code.157

### Potentially Hidden Violence Issues

The following issues are noteworthy, but do not appear to have been the subject of detailed research. In relation to disabled and stateless children, incidences of violence, including neglect, are little known. These issues will not be canvassed further in the report.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elder Abuse</td>
<td>Reported cases of elder abuse have apparently been increasing in recent years,158 with majority of cases involving the abuse of elderly women.159 Figures reportedly may be only the tip of the iceberg.160 Homeless elderly women have been reported.161 Of concern are cases of financial abuse of the elderly.162</td>
</tr>
<tr>
<td>LGBTs</td>
<td>A 2011 report submitted to CEDAW by Sayoni, a Singapore-based organization for LGBT women in Asia, referred to incidents of bullying and ostracism of LGBT students in schools, and harassment of LGBTs in workplaces.163 This appears to be based on anecdotal evidence. A 2010 survey conducted by Sayoni of LGBT women found that 85.2% of respondents had experienced or witnessed some form of discrimination against LGBTs in their workplace, but the data did not identify the form of discrimination or whether the targets were male or female.</td>
</tr>
<tr>
<td>Disabled children</td>
<td>The 2011 CRC Committee noted with great concern the lack of qualitative and quantitative data on children with disabilities and their needs.164 Despite a considerable number of educational and social services for children with disabilities, some are reportedly falling through the cracks.165</td>
</tr>
<tr>
<td>Stateless children</td>
<td>There have been cases of stateless children, particularly illegitimate children of foreign parents.166 Children in these categories may find it difficult to qualify for educational and health subsidies because they are not Singaporeans.167</td>
</tr>
</tbody>
</table>

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156 Women’s Charter, s. 64.
157 Penal Code, s. 89.
158 In 2004, the number of identified elderly abuse cases was 100, but it is believed that a more accurate figure was that there are another 500 cases annually that went unreported, giving a total of 600 suspected cases: SAFV, Singapore’s Response to Family Violence: 1997 to 2007 – What Comes Next? Accessibility & Dissemination, April 2008, http://www.restorativecommunityconcepts.com/singapores-response-to-family-violence.html, 8.
159 See AWARE, CEDAW Shadow Report, May 2011, para. 19.15-19.17. The report relied on the numbers of cases of elder abuse reported to some voluntary welfare organizations as well as newspaper reports.
160 See AWARE, CEDAW Shadow Report, May 2011, para. 19.15-19.17. The report relied on the numbers of cases of elder abuse reported to some voluntary welfare organizations as well as newspaper reports.
168 CEDAW General Recommendation No. 19.
concept, assigning this role to men. According to NGOs, the prevailing view is that women are the primary caregivers and men are the primary breadwinners; men are the heads of the household and women play a submissive role. In this regard, a 2009 MCYS survey found that 46% of fathers surveyed saw their primary role as breadwinners, and 39% cited societal views on how men should behave as a challenge to them spending more time with their children.

A number of national policies have been identified as purportedly perpetuating this stereotype. These include (i) the absence of mandatory paid paternity leave, (ii) the exclusion of women from participating in national military service, and (iii) the requirement for men to pay maintenance to their wives but not vice-versa.

Women are also said to be viewed as sex objects, and there are notions that women derive their value from their beauty and sexual attractiveness. Body image anxieties among young women purportedly evidence this. In a 2007 survey on perceptions of women and girls, 84% of girls in Singapore aged 15 to 17 years wished they could change their physical appearances. In Singapore, 1 in 5 women have also considered plastic surgery to alter their physical appearances.

In contrast, according to the Minister of State for Community, Youth and Sports, gender stereotypes are disappearing, although this is ‘a work in progress.’

Family Violence

Families with low income and individuals with lower education levels are at greater risk of family violence. In a 2004 Subordinate Courts survey of PPO application cases, 71% of complainants and 65% of the respondents were earning less than $1,500 monthly, while 42% of both complainants and respondents were earning less than $500 monthly. Also, 76% of complainants and respondents did not have at least a post-secondary education.

Families ‘at risk’ are described as often being socio-economically marginalized. A typical portrait of multi-problem families (presumably including those with problems of family violence) served by BSS is that they have (i) a long history of being economically disadvantaged, with an average monthly household income of $1,500 or less, (ii) a family history of incarceration, substance-dependence, prolonged unemployment and ill-health, among other problems, with such problems often spanning generations, and (iii) little community support.

The strong association between family violence and drug and alcohol abuse has been emphasised. The last known local study on the relationship between alcohol and drug abuse and family violence was a 2000 Subordinate Courts study covering 625 cases reported to the Family Protection Unit in 2000. The 2000 study found that 26.9% of the cases involved drug abuse and 48% involved alcohol abuse.

170 AWARE, CEDAW Shadow Report, May 2011, 5; SCWO, CEDAW Shadow Report, June 2011, para. 63-69, citing the recent debate in 2011 on maternity leave, which focused on the role of women as carers, while largely ignoring the role of men; the continued absence of mandatory paid paternity leave despite calls for the same; anecdotal evidence from women leaders; and an official National Family Council press quote that ‘the father… is the head of the household.’
174 Ibid, para. 18.9.
cases were possibly related to alcohol and drug abuse, while 23.1% were likely related. The study emphasised that its findings did not suggest that alcohol and drug abuse was causally related to family violence.

Homeless families living in shelters, public areas, the homes of others, or shared housing under the government’s interim rental housing scheme may also be at increased risk of violence. Abuse of women in such situations by their depressed husbands, and sexual abuse of children by relatives they stayed with were reported through newspaper reports and anecdotal evidence from case workers.183 For this reason, the government’s stringent public housing policy, which imposes a mandatory 30-month wait to purchase one’s next public housing flat after selling one’s property has been said to put women and children in homeless families at risk of abuse.184

The reported primary government response to family violence that requires both victim and perpetrator to remain in the home is another possible, but unestablished, aggravating practice.185

a. Child Abuse in the Family Setting

Abuse of children in the family has, based on 2005 MCYS research findings, been associated with the parent(s) or caregiver(s)’ (i) poor understanding of the child’s developmental needs, (ii) feelings of being overwhelmed and unable to cope with the child’s challenging behaviour, and (iii) unrealistic expectations of the child. Unrealistic expectations of the child were identified as a key factor of abuse. Superstitious and cultural beliefs were also identified as associated factors.186

Financial stress, marital conflicts, social isolation, substance abuse and mental health concerns were identified as precipitating factors.187 Indeed, in a 2004 Subordinate Courts study profiling child care and protection order applications, 45% of the children had financial difficulties and 28% of families had marital problems. Other concerns increasing the vulnerability of children to domestic abuse were lack of social support, involvement of family members in criminal activities and alcohol/drug abuse.188

Perceived acceptability of some forms of physical violence against children possibly plays a role. A 2007 MCYS survey found that 11% of Singaporeans surveyed believed it acceptable for a stressed parent to hit a child.189

b. Spousal Violence

Spousal violence is regarded by some to be acceptable. The 2007 MCYS survey revealed that 19% of Singaporeans surveyed believed that physical fighting was part and parcel of married life and 36% believed that an abused spouse had a duty to stay in the marriage for the sake of young children.190

c. Foreign Wives

Foreign wives from low income backgrounds are especially vulnerable, as little respect is accorded to them. They are marketed as commodities by foreign bride agencies, and Singaporean men regard them as subservient, ‘traditional’, and commodities to be returned on a whim.191

Certain government immigration policies buttress the financial dependency of foreign wives on their local husbands.192 This discourages foreign wives from leaving abusive husbands and makes them more vulnerable to coercion.

Specifically, marriage does not confer an automatic right to citizenship or permanent resident status, and foreign wives depend on their husbands as visa / visit pass sponsors in order to stay in Singapore.193 This immigration status means that:

190 Ibid.
191 AWARE, CEDAW Shadow Report, May 2011, paras. 5.6 and 6.26-6.28, citing newspaper reports and cases reported to voluntary welfare organizations.
192 AWARE, CEDAW Shadow Report, May 2011, paras. 5.7, 5.34, 5.35, 9.5.
193 AWARE, CEDAW Shadow Report, May 2011, para. 9.5
a) No automatic right to work is granted, and work permits must first be obtained. Foreign wives workers may be unattractive hires, as employers must pay foreign worker levies and comply with other foreign worker regulations.\(^{194}\)

b) State-provided medical insurance and subsidized healthcare is not available.\(^{195}\)

c) Low income rented public housing is not available. Foreign wives who want to leave their husbands but who wish to stay in Singapore due to ongoing legal proceedings or to stay with their children, face additional difficulties in solving housing problems.\(^{196}\)

The wait for citizenship or permanent resident status for foreign wives, which would give them greater rights, is ‘protracted’.\(^{197}\) The long wait ostensibly compounds the vulnerability of foreign wives.

The countervailing considerations involved in these policies, and the changes the government has made, are addressed in Section C.2.b, ‘Family Violence,’ ‘Foreign wives’.

**Sexual Offences**

**Victim-Blaming**

There is evidence of a perception that some female victims of sexual offences are the ones at fault. For instance, criticism and blame were focused on the alleged victim during a high-profile incident of alleged groping by 4 men at a New Year’s Eve party.\(^{198}\) In a recent gang rape case involving a girl who had gone drinking with the perpetrators, prosecutors reduced the charge to the lesser one of outrage of modesty, despite evidence that, as indicated by the presiding judge, appeared to establish a charge of rape.\(^{199}\) This resulted in speculation that the charge was reduced because of the victim’s perceived blameworthiness.

**Sexual Harassment**

Failures by companies to take reasonable steps to prevent and protect against sexual harassment related to their business and services would give opportunities for sexual harassment to occur, and for perpetrators to escape accountability.

For instance, one train service provider has a protocol for passengers who experience sexual harassment while on trains, but this was not publicized until a specific request was made by a victim, after an incident of sexual harassment had occurred.\(^{200}\) According to a citizen journalism website, one large company has allegedly sought to prevent employees from pursuing cases of workplace sexual harassment.\(^{201}\)

Employers in Singapore, although well-placed to protect employees and respond to incidents of sexual harassment in the workplace, appear apathetic to this issue. Of the 92 employers contacted for the 2008 AWARE workplace sexual harassment survey, all save 8 did not respond, declined to make introductions to relevant staff or departments, stated they did not have any policies in place, or simply declined to participate without reasons.\(^{202}\)

**Bullying of Children in Schools**

One significant finding from the 2006 and 2007 NGO surveys on bullying in schools is that most bullies were picking on students of the same ethnicity, implying that ethnicity does not determine whether a student is bullied.\(^{203}\)

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\(^{194}\) SCWO, CEDAW Shadow Report, June 2011, 33.

\(^{195}\) HOME, Shadow Report to 49th Session, CEDAW, 2011, para. 48.


\(^{197}\) AWARE, CEDAW Shadow Report, May 2011, para. 9.5.

\(^{198}\) AWARE, CEDAW Shadow Report, May 2011, para. 19.32.

\(^{199}\) The judge was reported saying, ‘This is the first time I have come across a case [of outrage of modesty] where the agreed facts of the case the accused admitted to could have fitted penile penetration without con-
c. Impact of Violence

*Family Violence*

In a 2004 survey of PPO application cases, medical attention was sought in 36% of the cases. Forty-eight per cent (48%) of complainants sustained injury in the latest incident of violence, such as bruises and/or swelling (20.4%), multiple injuries (9.6%), cuts / scratches (2.2%), and bleeding (1.5%). Hospitalisation was needed in 0.3% of the cases. The data was not disaggregated by type of complainant, e.g. spouse or child.

*Impact on Children*

A 1998 survey of PPO application cases reported behavioural problems among children affected by family violence, including violent behaviour and sleeping problems. Eleven per cent (11%) had suicidal tendencies.

*Bullying*

In the 2006 and 2007 SCS surveys on bullying in schools, 7% of primary and 10% of secondary schoolchildren reported harming themselves after experiencing bullying, and 6% of secondary schoolchildren contemplated suicide. The actual rate of suicide resulting from bullying is unknown. Also as a response to bullying, 21% of primary and 25% of secondary schoolchildren felt bad about themselves, and 11% of primary and 17% of secondary schoolchildren blamed themselves. The surveys also studied the frequency of other effects of bullying, such as loss of appetite, crying when recalling the incident, problems concentrating in class and sleeping at night, and hurting others.

The 2010 SCS survey on young adult’s recall of school bullying attempted to identify possible long term effects of bullying on young adults aged 25 to 29 after leaving school. Three psychometric tests were used. There was considerable overlap across the range of scores on all 3 tests, and a skew towards higher levels of well-being and low depression in both groups. Based on the mean scores, however, respondents who reported having been bullied had lower self-esteem, poorer well-being, and scored as more depressed than those who did not report being bullied.

Still, whether these differences were in fact long-term effects of the reported bullying experience cannot be determined with certainty. It could be that personality or lack of resilience predisposes a child both to being bullied and to lower self-esteem and well-being later in life. The survey noted that further studies were needed to determine the issue.

The respondents’ highest education level attained was unrelated to whether or not they reported being bullied, so there was no clear evidence that bullying actually led to premature school leaving. However, of the 159 respondents who did not complete their post-secondary school education, 12 (7.5%) of them reported that being bullied had led them to decide to not further their studies.

*Punishment of Children and Young Persons*

According to one local study, corporal punishment at home, if poorly executed, tends to build up resentment and shame, and has resulted in behavioural and emotional problems in children. The impact of committal of juveniles aged from 16 to 18, which is reportedly prevalent, does not appear to have been investigated.
2. De Jure State Responses

a. Bases of State Responsibility

Binding Instruments

Table 10 – Binding instruments relating to violence against women and children

<table>
<thead>
<tr>
<th>Date</th>
<th>Instrument</th>
<th>Reservations</th>
<th>Declarations</th>
<th>Implementing Legislation</th>
</tr>
</thead>
</table>

Singapore has accepted the recommendation to accede to the Convention on the Rights of Persons with Disabilities, and has stated it will do so in 2012.\textsuperscript{215} It has also stated that it is considering the feasibility of accession to the International Convention on the Elimination of All Forms of Racial Discrimination.\textsuperscript{216}

Singapore is not a party to the International Covenant on Civil and Political Rights, or the International Covenant on Economic, Social and Cultural Rights.

Declarations and Commitments

International and regional declarations and commitments relating to women and children’s rights that Singapore has signed include the 1994 Jakarta Declaration on the Advancement of Women in Asia and the Pacific, the 1995 Beijing Declaration and Platform for Action, the 2004 Declaration on the Elimination of Violence Against Women in the ASEAN Region, and the 2010 Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children.

b. National Policies Against Violence

Violence Generally

Acts of violence against women and children, whether

\textsuperscript{215} Human Rights Council, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: Singapore (A/HRC/18/11/Add.1, 11 July 2011), para. 3.

\textsuperscript{216} UPR, Singapore Report, 2011, para. 158.
Table 11 - List of Statutory Offences criminalizing the Sexual Abuse of Women and Children in Singapore

<table>
<thead>
<tr>
<th>Offence</th>
<th>Statutory Provision</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Offences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rape (specific to females of any age and defined by the absence or</td>
<td>Section 375(1) of the Penal Code</td>
<td>Imprisonment of up to 20 years, and a fine or caning.</td>
</tr>
<tr>
<td>presence of consent)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outrage of modesty through use of criminal force or assault</td>
<td>Section 354 of the Penal Code</td>
<td>Imprisonment of up to 2 years, or fine, or caning, or any combination</td>
</tr>
<tr>
<td></td>
<td></td>
<td>thereof</td>
</tr>
<tr>
<td>Non-consensual sodomy, fellatio, or vaginal penetration of any person</td>
<td>Section 376 of the Penal Code</td>
<td>Imprisonment for up to 20 years, and a fine or caning.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If the victim is under 14 years old: imprisonment of not less than 8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>years and up to 20 years, and caning with not less than 12 strokes.</td>
</tr>
<tr>
<td><strong>Sexual Offences against Children</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statutory rape (i.e. sexual penetration without consent; specific to</td>
<td>Section 375(3) of the Penal Code</td>
<td>Imprisonment of not less than 8 years and up to 20 years, and caning</td>
</tr>
<tr>
<td>girls under the age of 14)</td>
<td></td>
<td>with not less than 12 strokes.</td>
</tr>
<tr>
<td>Having carnal connection with a girl under the age of 16 years old,</td>
<td>Section 140(1)(i) of the Women’s</td>
<td>Imprisonment for up to 5 years, and a fine of up to S$10,000</td>
</tr>
<tr>
<td>except by way of marriage</td>
<td>Charter</td>
<td></td>
</tr>
<tr>
<td>Sexual penetration of or with a minor under 16 (including sodomy and</td>
<td>Section 376A of the Penal Code</td>
<td>Imprisonment for up to 10 years, or a fine, or both.</td>
</tr>
<tr>
<td>fellatio), with or without the minor's consent</td>
<td></td>
<td>If victim is under 14 years of age: imprisonment for up to 20 years, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a fine or caning.</td>
</tr>
<tr>
<td>Sexual grooming of any person under the age of 16 by a person of or</td>
<td>Section 376E of the Penal Code</td>
<td>Imprisonment for a term which may extend to 3 years, a fine, or both.</td>
</tr>
<tr>
<td>above the age of 21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>An ‘obscene or indecent act’ with any person below 16, or procuring</td>
<td>Section 7 of the Children and Young</td>
<td>A fine not exceeding $10,000 or imprisonment for a term not exceeding 5</td>
</tr>
<tr>
<td>or attempting to procure the same</td>
<td>Persons Act.</td>
<td>years or both.</td>
</tr>
</tbody>
</table>

Sexual harassment is not specifically criminalized. Instead, the offence of outrage of modesty may be invoked,217 as well as various offences under the Miscellaneous Offences (Public Order & Nuisance) Act.

**Reporting**

The duty to report crimes under section 424 of the Criminal Procedure Code 2010 does not encompass reporting the aforementioned offences, including the sexual offences or specific offences against minors. There is no duty to report crimes committed under the Women’s Charter or the CYPA.

**Care and Protection Orders for Children**

CPOs may be issued for children under the age of 16 who have suffered violence, or are at risk of violence, to be assessed, treated and/or removed to places of temporary care and protection or placed under the care of a fit person, and for persons to be restricted from contact or access to them.218

Children considered in need of care or protection include, among others, orphaned, abandoned, neglected or destitute children, children being or at risk of being ill-treated, children against whom offences have been committed, and drug-addicted children.219

**Protective and Curial Orders for Women and Girls**

Women and girls may be detained in places of safety in certain circumstances, such as when they are victims of the aforementioned sexual offences and criminal proceedings are pending, or when they have been ill-treated and are in need of protection.220 Women and girls may also ask to be received into places of safety if they satisfy authorities that they are in urgent need of refuge.221 According to the government, these powers are used only in exceptional circumstances.222

217 Penal Code, s. 354 and s. 509.
218 CYPA, s. 9 and s. 9A.
219 Ibid, s. 4.
220 Women’s Charter, s. 155 and s. 160..
221 Ibid, s. 163.
222 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 22.
Medical or psychological treatment and other forms of rehabilitative assistance for women and girls who are victims of violence are not statutorily provided for, although as will be explained below, these form part of the government’s protocols and procedures for dealing with violence cases.

**Family Violence**

**Marital Rape**

Marital rape is excluded from the offence of rape, except where:

- the wife is living apart from her husband and (a) the marriage is in the process of being terminated, or (b) the wife has applied for a PPO against the husband; or
- the husband has (a) been restrained by the court from having sexual intercourse with the wife, or (b) had PPOs in respect of their wives in force against them.

It is only in these circumstances that marital rape is an offence. Both Muslim and non-Muslim marriages are covered by the provision.223

The issue of a complete repeal of marital rape immunity was raised in Parliament in February 2012, during a debate on a different issue. The Minister for Law stated that arguments for criminalising marital rape were ‘worth looking into,’224 perhaps signalling the possibility of amendments to further or completely repeal the marital rape exclusion.

**Child Abuse**

Child abuse punished by the CYPA refers only to abuse of children within a family setting. Section 5 of the CYPA criminalizes the ill-treatment of children below the age of 16 years by ‘a person who has the custody, charge or care of a child or young person.’ Ill-treatment includes physical, emotional and sexual abuse, and neglect and abandonment. Offenders face imprisonment of up to 4 years or a fine of up to $4,000 or both, and where the ill-treatment results in death, to imprisonment of up to 7 years or a fine of up to $20,000 or both.

**Protective Orders Against Family Violence**

PPOs may be issued where family violence has occurred or is likely to occur. ‘Family violence’ is defined under section 64 of the Women’s Charter. It is gender-neutral. It refers to violence committed against a ‘family member’ – i.e. one’s spouse or former spouse, child, including an adopted child and step-child, father or mother, father-in-law or mother-in-law, brother or sister, or ‘any other relative of the person or an incapacitated person who in the opinion of the court should, in the circumstances, in either case be regarded as a member of the family of the person.’

The definition encompasses physical, emotional and psychological harm. It does not include sexual or economic violence. Acts of family violence refer to (a) wilfully or knowingly placing, or attempting to place, a family member in fear of hurt; (b) causing hurt to a family member by such act which is known or ought to have been known would result in hurt; (c) wrongfully confining or restraining a family member against his will; or (d) causing continual harassment with intent to cause or knowing that it is likely to cause anguish to a family member. There are two exceptions to acts that could otherwise constitute family violence: self-defence, and the correction of a child below 21 years of age.

Types of PPOs include Domestic Exclusion Orders, which grant the right of exclusive occupation of the shared residence, or a specific part of the shared residence, to the protected person; and Expedited Orders,225 which are temporary PPOs granted in the absence of the perpetrator where there is an imminent danger of family violence.

Family violence per se is not criminalized; criminal penalties are invoked only where the relevant act(s) would constitute existing offences. CPOs for children are also available for children in situations of family violence.

**Cural Measures for Family Violence**

Where PPOs are issued, counselling orders may also be issued mandating the person against whom the order was made, the protected person, and their children to attend counselling.226

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224 Tay Suan Chiang & Shuli Sudderuddin, ‘Proposed marital rape law welcomed,’ Straits Times, 18 February 2012.

225 Women’s Charter, s. 66.
226 Ibid, s. 68(5)(b).

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With regard to children in particular, authorities may direct the assessment and treatment of children below the age of 16 for physical or emotional injury or any injury to his health or development as a result of being ill-treated.227

Medical or psychological treatment and other forms of rehabilitative assistance for victims of family violence are not statutorily provided for. As explained below, these nevertheless form part of the government’s protocols and procedures for dealing with family violence.

**Foreign Wives**

The immigration policy leading to foreign wives being in a position of greater vulnerability to abuse has been explained above. The government’s rationale for not extending automatic citizenship or permanent resident status to foreign spouses is that ‘this is a necessary safeguard to deter abuse of permanent residence facilities by foreigners who use fake marriage as an easy conduit to secure long-term stay in Singapore;’ related to this is the government’s stand that, ‘as Singapore is a very small and densely populated city State, we cannot afford to have an unregulated flow of foreigners into the country.’228 In this regard, it is worth noting that the Constitution’s express prohibition on non-discrimination refers only to Singapore citizens,229 and Singapore has made an immigration-related reservation to CEDAW.230

A new immigration scheme, known as the Long Term Visit Pass Plus (LTVP+) has been introduced to assist families with foreign spouses. It will take effect from 1 April 2012. The benefits of the scheme include the following:

- The visit pass lasts for 3 years in the first instance, and up to 5 years for each renewal. This reduces the uncertainty faced as to renewal.
- Holders will receive health-care subsidies for inpatient services at certain hospitals, at levels close to what permanent residents enjoy.
- Holders can work to supplement the family income, as long as a letter of consent is granted. Employers of these holders will not be counted in foreign worker quotas, and no foreign workers’ levy is payable. This reduces the reluctance of employers to employ foreign spouses.

Foreign spouses married to Singaporeans and with at least one Singaporean child from their marriage will be eligible to apply. For those without children, factors such as the duration of the marriage and the sponsor’s ability to support a foreign spouse will be considered.231 However, the validity of the pass is still dependent on the sponsorship of the Singapore spouse.

**c. Assessment of State Policies**

**Family Violence**

**Family Violence as a Family, Not Women’s Issue**

The definition of family violence is gender-neutral. This gender-neutrality has been criticised as not conforming to international standards.232 Family violence protection in Singapore may favour the preservation of families over women’s rights. The family violence provisions come under a chapter on ‘Protection of Family’. There are concerns that this classification may allow judicial interpretation geared towards the preservation of families instead of women’s rights, and defeat the intent of the law.233 Whether this concern is real could be determined by examining judicial practice in respect of PPO applications. In this regard, the primary government

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227 CYP, s. 9A.
228 Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011)*, 22.
229 Article 12 states: ‘Except as expressly authorised by this Constitution, Article 2 states: ‘Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment. Article 12 does however enshrine the principle of equality of all persons before the law, and equal protection of the law for all persons.
230 See Section B, ‘Singapore and the CRC and CEDAW’ above.
233 Ibid, 14.
response to family violence reportedly requires both victim and perpetrator to remain in the home.\textsuperscript{234} If this is the case, this does suggest a policy emphasising the preservation of families over women’s rights.

Possible Gaps in the Definition of Family Violence

Sexual violence or forced sex is not recognized as family violence, and this has been criticised.\textsuperscript{235} Cohabitation relationships that are non-familial are not covered by the definition of family violence, and accordingly, women in these relationships who suffer violence are not entitled to obtain PPOs to protect themselves. This has been described as a gap in the law.\textsuperscript{236}

Violence lawfully committed in self-defence is expressly excluded from the definition of family violence. While this may protect women who perpetrate acts of violence in self defence, it may provide a justification for men committing domestic violence.\textsuperscript{237} This is problematic, ostensibly because men are in majority of cases the perpetrators, and there is greater likelihood of the defence being abused against women. In this regard, other jurisdictions have included a defence of ‘battered women’s syndrome’,\textsuperscript{238} which would make the defence applicable only to women.

Economic violence is not recognized as family violence. This issue has, however, not garnered much attention in the literature.

Marital Rape

The continued existence of marital rape immunity has been heavily criticised.\textsuperscript{239} Singapore has been urged to completely remove marital rape immunity.\textsuperscript{240} The 2011 CEDAW Committee urged Singapore to ensure that the offence covered ‘every non-consensual sexual act.’

The government’s policy of keeping marital rape immunity is based in essence on the ‘second-guessing’ that can occur between husband and wife over whether the wife has consented to sex; the scenario where spouses still engage in sex despite rocky marriages was cited as an illustration.\textsuperscript{241} In other words, it is harder for husbands to know when their wives do not consent to sex. Proponents of abolishing marital rape immunity have argued that false allegations of rape are punishable (and would presumably be deterred), and the solution should be a matter of discretion in enforcement.\textsuperscript{242}

The existing exceptions to marital rape immunity have been criticised. The government’s rationale for the existing exceptions is that these are situations that would put the husband on clear notice that his wife would not be willing to have sex with him.\textsuperscript{243} However, the requirement that wives first file PPOs is seen to unfairly shift the onus to the victim to ensure she obtains justice. While the government has said that all that is needed is the filing, not grant, of a PPO,\textsuperscript{244} there may be practical obstacles to engaging the PPO procedure, such as limited operating hours of court facilities, and the difficulties faced by minors and/or women with disabilities.\textsuperscript{245}

Mediation and Counselling

\textsuperscript{234} SCWO, \textit{CEDAW Shadow Report}, June 2011, para 191. The report did not give details substantiating of the nature of this reported Government response.


\textsuperscript{238} \textit{Ibid}.

\textsuperscript{239} Letter dated 27 June 2011 from Equality Now to the CEDAW Committee titled ‘Re: Information on Singapore for consideration by the Committee on the Elimination of Discrimination against Women at its 49th Session’.


\textsuperscript{242} \textit{Parliamentary Debates Singapore: Official Report}, vol. 88 at col. 44 (14 February 2012)


\textsuperscript{244} \textit{Ibid}.

\textsuperscript{245} Letter dated 27 June 2011 from Equality Now to the CEDAW Committee titled ‘Re: Information on Singapore for consideration by the Committee on the Elimination of Discrimination against Women at its 49th Session’.
The Women’s Charter has been criticised for being ‘completely silent on the issue of counselling and mediation/settlement/reconciliation’ in respect of family violence.246 However, the Women’s Charter does in fact give the courts the discretion to order counselling when PPOs are issued.247 These are routinely issued.248 The question then may be whether limiting counselling orders to situations where PPOs are issued is an adequate response.249

Sexual Harassment

The 2011 CEDAW Committee expressed its concern over the lack of a legal definition and prohibition of sexual harassment.250 The existing nuisance offences under the Miscellaneous Offences (Public Order & Nuisance) Act have been described by AWARE as ‘far from sufficient’ to address the issue.251 Claims made under criminal or civil law are said to remain inadequate to cover the specific nature and forms of sexual harassment, provide adequate responses like interim relief and compensation or appropriate procedures under the circumstances.252

In relation to employers’ obligations to prevent and redress workplace sexual harassment, MOM has no official guidelines for employers on workplace sexual harassment, and has no plans to develop such guidelines.253 The ambiguity surrounding employers’ legal obligations and responsibilities relating to workplace sexual harassment may result in little impetus for companies to address the problem, despite being well-placed to do so.

Mandatory Reporting of Child Abuse

The 2011 CRC Committee has encouraged Singapore ‘to establish a mandatory requirement for professionals working with children to report and take appropriate action in suspected cases of child abuse and neglect.’254 According to the government, the outcome from other countries’ experiences with mandatory reporting have been varied; further, there will be instances of reporting arising from over-zealous or overly suspicious attitudes of relatives, neighbours and friends, which result in stress and trauma for children and their families.255 These concerns may however apply to much lesser extent to professionals working with or for children. More than 80% of doctors and lawyers in a Singapore study felt that mandatory reporting is necessary and should apply to at least social workers, medical professionals and police.256

Punishment of Children

Increasing the minimum age of criminal responsibility from 7 to 14 years old has been recommended, primarily on the basis that children between the ages of 7 and 14 would not fully understand right from wrong or the consequences of their actions.257 Singapore’s position is that maintaining the current minimum age of 7 provides for optimal early intervention and rehabilitation, prevents children from committing more serious offences later, and protects young children from being exploited by adults for criminal activities.258 These objectives can however be achieved through effective rehabilitation programmes that do not criminalise and

247 Women’s Charter, s. 65(5)(b).
249 Other ASEAN countries appear to legislatively provide for mediation and counselling wherever there are conflicts. See UN Women, Domestic Violence Legislation and its Implementation: An Analysis for ASEAN Countries Based on International Standards and Good Practices, 2nd ed. (UN Women, 2011), 29.
256 SAFV, Singapore’s Response to Family Violence: 1997 to 2007 – What Comes Next? Accessibility & Dissemination, April 2008, http://www.restorativecommunityconcepts.com/singapores-response-to-family-violence.html, 59. This was supported by a study of the general public in which 63% felt there was a need for a mandatory reporting law.

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stigmatise a child at such a young age.259

According to the government, in practice, young children that offend are not prosecuted in court, but are placed in diversionary and rehabilitative programmes.260 It hence seems that the minimum age of criminal responsibility is in place to guard against exceptional cases, or perhaps to serve as a deterrent.

Other recommendations relating to the punishment of children and young persons include:

- extending the juvenile justice protections under the CYPA to children from 16 to 18 years old;261
- repealing the existing exclusion from the definition of family violence of force lawfully used to correct a child below 21;262
- prohibiting all forms of corporal punishment, including caning, in all settings, including schools, the penal system, alternative care settings and the army.263

3. Implementation, Monitoring and Prevention

a. Implementing and Monitoring Mechanisms

MCYS takes the lead in addressing family violence and child abuse issues. Three inter-ministry working groups and committees have been established to address the specific problems of child abuse, dysfunctional families, and juvenile rehabilitation. Dysfunctional families and juvenile delinquency are factors associated with violence against women and children. All are led by MCYS.

<table>
<thead>
<tr>
<th>Group</th>
<th>Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inter-Ministry Working Group on Child Abuse</td>
<td>Oversees the coordination and management of child abuse protocol amongst government agencies,264</td>
</tr>
<tr>
<td>Inter-Ministry Committee on Dysfunctional Families</td>
<td>Aims to enhance assistance to dysfunctional families and develop their long-term resilience.265 Comprises MCYS, MHA, MOE, MOH, Ministry of National Development (MND), NCSS, social work agencies, self-help groups and other people sector representatives who work with dysfunctional families.</td>
</tr>
<tr>
<td>The National Committee on Youth Guidance and Rehabilitation (formerly the Inter-Ministry Committee on Youth Crime)</td>
<td>Supports youth-at-risk and helps them find positive alternatives to crime and anti-social behaviour. Comprises representatives from MCYS, MOE, MOH, MHA, Central Narcotics Bureau, SPF, Singapore Prison Service, Subordinate Courts, NCSS, National Crime Prevention Council, National Youth Council, academics and self-help groups.266</td>
</tr>
</tbody>
</table>

Family Violence Networking System

The Family Violence Networking System comprises the police, hospitals, Family Service Centres, the courts and MCYS. Family Service Centres are run by voluntary welfare organisations and supported by MCYS. They are ‘key nodes of help’, providing counseling and casework intervention,

261 The Committee on the Rights of the Child has backed this recommendation. Committee on the Rights of the Child, Concluding Observations: Singapore (CRC/C/SGP/CO/2-3, 2 May 2011), para. 69(e).
264 Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 236.
265 Ibid, 7.
financial assistance and support groups.\textsuperscript{267} They are State-funded, and their inclusion in the network reflects the government’s ‘Many Helping Hands’ approach, whereby ‘[the] government sets policies, outsources the work, and dispenses the funds.’\textsuperscript{268} There are 38 Family Service Centres spread island-wide.\textsuperscript{269}

In this network, victims and perpetrators of family violence alike may access assistance through multiple contact points, namely, the police, hospitals and Family Service Centres. Protocols and procedures, including case referrals, roles and responsibilities, are set out in a regularly updated manual formulated by MCYS entitled ‘Integrated Management of Family Violence Cases in Singapore.’ Members of the network are organized into Regional Family Violence Networking Groups set up in 6 geographical regions, to allow for closer collaboration and networking within each group.\textsuperscript{270}

Policy-making is also carried out within the Family Violence Networking System. The Family Violence Dialogue Group provides a platform for various agencies to jointly set strategic policy frameworks to enhance services, facilitate inter-agency work processes, and collaborate on public education efforts. The Dialogue Group is headed jointly by MCYS and the SPF, and comprises representatives from the Family Court, Singapore Prisons Service, MOH, MOE, the NCSS, and social service agencies. On an annual basis, MCYS and the SPF co-organise the National Family Violence Networking Symposium for partner agencies to share best practices in policy, practice and research concerning family violence.\textsuperscript{271}

\textbf{Some Criticisms}

The adequacy of communication among the many stakeholders within the diversity of networks has been questioned. For instance, poor inter-agency and intra-network communication and coordination has reportedly resulted in cases falling through the cracks,\textsuperscript{272} and victims approaching the wrong doors.\textsuperscript{273}

Information dissemination to stakeholders about the system is reportedly lacking. According to a 2008 study by SAFV, professionals in the system lack knowledge and are unclear about many aspects of the system.\textsuperscript{274}

Improvements to the composition of participants in the various networks and groups may be needed. For instance, shelters are involved only to a limited extent in the family violence network, despite having a wealth of first-hand information on family violence victims.\textsuperscript{275}

\textbf{Child Protection System}

Special procedures are in place to address child abuse. The following sets out the general flow for the management of child abuse cases.

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\textsuperscript{271} Ibid, 7-9.

\textsuperscript{272} In one case, repeated sexual offences were committed by a father against his daughter for over 10 years, resulting in 2 convictions. Although intra-familial sexual abuse cases are to be referred to the Child Protection Service once a report is made, MCYS had no records of the case being referred to them. The case raises concerns around the inter-ministry or inter-agency co-ordination of information and handling of cases: AWARE, \textit{CEDAW Shadow Report}, May 2011, para. 19.10.

\textsuperscript{273} In one case, victims seeking help were turned away from one shelter to another, a situation that could have been avoided had service providers tapped into the network and determined which shelter had availability: SAFV, \textit{Singapore’s Response to Family Violence: 1997 to 2007 – What Comes Next? Accessibility & Dissemination}, April 2008, http://www.restorativecommunityconcepts.com/singapores-response-to-family-violence.html, 23, 24 and 64.

\textsuperscript{274} Ibid, 51.

\textsuperscript{275} Ibid, 52.
The Child Protection Service is run by MCYS. Child safety and welfare issues are brought before the Child Abuse Protection Team, comprising senior Child Protection Officers, psychologists, consultant paediatricians and other professionals.

The Child Protection System underwent a review in 2011, and new initiatives are being implemented. One of these is an enhanced workgroup, the Inter-Ministry Workgroup on Child Protection, comprising a wider representation from relevant stakeholders.276

b. Complaints Process

Avenues for complaints include the police, hospitals, Family Service Centres, as well as NGOs who run helplines and shelters. There is a Child Protection Hotline and National Family Service Centre Helpline. The Family Violence Networking System is useful in facilitating case referrals even in non-family violence situations.

For family violence cases, 2007 MCYS survey findings indicated that 73% of Singaporeans were aware of where to go for help when they experience family violence. Seventy-four per cent (74%) of these respondents indicated that they would approach the police for help, while 26% would approach the Family Service Centres.277

Victim Compensation

Victims may obtain compensation from convicted offenders at the end of any criminal proceeding. Under section 359 of the Criminal Procedure Code 2010, the court shall, after convicting the offender, consider whether or not it is appropriate to make the compensation order, and if so, the court must make the order. This will not affect the victim’s right to take up civil action against the perpetrator.

Since January 2011 after the Criminal Procedure Code 2010 came into operation, the court had, in one case involving a breach of a PPO, ordered the perpetrator-husband to compensate his wife for her injuries.278

Protections During Investigations and Court Proceedings

The following are some available measures to protect victims from the re-traumatisation that can occur as a result of investigative and court procedures:


278 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 39.
Table 13 - List of Protection Measures against Re-traumatization during Investigative and Court Procedures

<table>
<thead>
<tr>
<th>Protection Measure</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy in lodging PPO applications</td>
<td>The office for lodging complaints of family violence is housed in the Family Court building, in a ‘calm, quiet place away from the busy traffic of the courts’. According to one NGO study, privacy can still be improved; further separate waiting areas and staggered departure times for alleged perpetrators and victims respectively need to be automatic, instead of being available only upon request.</td>
</tr>
<tr>
<td>Anonymity</td>
<td>• For certain criminal proceedings under the Women’s Charter, including for underaged sex, exploitation and trafficking, the press are prohibited from publishing any material that would lead to the identification of these women and girls. In all civil and criminal proceedings involving children under 16, the publication of material that would lead to identification is prohibited. For all other proceedings not expressly provided for, the court has a general discretion to make orders for the identity of any person to be kept anonymous.</td>
</tr>
<tr>
<td>Closed court proceedings</td>
<td>• Proceedings for the Penal Code offences of commercial sexual exploitation of minors, sexual grooming and child sex tourism abroad, and that involve any woman or girl, may be held in closed court. Where such proceedings involve a girl under the age of 16, proceedings must be held in closed court. For all other proceedings involving any person, the courts have a general discretion to order proceedings to be held in closed court.</td>
</tr>
<tr>
<td>Testifying via videolink</td>
<td>As an alternative to giving direct testimony, women and children who are victims of certain crimes under the Penal Code (including sexual offences and exploitation and trafficking offences), the Women’s Charter (including underaged sex, exploitation and trafficking) and the Children and Young Persons Act may testify by live video or live television link during the proceedings.</td>
</tr>
<tr>
<td>Special interview rooms for victims of sexual crimes</td>
<td>A police-run victim care centre for victims of serious sexual crimes has private counselling rooms, consultation rooms as well as a children’s interview room. Apart from police officers, only authorised officers, including psychologists and counsellors, are allowed access to the rooms. The rooms have been carefully designed and painted in soft pastel colours to assist in easing victims’ trauma. The children’s interview room is designed like a child’s play room and is furnished with children’s reading materials and toys.</td>
</tr>
<tr>
<td>Disallowance of use of evidence of sexual history in rape and sexual assault cases</td>
<td>The 2012 repeal of a provision in the Evidence Act allowing the sexual history of victims of sexual assault and rape to be used against them in court has been lauded.</td>
</tr>
</tbody>
</table>


280 Ibid.

281 Women’s Charter, s. 153.

282 CYPA, s. 35.

283 Supreme Court of Judicature Act (Cap 322, 2007 Rev Ed Sing), s 8; Subordinate Courts Act (Cap 321, 2007 Rev Ed Sing), s. 7.


285 Supreme Court of Judicature Act, s 8; Subordinate Courts Act, s. 7.

286 Criminal Procedure Code 2010, s. 281.


Issues

Participation by Children

The legislation and establishment of procedures for the child's right to be heard have been called for, including by the 2011 CRC Committee. There are reportedly no formal procedures for children to be systematically invited to express their views in these judicial processes that affect them. Children also have no legal right to participate and be heard in judicial proceedings under the care and protection regime.292

According to the government, protocols are in place to ensure that officers have sought the views of the child and family in preparing social reports ordered by the court in proceedings under the CYPA.293 Protocols for seeking the views of children in other situations were not, however, mentioned by the government.

Views of children are also sought through trained counsellors in the Family Court in the course of their preparation of reports such as custody/access evaluation reports. Views may also be sought through mental health professionals from external agencies who may be tasked to put up reports for high conflict cases. In addition, judges may also interview the children directly, where appropriate. Should Family Group Conferences be utilized in child protection practices, these conferences would allow the views of the child to be heard.294 These measures appear to be ad hoc.

Alleged Victim-Blaming by Prosecutors in Sexual Crime Cases

In a high-profile 2010 gang rape case, involving a female teenager who had gone drinking with her perpetrators, prosecutors decided to reduce the charge to the lesser one of outrage of modesty, despite evidence that, as indicated by the presiding judge, appeared to establish a charge of rape.295 One media report stated that the victim was not completely blameless. Concerns have been raised that prosecutors reduced the charges because of the victim's perceived blameworthiness.296 This was acknowledged to be speculative, but if true, would have negative implications for prosecutors' commitment, and victims' ability, to attaining retributive justice.

291 Ibid., para. 105.
293 Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 46.
294 Ibid., para. 47 and 49.
295 The judge was reported saying, 'This is the first time I have come across a case [of outrage of modesty] where the agreed facts of the case the accused admitted to could have fitted penile penetration without consent': AWARE, CEDAW Shadow Report, May 2011, para. 19.26, citing 'Jail, caning for 5,' Straits Times, 14 August 2010.
Legal Aid for Foreign Wives

State-funded legal aid for foreign wives who wish to pursue redress for abuse has been recommended.\(^{297}\) Presently, their foreign status disqualifies them from receiving State-funded legal aid.\(^{298}\)

c. Protection and Rehabilitation

The following are forms of protective and rehabilitative assistance provided by the State to victims of all forms of violence:

Table 14 - List of State Assistance Provided to Victims of All Forms of Violence

<table>
<thead>
<tr>
<th>State Assistance</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 State-funded Family Service Centres, including 3 crisis shelters for women and children</td>
<td>Family Service Centres provide counseling and casework intervention, financial assistance and support groups.(^{299}) Three (3) crisis shelters for women provide victims with temporary accommodation, protection, practical assistance programmes and emotional support.(^{300}) They are Star Shelter, St George’s Place, and Good Shepherd Centre. Whether shelters in Singapore are enough has been of concern. Shelters reportedly have limited capacity and resources.(^{301})</td>
</tr>
<tr>
<td>Medical and psychological services</td>
<td>The National Family Violence Networking System and the Child Protection System ensure appropriate and timely referrals of cases to other assistance services, such as medical and psychological services.(^{302})</td>
</tr>
</tbody>
</table>

For Children

<table>
<thead>
<tr>
<th>CPOs for children</th>
<th>CPOs are issued under the CYPA, and have been described above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Children and Young Persons Homes</td>
<td>Children and young persons admitted into these homes are those who are from dysfunctional families and in need of shelter; abused or neglected; in need of care and protection; beyond parental control; and in conflict with the Law.(^{303}) Placement in residential care is a last resort.(^{304})</td>
</tr>
<tr>
<td>Family Group Conferencing</td>
<td>Family Group Conferences are usually convened in child protection cases by a neutral party such as a counselor from MCYS or BSS. Family Group Conferences are an empowering and restorative model of working with families which enables families to take the lead in deciding what needs to be done to ensure that children are safe and well cared for. It can be implemented by children’s homes and VWOs.(^{305})</td>
</tr>
</tbody>
</table>

The following are forms of family violence-specific assistance provided by the State. The government has confirmed in April 2011 that these and the above resources, such as crisis shelters, medical treatment, psychological support, counseling, and financial aid, are available to all victims of family violence, regardless of nationality.\(^{306}\) These would accordingly be available to abused foreign wives.

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\(^{297}\) SCWO, CEDAW Shadow Report, June 2011, 33.

\(^{298}\) The services of the Legal Aid Bureau are only available to Singapore Citizens and Singapore Permanent Residents: . Legal Aid Bureau website, http://app2.lab.gov.sg.


\(^{302}\) 302


\(^{305}\) Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 46; Singapore’s Second and Third Periodic Report to the United Nations Committee on the Rights of the Child (CRC/C/SGP/2-3, 6 January 2009), 57.

Studies have been conducted on the effectiveness of PPOs and the mandatory counselling programme. Results of these studies were positive; these are however dated. Recidivism rates of participants of the mandatory counselling programme are tracked, by tracking whether the perpetrator breached a PPO within one year of completing the programme. Recidivism rates were less than 2% from 2006 to 2009.

Table 15 - List of State Assistance Provided to Victims of Family Violence

<table>
<thead>
<tr>
<th>State Assistance</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Family Violence Specialist Centres</td>
<td>These are the Centre for Promoting Alternatives to Violence (PAVe), TRANS Safe Centre, and Care Corner Project START. Victims of family violence are not confined to these 3 centres, and may approach other Family Service Centres.</td>
</tr>
<tr>
<td>Protection and Counselling Orders</td>
<td>Courts may issue PPOs, CPOs and mandatory counselling orders. These have been described above.</td>
</tr>
<tr>
<td>Mandatory Counselling Programmes</td>
<td>About 40 social service agencies have been appointed and funded by MCYS to run mandatory counselling programmes. In 2007, a certification programme was established to ensure the expertise of practitioners in these programmes. Perpetrators who are substance abusers will have a treatment plan developed for them as part of the mandatory counselling programme.</td>
</tr>
<tr>
<td>Child Protection Service</td>
<td>Child Protection Officers offer case management services to victims and their families, including applying for financial and social assistance schemes and job placement. There are counselling and intervention programmes for children and families, which employ Family Group Conferencing. Psychological Services are provided to victims and perpetrators of child abuse, including programmes on recovery and empowerment for survivors of sexual abuse, and a treatment programme for adult perpetrators of sexual abuse. In instances of severe psychopathology, referrals are made to the Child Guidance Clinic for psychiatric treatment. Volunteers are engaged to monitor and ensure the safety of children or young persons who have been abused. Relatives are engaged to care for abused children and supervised by Child Protection Officers.</td>
</tr>
<tr>
<td>Project SAVE (for addicts)</td>
<td>Counselling intervention for offenders of family violence who are also assessed to have gambling or/ and alcohol addiction. Offenders who are ordered by the court to undergo this programme will attend mandatory counselling.</td>
</tr>
<tr>
<td>Fostering Service</td>
<td>Foster mothers provide temporary alternative home-based care for children whose family environments have been assessed to be unstable and not conducive for the child's safety and well-being.</td>
</tr>
<tr>
<td>KIDSNet (Kids in Difficult Situation)</td>
<td>A web portal for children and teenagers. It contains age-appropriate information on divorce and family violence which helps children and teenagers explore issues of family violence and divorce in a non-threatening manner. Information and additional resources are also provided in the web portal to help these children deal with the impact of these difficult situations at home.</td>
</tr>
</tbody>
</table>


309 Ibid.


316 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 43.
d. Prevention Strategy

Gender-Stereotyping

NGOs have highlighted the need for the government to implement a policy of gender mainstreaming. A gender mainstreaming approach, and gendered curriculum in schools and tertiary institutions, is reportedly lacking.

Family Violence

The police have developed a Code of Practice for the Investigation of Family Violence. Perpetrators may however be getting away with lesser punitive enforcement responses than warranted. Police have reportedly not responded to cases of spousal psychological abuse as assertively as the law allows, for example, through immediacy of action and the use of arrests.

MCYS takes a 'life-cycle approach' in preventing family violence. This starts from promoting healthy family relationships in premarital and marriage workshops to equipping parents to nurture and protect their children. Funding is given to social service agencies to run parent education and marriage enrichment programmes and MCYS actively promotes these programmes through advertisements, articles in the media, seminars and popular personalities.

MCYS works with the media and magazines to educate the public on family violence through articles and advertisements. The focus has largely been preventive in nature, emphasising the identification of signs of family violence and the need to seek help early. Public education materials like pamphlets and collaterals have also been distributed widely through polyclinics, social service agencies, police, libraries and schools, as well as on the Internet.

To encourage and incentivise social service agencies to raise public awareness on family violence, MCYS started a Co-Funding Scheme in 2003 where the government co-funds public awareness projects organised at the community level. Public campaigns and a docu-drama are among the initiatives that have been funded. In 2007, the White Ribbon Campaign, which was launched in Singapore in 2003 to eliminate violence against women, called for men to 'Break the Silence, Stop the Violence.'

Child Abuse

Public education and other preventive efforts targeting children, teachers, parents and the public have been implemented and/or funded by the government, including the following:

- **Publicity programmes in schools.** These including roving plays and child-friendly public education posters, booklets and postcards.

- **Sexuality education.** Parents are taught how to talk to their children aged 10 to 17 about sexuality issues in the 'Love Them. Talk about Sex' programme, which included workshops and a resource booklet. Teachers are given a resource package on how to educate students on sexual abuse. Sexuality education in schools and training of teachers include legal issues relating to sexual crime as well as trends, particularly those relating to Internet Relay Chat and telephone chat lines.

- **Cyber-wellness public education.** In January 2009 the Government established the Inter-Ministry Cyber-wellness Steering Committee (ICSC) to implement a national strategy for the protection of minors and cyber-wellness public education in Singapore.

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319 SCWO, CEDAW Shadow Report, June 2011, 47.
324 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 5.12.
326 Ibid, para. 261 and 327.
327 Ibid, para. 326 and 486.
Sexual Offences

While the police do take a tough stance against sexual offences, there is again a concern that offenders receive lesser punishment than warranted. First, there are concerns over the understanding of investigating officers of what constitutes a sexual crime. In a 2008 criminal case, a poor understanding of what constitutes rape was shown by an investigating officer from the Serious Sexual Crimes Branch, who told an alleged victim that if the accused ‘did not force or coerce her into having sex, it meant that she had not been raped.’ This was ostensibly erroneous as the proper test was whether or not the victim had consented to having sex. Application of erroneous definitions would mean that perpetrators of rape may go unidentified. Second, there has also been speculation that a decision by prosecutors to reduce charges in a 2010 gang rape case, despite evidence that appeared to establish a charge of rape, was prompted by the view that the female victim was to blame.

Punishment of Children and Young Persons

Corporal punishment is permitted as a last resort to discipline children in children's homes. All homes for children must be licensed. They are guided by regulations issued by MCYS, and kept in check by an independent review board.

According to the government, clear procedures and stringent checks and balances are in place to check any potential abuse of institutional authority by relevant personnel in meting out corporal punishment. Corporal punishment as a disciplinary measure is carried out by either the head of school or a delegated senior member of staff at an appropriate venue.

4. Role of Non-State Actors

a. Assistance to Victims

State-funded and independent NGOs and VWOs provide an array of social services for victims. These include shelters, hotlines, counselling and befriending services, and legal assistance.

b. Prevention Programs

NGOs have been active in raising public awareness through media and publicity campaigns. Some, like AWARE and BSS provide public education services through workshops and seminars, and producing public education materials. The SCS has since 2004 been running a bully-free campaign to promote a bully-free school environment.

NGOs have also been key in research and advocacy. Policy changes, such as the Long Term Visit Pass Plus for foreign spouses, the repeal of the provision allowing for a woman's sexual history to be adduced to impeach her credibility at trial, certain amendments to key legislation such as the Women's Charter and the CYPA, appear to be to considerable extent the result of NGO lobbying.

NGOs such as AWARE and the SCS have engaged in research efforts to shed light on situations of violence against women and children in Singapore. The SCS provides grants amounting to $1,000 per study each year to support students pursuing research on issues related to family, children and youths, including child abuse and neglect.

c. Monitoring and Cooperation

Independent monitoring of the State's responses to violence against women and children is lacking. A 2008 report by local NGO, the Society Against Family Violence (SAFV), has noted this, and is significant for its effort to fill the gap by reviewing the State's responses to family violence and identifying areas for future development.

329 AWARE, CEDAW Shadow Report, May 2011, para. 19.26, citing a 2008 criminal court case, which prompted the presiding judge to highlight the need for improvement in officers’ interviewing skills and techniques.

330 The judge was reported saying, ‘This is the first time I have come across a case [of outrage of modesty] where the agreed facts of the case the accused admitted to could have fitted penile penetration without consent.’ AWARE, CEDAW Shadow Report, May 2011, para. 19.26, citing ‘jail, caning for 5’, Straits Times, 14 August 2010.

331 Part IIIA of the CYPA. This Part came into force in July 2011.


333 Winston Ong and John M. Elliott, Young Adults’ Recall of School Bullying, SCS, Research Monograph No. 9, July 2010, 1.


Cooperation among State-funded VWOs and the government is relatively close, by virtue of the National Family Violence Networking System and the ‘Many Helping Hands’ approach.

5. Progress Indicators and Challenges

The 2008 SAFV report assessed the responses to family violence in Singapore from 1997 to 2007. Findings were that:

- Reporting increased due to strengthened legislation (e.g. amendments to the Women’s Charter to introduce PPOs) and protocols (the Family Violence Networking System)
- Communication, understanding and trust among various stakeholders, such as VWOs and the police, increased
- Public awareness among victims of available resources increased
- Social service delivery underwent innovation and expansion
- Awareness of the use of safety planning with victims as a tool by stakeholders such as VWOs, hospitals, the courts and the police was an area of improvement.

The area of least development identified was research with the goals of developing a locally, evidence-based response to family violence and child abuse.

The report also highlighted specific issues and concerns pertaining to various aspects of the management of family violence. These concerns include a lack of clarity about the family violence management system among professionals themselves, that the police were not responding to psychological abuse as assertively as the law allows, and victims were not systematically channeled to higher levels of expertise.336

D. EXPLOITATION

This section focuses on sexual and labour exploitation and trafficking. According to the government, organ trafficking has limited prevalence.337 As the literature on this issue is scant, it will not be canvassed in this report. With regard to labour exploitation, most of the literature on issues affecting foreign female workers in Singapore pertains to FDWs. FDWs will hence be the main focus of the discussion on labour exploitation.

1. Description of the Problem

a. Prevalence of Exploitation

Overall Snapshot

Data compiled on the prevalence of cases involving or related to sexual and labour exploitation are set out below. In all official cases of trafficking for sexual exploitation, the victims were female.338


338 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), 52. According to the government, the police keep data on all reported cases, including sex-disaggregated data.
SINGAPORE

Violence, Exploitation, and Abuse and Discrimination in Migration Affecting Women and Children in ASEAN: A Baseline Study

Delphia Lim

Table 16 - Figures relating to Commercial Sexual Exploitation, and Labour and Sex Trafficking in Singapore from 2009 to 2011

<table>
<thead>
<tr>
<th>Offical reported cases</th>
<th>2011</th>
<th>2010</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 43 reported cases of sex trafficking(^{339})</td>
<td>• 94 arrests for pimping(^{341})</td>
<td>• 7614 arrests of foreign women for vice activities(^{344})</td>
<td></td>
</tr>
<tr>
<td>• 67 cases with elements of labour trafficking(^{340})</td>
<td>• 81 trafficking victims, of whom 23 were children in prostitution; 1 from Singapore(^{342})</td>
<td>• 32 reported cases of alleged trafficking(^{345})</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 50 alleged cases of sex trafficking, of which 7 were ‘successfully investigated’(^{343})</td>
<td>• 0 reported cases of forced labour(^{346})</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 89 minors aged from 14 to under 18 arrested for prostitution offences(^{347})</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 15 victims of sexual exploitation under 16, with 14 under 14</td>
<td></td>
</tr>
</tbody>
</table>

| Unofficial reported cases | | | |
|---------------------------| | | |
| • 146 male and female victims of forced prostitution and forced labour (non-governmental actors)\(^{348}\) | • 105 female sex trafficking victims (foreign embassies)\(^{351}\) | |

| Convictions | | |
|--------------| | |
| • 5 sex trafficking convictions\(^{349}\) | • 2 trafficking convictions\(^{352}\) | |
| • 8 labour trafficking convictions\(^{350}\) | | |

(Unless otherwise stated in this report, the figures are not disaggregated by age or sex, and references to ‘trafficking’ were not categorised by type of exploitation. Shaded boxes: no information.)

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339 Under investigation at the time of this report. Esther Ng, 'New Plan to Tackle Human Trafficking,' TODAY, 22 March 2012.
340 Ibid.
341 Ministry of Foreign Affairs, 'Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,' 1 August 2011, para. 8 and 10.
343 Esther Ng, 'New Plan to Tackle Human Trafficking,' TODAY, 22 March 2012.
345 Ibid, para. 9. Data not disaggregated, type of exploitation not stated.
349 Ibid, para. 8.
350 Ministry of Foreign Affairs, 'Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,' 1 August 2011, para. 10.
351 Ibid.
### Official reported cases

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5047</strong> arrests of foreign women for vice activities&lt;sup&gt;353&lt;/sup&gt;</td>
<td><strong>5400</strong> arrests of foreign women for vice activities&lt;sup&gt;353&lt;/sup&gt;</td>
<td><strong>33</strong> investigated cases of trafficking in women and girls&lt;sup&gt;358&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>20</strong> victims of sexual exploitation under 16, with 17 under 14&lt;sup&gt;354&lt;/sup&gt;</td>
<td><strong>28</strong> cases of forced prostitution and importation of women by false pretences&lt;sup&gt;356&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5</strong> victims of sexual exploitation under 16, with 4 of under 14&lt;sup&gt;357&lt;/sup&gt;</td>
<td><strong>5</strong> victims of sexual exploitation under 16, with 4 of under 14&lt;sup&gt;357&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Unofficial reported cases

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>136</strong> trafficking cases (Philippines embassy)&lt;sup&gt;359&lt;/sup&gt;</td>
<td><strong>17</strong> trafficking cases (Thai embassy)&lt;sup&gt;361&lt;/sup&gt;</td>
<td><strong>125</strong> trafficking cases (Philippines embassy)&lt;sup&gt;364&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>At least</strong> <strong>53</strong> of foreign females arrested and deported for vice activities were children&lt;sup&gt;360&lt;/sup&gt;</td>
<td><strong>212</strong> trafficking cases of which about <strong>57</strong> involved prostitution and coercion to have sex (Philippines embassy)&lt;sup&gt;362&lt;/sup&gt;</td>
<td><strong>34</strong> Vietnamese women and children rescued and repatriated from Singapore (Vietnam government)&lt;sup&gt;365&lt;/sup&gt;</td>
<td></td>
</tr>
</tbody>
</table>

### Convictions

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2</strong> sex trafficking-related convictions, <strong>1</strong> conviction for child commercial sexual exploitation&lt;sup&gt;366&lt;/sup&gt;</td>
<td><strong>15</strong> prosecutions for pimping</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>30</strong> prosecutions for vice-abetting</td>
<td><strong>0</strong> trafficking convictions&lt;sup&gt;367&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Unless otherwise stated in this report, the figures are not disaggregated by age or sex, and references to 'trafficking' were not categorised by type of exploitation. Shaded boxes: no information found.)

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354 Committee on the Rights of the Child, *Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3)* concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), 32, Table 15.


356 *Singapore’s Fourth Periodic Report* (CEDAW/C/SGP/4, 3 April 2009), 23.

357 Committee on the Rights of the Child, *Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3)* concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), 32, Table 15.


367 *Singapore’s Fourth Periodic Report* (CEDAW/C/SGP/4, 3 April 2009), 23.
The figures, while piecemeal, do suggest an increase in the number of trafficking cases reported or acknowledged in recent years. This would not in itself indicate an increase in prevalence; it could also for example indicate an increase in enforcement or reporting efforts.

**Labour Exploitation**

Apart from numbers on actual investigations and prosecutions of labour trafficking cases, there are other data indicators of labour exploitation and labour trafficking, e.g. non-payment of wages, salary deductions, withholding of passports of foreign workers and preventing workers from making complaints. The number of work hours and days of rest may also be indicative of exploitation. Importantly, none of these taken alone are conclusive of an occurrence of labour exploitation or trafficking.

<table>
<thead>
<tr>
<th>Year</th>
<th>Official reported cases</th>
<th>Unofficial reported cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>• 67 cases with elements of labour trafficking (still under investigation) ³⁶⁸</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>• 8 labour trafficking convictions ³⁶⁹</td>
<td>• 146 male and female victims of forced prostitution and forced labour ³⁷⁰</td>
</tr>
<tr>
<td>2009</td>
<td>• 0 reported cases of forced labour ³⁷²</td>
<td>• 676 Employment Act contraventions for migrant workers at NGO shelter ³⁷¹</td>
</tr>
<tr>
<td></td>
<td>• 8 prosecuted for failing to pay wages of FDWs ³⁷³</td>
<td>• 194 cases of non-payment of salary among migrant workers at NGO shelter.</td>
</tr>
<tr>
<td></td>
<td>• 2 convictions of employment agencies and 33 'stern warnings' for withholding the passports of foreign workers ³⁷⁴</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 228 prosecutions of employment agencies and employers for breaches of employment laws (breach not stated) and 476 convictions for breaches of the Employment of Foreign Manpower Act (breach not stated) ³⁷⁵</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>• 276 cases of unpaid wages collected by authorities on behalf of FDWs ³⁷⁶</td>
<td></td>
</tr>
</tbody>
</table>

³⁶⁸ Under investigation at the time of this report. Esther Ng, 'New Plan to Tackle Human Trafficking,' TODAY, 22 March 2012.

³⁶⁹ Ministry of Foreign Affairs, 'Singapore Inter-Agency Taskforce's Detailed Response to the 2011 US State Department's Trafficking In Persons Report,' 1 August 2011, para. 10. These concerned shell companies and the persistent withholding of passports by employment agencies.


³⁷³ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011),* para. 79.


Work hours are long and rest days are few for FDWs, as shown by 2 independent surveys:

<table>
<thead>
<tr>
<th>Survey Source</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/2008 survey of FDWs at temporary shelter377</td>
<td>• 67% of the workers worked 16 to 19 hours a day</td>
</tr>
<tr>
<td></td>
<td>• 68% had no days off</td>
</tr>
<tr>
<td></td>
<td>• 7% had a weekly day off</td>
</tr>
<tr>
<td>2011 NGO survey of 108 households employing FDWs in Singapore378</td>
<td>• FDWs worked an average of 14 hours per day</td>
</tr>
<tr>
<td></td>
<td>• 12% had at least one weekly day off</td>
</tr>
<tr>
<td></td>
<td>• 50% had at least one monthly day off</td>
</tr>
</tbody>
</table>

The 2007/2008 survey also found that 20% of foreign workers faced non-payment of salary, 19% ‘withholding of savings,’ 15% salary deductions as penalty, and 15% were asked to pay repatriation costs. There is a bias in the percentages as many FDWs were in the shelter as a result of mistreatment by their employers or employment agencies.

There have also been reports of employers hiring repatriation companies, which employ intimidation, coercion, violence and wrongful confinement, to escort foreign workers to the airport, and ensure they have no opportunity to pursue complaints and redress, such as for payment of wages and forced labour.380 In 2010, 2 cases of forced repatriation and wrongful confinement by repatriation companies were investigated. An employee from a repatriation company was prosecuted and sent to jail for voluntarily causing hurt to a foreign worker. The employers who had engaged the repatriation companies were also given stern warnings for the abetment of wrongful restraint.381

According to the government, the number of complaints made against repatriation companies has remained small over the years. Since 2010 to November 2011, authorities received 7 complaints against 3 such companies.382 These figures may not reflect the full extent of the problem, as victims subject to such forced removal from Singapore would not often be in a position to make complaints, given the use of intimidation and coercion prior to their departure.

**Trafficing**

**Scale of Trafficing in Singapore**

Singapore is said to have a ‘significant’ human trafficking problem, according to the US State Department.383 In 2010, Singapore was placed on the US State Department’s Tier 2 watchlist for trafficking in persons.384 The government has erstwhile appeared reluctant to acknowledge the problem of trafficking, stating in 2010 that ‘Singapore does not have a serious [human trafficking] problem.’385

There appears to be a shift in the government’s position. In March 2012, the Minister of State for Manpower

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377 Kayoko Ueno, ‘Research survey report on shelter residents 2007 to 2008; accessed 8 May 2012, http://www.home.org.sg/library/research/index.html. This was a research study conducted from October 2007 to August 2008 of 219 foreign workers temporarily residing at a shelter run by HOMEa local NGO. The workers were from Philippines, Indonesia, India, Myanmar, and Sri Lanka.

378 UN Women, HOME, TWC2, Made to Work Attitudes Towards Granting Regular Days Off to Maids in Singapore, 2011.

379 Under the Employment of Foreign Manpower (Work Passes) Regulations, repatriation costs are instead to be paid by employers.


381 Ministry of Foreign Affairs, ‘Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,’ 1 August 2011, paras. 16 and 18.


384 Countries on the Tier 2 watchlist are countries that whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year; see ‘Tier Placements,’ US State Department, http://www.state.gov/j/tip/rpts/tiprpt/2011/164228.htm.

stated that while trafficking in persons was ‘not a severe problem in Singapore’, signs of sex trafficking and labour-trafficking related exploitation did exist.\textsuperscript{386} The 2010 US State Department’s Trafficking in Persons report noted that the government had ‘reversed its longstanding approach of denying a significant labour trafficking problem in the country.’\textsuperscript{387} The government has since formed an Inter-agency Task Force against Trafficking in Persons, and rolled out a National Plan of Action against Trafficking in Persons.

There has been a striking discrepancy between unofficial and official figures of trafficking. The government has highlighted that it has received very few reports from foreign embassies of trafficking cases, despite the relatively high figures provided by these embassies.\textsuperscript{388} In this regard, circumstances causing foreign victims to be reluctant to report to local authorities have been noted, such as having to stay for between 6 months to a year in Singapore while investigations are ongoing, but being barred from seeking employment.\textsuperscript{389}

The discrepancy has also been attributed to the adoption by authorities of a narrower definition of trafficking that may ignore situations of coercion and deception.\textsuperscript{390} Situations of coercion and deception do appear to be covered by Singapore’s criminal laws relating to trafficking. Any failures to identify situations of trafficking may instead relate to errors in how statutory definitions of trafficking are applied in practice.

This could explain the relatively low number of convictions compared to the numbers of reported cases. Prosecution and conviction rates may also be affected by difficulties faced in obtaining access and evidence, problems that 2011 legislative amendments seek to address.\textsuperscript{391}

\textbf{Nature of Trafficking in Singapore}

Singapore is primarily a destination country and, to a lesser extent, transit point for trafficking.\textsuperscript{392} Women and children trafficked to or through Singapore come from Philippines, Indonesia, Cambodia, Thailand, India, Bangladesh, Sri Lanka, China, Vietnam, and Nepal.\textsuperscript{393} The Philippines, Indonesia and Vietnam have been flagged as origin countries of significance for trafficking in Singapore, based on the numbers of reported victims from these countries.\textsuperscript{394} Trafficking of Cambodian women and children to Singapore is also a ‘growing phenomenon.’\textsuperscript{395}

The most commonly identified sectors of exploitation of trafficked women, children and young persons in Singapore, are prostitution and domestic work.

With regard to prostitution, women, children and young people are deployed in commercial sex venues in Singapore.\textsuperscript{396} Locations of exploitation of prostitution include Geylang, the main red-light district in Singapore, Orchard Road, where a shopping centre known for being frequented by prostitutes is located, and some residential areas such as Toa Payoh, Joo Chiat and Tanjong Katong.\textsuperscript{397} There are also ‘forest brothels’, where foreign prostitutes provide sex services in forests to foreign male workers.\textsuperscript{398}

\begin{quotation}
\textsuperscript{386} Esther Ng, ‘Govt unveils measures to tackle human trafficking,’ TODAY, 21 March 2012.
\textsuperscript{389} AWARE, CEDAW Shadow Report, May 2011, para. 6.43.
\textsuperscript{390} Ibid, para. 6.11.
\textsuperscript{391} January 2011 amendments to the Criminal Procedure Code 2010 include expanding the powers of police officers to enter and search for wrongfully confined persons, and the power to seize and prohibit disposal of evidence which is believed will be removed or disposed. These enhance the ability of the police to identify, investigate and secure evidence to prosecute traffickers: Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), Annex 1.
\textsuperscript{395} Ibid.
\textsuperscript{396} Ibid, 3.
\textsuperscript{397} Ibid, 20, citing Li Xueying, ‘China hookers are now in your neighbourhood,’ Straits Times, 4 July 2004.
\end{quotation}
According to ECPAT’s CSEC Report’s field research, a common ruse used to lure women and young people to Singapore is deception about job opportunities in Singapore, such as in hotels and restaurants. A number were aware that they would be engaging in sex-related activity, but were deceived about the conditions attached, and subjected to forced prostitution under the threat of serious harm, including financial harm. The survivors interviewed in the field research were generally kept under constant and close surveillance and monitoring, and were often denied freedom of movement and association. Debt bondage was used in all cases to control them. Debts were arbitrarily imposed without agreement prior to their departure, or were agreed to in part or full, but with the expectation that they would be easily repaid through high salaries in Singapore and without imposition of further debt.

With regard to domestic work, anecdotal evidence suggests that many migrant workers, including FDWs, are deceived about the nature of their employment or salary and the conditions they would face in Singapore, and faced confiscation of their passports, restrictions on their movement, and illegal withholding of their pay. In particular, many owe alleged debts associated with their employment, rendering them vulnerable to forced labour.

An additional sector of exploitation may be the purchase of foreign brides by Singaporean men. In Vietnam in 2010, 4 people were found guilty of trafficking Vietnamese women to Singaporean and Malaysian men who had purchased them as wives. The women were reportedly led to believe that they would either get a job or be married to wealthy men.

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403 Ibid, 3 and 53.
Child Exploitation

Child Sexual Exploitation in Singapore

Table 20 - Figures relating to Child Sexual Exploitation in Singapore from 2007 to 2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Official numbers</strong></td>
<td><strong>23</strong> victims of sex trafficking were children in prostitution; 1 of whom was Singaporean407</td>
<td><strong>89</strong> minors aged from 14 to under 18 arrested for prostitution offences408</td>
<td><strong>20</strong> victims of sexual exploitation under 16, with 17 under 14409</td>
<td><strong>5</strong> victims of sexual exploitation under 16, with 4 under 14410</td>
</tr>
<tr>
<td><strong>Unofficial numbers</strong></td>
<td><strong>6</strong> of 111 female victim participants in a sex trafficking research study were under 18, and 25 were from 18 to 21411</td>
<td><strong>40</strong> arrests by authorities of female prostitutes believed to be under the age of 18412</td>
<td><strong>60</strong> female minors involved in prostitution deported413</td>
<td></td>
</tr>
<tr>
<td><strong>Convictions</strong></td>
<td><strong>1</strong> case of a trafficked minor414</td>
<td><strong>1</strong> conviction involving a trafficked minor415</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


409 Committee on the Rights of the Child, *Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011)*, 32, Table 15.

410 Ibid.


415 Ibid.

The 2011 CRC Committee expressed concern over the insufficient data on child victims of trafficking and the sexual exploitation of children, and noted that, based on statistics provided by the government, cases of sexual exploitation and abuse of children may be under-reported.416 ECPAT’s CSEC Report noted that participation of child survivors in its field research was limited due to lack of access.417

An increasing number of Singaporean teenagers, both girls and boys, are exchanging sexual services for access to modern goods or for extra pocket money, using the Internet or mobile phones to advertise or sell sex services. Advertisements of girls offering sex services in Singapore in exchange for money can easily be found on the Internet. The phenomenon has been referred to as ‘compensated dating.’418 Criminal charges have been brought against men who have sex with these children for money.419


418 Ibid, 23.

419 Ibid, citing a number of media reports of anecdotal evidence and court cases from 2005 to 2009.
In one particularly high profile scandal in April 2012, 48 men from their early 20s to late 40s, including uniformed officers, civil servants, businessmen and at least one member of the social elite, were charged for having paid sex with an underaged callgirl.420

**Child Sex Tourism**

Singapore’s laws on child sex tourism prohibit citizens and permanent residents from having commercial sex with minors outside Singapore, and acts by any person in or outside Singapore to facilitate the same.421

No arrests or prosecutions were made for child sex tourism offences during 2007 and 2008.422 Nevertheless, reports suggest that a considerable number of Singaporean men are child sex tourists.423 According to an NGO survey, almost half of all clients of prostitution in the Indonesian Riau islands are from Singapore.424 It has been reported that 70% to 80% of clients of prostitution in Batam, one of the main Riau islands, are from Singapore, and an estimated 600 Singaporean sex tourists travel there every weekend,425 where they have sex with child prostitutes as young as 14.426 Further, a 2007 study found Singaporean men to be among the most frequent child sex tourism perpetrators in Thailand, and among child sex offenders in Cambodia.427

The possibility that child sex tourism takes place in Singapore should be investigated.428 Incidents of travellers, foreign workers and expatriates buying sex services, including from minors during their stay in Singapore have been reported by the press.429 Singapore’s laws prohibiting sex with minors apply in such cases.

**Child Labour**

Figures on child labour seem unavailable. According to the government, there were no cases of migrant workers under 18 years of age from 2007 to 2009.430 The 2011 CRC Committee highlighted the absence of information in the 2009 Singapore CRC Report on monitoring the working and living conditions of child labour.431

b. **Root Causes of Exploitation and Aggravating Practices**

**Sexual Exploitation and Trafficking**

ECPAT’s CSEC Report profiled Filipina and Indonesian victim participants, comprising women and girls. Some commonalities in profile were that they had difficult situations in their home countries, such as needing to care for family members, lack of employment opportunities, financial difficulties consequent to some crisis event, or sexual abuse within the family setting. In the case of Indonesians, an additional factor increasing the

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421 It is an offence for any person who is a citizen or permanent resident of Singapore to, while outside Singapore, have commercial sex with any person under 18, or communicate with any person for purposes of the same. The penalties had the acts been committed in Singapore apply: Penal Code, s. 376C. Further, it is an offence for any person to facilitate (by making travel arrangements or providing transport), promote, or assist a person to obtain, commercial sex with a person under 18 outside Singapore: Penal Code, s. 376D.


425 ECPAT, Beyond Borders: Sex with Children, September 2006, 5, citing Chee, F. ‘It’s Not All About Sex, Baby’. Straits Times, 10 January 2006; Cheong, Y. ‘Get Real! Poll Finds Strong Support For Prosecution of Child Sex Tourists.’


428 Ibid.


430 Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/Q/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 156.

vulnerability of children and young people to sex trafficking was their prior involvement in prostitution or internal sex trafficking in Indonesia.\footnote{432 ECPAT International Research Report, \textit{Commercial Sexual Exploitation and Trafficking of Children and Young People in Singapore}, 2010, 62.}

With regard to child sex tourism, Singaporean men who engage in child sex tourism are working class men, attracted by prices of sex services that are lower than in Singapore. A report posits that travelling to countries such as Indonesia for sex services allows these men, who may be taxi drivers or day labourers, to acquire more purchasing power and thereby fulfil their fantasy of being a ‘towkay’ (boss).\footnote{Ibid, 25, citing Michele Ford & Lenore Lyons, ‘Living like Kings. Inside Indonesia,’ January – March 2008.}

The vulnerability of children and youth to online sexual exploitation and grooming has been attributed to their widespread utilisation of the Internet, including Internet chat rooms, and exposure, both voluntary and involuntary, to online pornography.\footnote{Ibid, 22.}

With regard to ‘compensated dating,’ counsellors and social workers relate that some teenagers feel compelled to sell sex services in order to buy fashionable products.\footnote{Ibid, 24.} The phenomenon of ‘compensated dating’ in Singapore has been attributed to widespread consumerism that targets children, the lack of attention on the part of parents, as well as to a ‘glamorisation’ of sex and pervasive sexualisation of children in the media.\footnote{Ibid, citing ‘Sex for sale on rise among Singapore’s girls,’ \textit{Times of India}, 23 October 2005.}

\textbf{Labour Exploitation}

Debt bondage can be used to keep foreign workers in situations of exploitation. High fees paid to recruitment agencies reportedly place FDWs in situations of debt bondage. NGO reports from 2011 indicate that placement fees paid by FDWs range from 6 to 10 months’ salary.\footnote{AWARE, \textit{CEDAW Shadow Report}, May 2011, 106; TWC2 and the Global Alliance Against Traffic in Women, \textit{Singapore Shadow Report: 4th Periodic Review}, June 2011, 21 (citing data from 2009).}

The withholding of passports and other identity documents is closely associated with exploitation, and apparently a ‘proven contributor to trafficking.’\footnote{United States Department of State, \textit{Trafficking in Persons Report 2010 – Singapore}, accessed 8 May 2012, \url{http://www.state.gov/j/tip/rls/tiprpt/2010/142761.htm}.} As shown above, such breaches of employment laws have been reported.

The following government policies relating to the grant of foreign workers’ work passes and permits are seen to potentially lead to conditions of forced labour and exploitation:\footnote{HOME, \textit{Shadow Report to 9th Session. 2011 CEDAW}, 2011, 5; Lin Yanqin, ‘Firms ‘too powerful over foreign workers,’ \textit{TODAY}, 15 November 2011.}

\begin{itemize}
  \item having the grant and cancellation of each FDW’s work pass dependent on the application of the employer, and not the worker. Employers are not statutorily required to give notice before termination;
  \item requiring employers to repatriate FDWs within 7 days from the cancellation/expiry of their work permits; and
  \item allowing foreign workers to change employers only with the consent of the current employer.\footnote{These policies are found in the \textit{Employment of Foreign Manpower Act} and the MOM’s website: MOM, ‘Work Permit (Foreign Domestic Worker) – Inform MOM,’ last updated on 15 May 2012, \url{http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/inform-mom/Pages/update-of-details.aspx}.}
\end{itemize}

It has been said that in many situations, employers deny FDWs the right to leave and change jobs.\footnote{HOME, \textit{Shadow Report to 9th Session. 2011 CEDAW}, 2011, 5.}

According to NGOs, FDWs, with their employment and repatriation in the hands of their employers, feel compelled to comply with employers’ orders and are deterred from making complaints of situations of abuse and exploitation.\footnote{TWC2 and the Global Alliance Against Traffic in Women, \textit{Singapore Shadow Report: 4th Periodic Review}, June 2011, 12.}

\textbf{c. Impact of Exploitation}

This section will focus on sexual exploitation and sex trafficking. With regard to labour exploitation and labour trafficking, NGO reports have collated media reports and case studies on the impact of abuses of FDWs. These are addressed in ‘Migration’, mainly because of the difficulties in concluding that those cases were situations of exploitation and trafficking.

\textbf{Sexual Exploitation and Trafficking}

ECPAT’s CSEC Report found that some trafficking victims interviewed suffered from reproductive health issues not
limited to HIV/AIDS, such as vaginal bleeding and sexually transmitted infections, among other health issues resulting from their sex work. Some experienced stress, anxiety and depression, nausea and vomiting. Others were subjected to physical abuse and sexual harassment from customers and/or their controllers.\textsuperscript{443}

Some victims of sex trafficking who return to their home countries remain in prostitution as ‘freelancers,’ although they had never been engaged in prostitution prior to being trafficked to Singapore. Others re-entered Singapore as sex workers at a later stage.\textsuperscript{444}

2. De Jure State Responses

a. Bases of State Responsibility

<table>
<thead>
<tr>
<th>Date of Ratification</th>
<th>Instrument</th>
<th>Reservations / Declarations</th>
<th>Implementing Legislation\textsuperscript{445}</th>
</tr>
</thead>
<tbody>
<tr>
<td>International</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 August 1965</td>
<td>International Labour Organisation Convention concerning Forced or Compulsory Labour (ILO C. 29)</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>25 August 1965</td>
<td>International Labour Organisation Right to Organise and Collective Bargaining Convention, 1949 (ILO C.98)</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>30 May 2002</td>
<td>International Labour Organisation Equal Remuneration Convention, 1951 (ILO C.100)</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>7 November 2005</td>
<td>International Labour Organisation Minimum Age Convention, 1973 (ILO C.138)</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>14 June 2001</td>
<td>International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO C.182)</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>28 August 2007</td>
<td>United Nations Convention against Transnational Organized Crime</td>
<td>Article 35(2)\textsuperscript{446}</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>6 November 2009</td>
<td>United Nations Convention Against Corruption</td>
<td>Article 66(2)\textsuperscript{447}</td>
<td>No specific implementing legislation</td>
</tr>
<tr>
<td>Regional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 April 2005</td>
<td>Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN Member Countries</td>
<td>None</td>
<td>No specific implementing legislation</td>
</tr>
</tbody>
</table>

\textsuperscript{444} Ibid, 56.

\textsuperscript{445} Article 38 of the Constitution gives law-making power exclusively to Parliament. Accordingly, international conventions and treaties, though ratified, can neither impose duties nor create rights enforceable in the Singapore courts unless there exists implementing domestic legislation.

\textsuperscript{446} ‘Pursuant to Article 35, paragraph 3 of the above mentioned Convention, the Government of the Republic of Singapore does not consider itself bound by Article 35, paragraph 2 of the said Convention.’

Singapore has also signed the *Rio de Janeiro Declaration and Call to Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*.448

**Treaties Under Consideration**

In March 2012, during the unveiling of the National Action Plan against Trafficking, the Minister of State for Manpower stated that before acceding to the Trafficking Protocol, Singapore needed ‘to conduct a thorough review and ensure Singapore is able to fulfil its obligations in an international agreement first.’ Once ready, Singapore would then ‘translate it into action.’449

In 2011, Singapore stated that it was studying the Optional Protocol to the Convention on the Rights of the Child on the sale of the child, child prostitution and child pornography, and its obligations.450

Cross-Border Cooperation in ASEAN

Singapore has signed the ASEAN Joint Declaration against the Trafficking of Persons, Particularly Women and Children and the Framework for Cooperation between ASEAN and the United Nations Development Fund for Women. It has ratified the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters.451 It has also entered into a bilateral extradition treaty with Indonesia.452

b. State Policies Against Exploitation

**Sexual Exploitation**

Safeguards against sexual exploitation can be categorized into those protecting women and girls, and those protecting children specifically. Those relating to both women and girls are addressed in this section, while those relating to children only are addressed below in Section D.2.b, ‘Exploitation of children.’

While this section details policies on the exploitation of prostitution, there are laws that criminalize other forms of sexual exploitation.453

**Exploitation of Prostitution**

‘Prostitution’ is gender-specific. It is defined as ‘the act of a female offering her body for sexual penetration for hire, whether in money or in kind.’454 The act of prostitution itself is not illegal.

The exploitation of prostitution is illegal. The following forms of exploitation of prostitution of women and girls are criminalized:

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453 Other provisions that could be invoked to prosecute sexual exploitation, including but not limited to exploitation of prostitution, are the sexual offences (e.g. rape) in the *Penal Code*, which also criminalizes the abetment of such offences. Forcibly detaining any woman or girl to ‘have carnal connection’ with any male person is also criminalized by Section 140 of the *Women’s Charter*. This could cover some other situations of sexual exploitation that do not constitute exploitation of prostitution.

454 *Women’s Charter*, s. 2.
Table 22 - List of Forms of Exploitation of Prostitution that are Criminalized

<table>
<thead>
<tr>
<th>Form of Exploitation</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selling, letting for hire, or otherwise disposing of any woman or girl for prostitution within or outside Singapore, or attempting to do the same</td>
<td>Imprisonment for up to 5 years, and a fine of up to S$10,000. Repeat offenders are liable to be caned.</td>
</tr>
<tr>
<td>Buying, hiring, or otherwise obtaining possession of any woman or girl for prostitution, or attempting to do the same</td>
<td>Imprisonment for a term not exceeding 10 years, and a fine</td>
</tr>
<tr>
<td>Living or trading in the prostitution of another</td>
<td></td>
</tr>
<tr>
<td>Selling or buying any female of any age for the purpose of prostitution</td>
<td></td>
</tr>
</tbody>
</table>

Forced detention of women for purposes of sexual exploitation can be prosecuted using section 140 of the Women's Charter. This section prohibits the detention of any woman or girl against her will in a brothel; and the detention of any woman or girl against her will in any place, (i) to have carnal connection (except by way of marriage) with any male person, (ii) for the purpose of prostitution, or (iii) for any unlawful or immoral purpose. Offenders face imprisonment for up to 5 years, and a fine of up to S$10,000.

The prohibitions appear to cover situations of victims trapped by debt bondage and other non-physical forms of coercion. Under section 140(3)(c)(iii), there is a rebuttable presumption that an alleged offender has detained a woman or girl against her will when that person has, among other things, threatened her with legal proceedings for debt recovery, or uses 'any other threat whatsoever'. There has nevertheless been some controversy over whether section 140 prohibits debt bondage and other non-physical forms of coercion.

Also, brothels are prohibited. However, the government has taken 'a pragmatic approach to tackling vice by confining prostitution to traditional red light areas.'

**Pornography Prohibited**

Pornographic publications and films are prohibited in Singapore under the Undesirable Publications Act and the Films Act. Online pornography would fall within the prohibitions.

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455 Ibid, s. 140.
456 Ibid.
457 Ibid, s. 146.
458 Penal Code, ss. 373A(c).
459 Women's Charter, s. 140(3)(c)(iii).
460 Section 140 has been interpreted by the US Department of State in its 2011 TIP report as not prohibiting non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process. The Inter-agency Task Force on Trafficking in Persons has disagreed with this interpretation, taking the position that section 140 covers a wide variety of situations, including where there is no threat of physical injury: Ministry of Foreign Affairs, 'Singapore Inter-Agency Taskforce's Detailed Response to the 2011 US State Department's Trafficking In Persons Report,' 1 August 2011, para. 23. Separately, local NGO, TWC2, together with the Global Alliance against Traffic in Women, have in their 2011 CEDAW shadow report taken the view that section 140(c)(iii) of the Women's Charter does appear to offer an avenue for prosecuting those who trap women into sex work by using their indebtedness. The said NGOs note, however, that the provision seems little used.

461 Under section 148 of the Women's Charter, a person who keeps, manages or assists in the management of a brothel is liable for a fine of up to S$3,000, imprisonment of up to 3 years, or both. Repeat offenders face harsher penalties, but are not liable to be caned.


463 Sections 11 and 12 of the Undesirable Publications Act (Cap 338, 1998 Rev Ed Sing) criminalize the making, reproducing, selling, supplying, offering to supply, exhibiting, importing, exporting or possession of obscene or objectionable publications respectively. Offences in relation to obscene publications carry a fine of up to S$10,000 or imprisonment for up to 2 years, or both. Offences in relation to objectionable publications carry a fine of up to S$5,000, imprisonment for up to 12 months, or both.

464 Sections 29 to 31 of the Films Act (Cap 107, 1998 Rev Ed Sing) criminalize the making, reproducing, importing, distributing, exhibiting, possession and advertisement of obscene films. Offenders face a fine of at least S$1,000 per film (or more depending on the type of offence), or imprisonment of a maximum of 2 years (or less depending on the type of offence), or both.

465 Section 2 of the Undesirable Publications Act defines 'publication' as including any 'thing… on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or other electronic device, is capable of being reproduced or shown as any picture, photograph, word, statement, sign or representation.' Section 2 of the Films Act defines 'film' as including any 'material record or other electronic device, is capable of being reproduced or displayed as wholly or partly visual moving pictures.' The 2009 Films (Amendment) Bill parliamentary debates make clear that Internet visuals are included in the prohibition.
**Labour Exploitation**

Forced labour, slavery, and habitually dealing in slavery are criminalized by the Penal Code.

No minimum wage or salary is imposed in Singapore. The matter is left to market forces and mutual negotiations between the employer and the employee or representing trade union.

The Employment Act provides safeguards for employees regardless of their nationality. All terms and conditions of employment that are less favourable to an employee than those prescribed by the Employment Act are illegal, null and void to the extent that they are less favourable.

These safeguards cover all employees, except seamen, domestic workers, and persons employed in a managerial or executive capacity (including professionals such as doctors and lawyers). According to the government, personnel in managerial and executive positions are excluded as 'they are in a better position to negotiate their terms and conditions of employment;' seamen and domestic workers are excluded as 'the provisions in the Act are difficult to enforce due to the nature of their work.'

Protections for migrant workers, including FDWs, are provided by the Employment of Foreign Manpower Act and the Employment of Foreign Manpower (Work Passes) Regulations. The protections of the Employment Agencies Act are also pertinent particularly for migrant workers.

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466 *Penal Code*, s. 374. Offenders face imprisonment for a term which may extend to one year, a fine, or both.

467 *Penal Code*, s. 370. Offenders face imprisonment for a term which may extend to 7 years, and a fine.

468 *Penal Code*, s. 371. Offenders face life imprisonment, or imprisonment for up to 10 years, and a fine.


470 *Employment Act*, s. 8.

471 *Employment Act*, s. 2. Managers and executives are employees with executive or supervisory functions. These functions include the authority to influence or make decision on issues such as recruitment, discipline, termination of employment, assessment of performance and reward, or involvement in the formulation of strategies and policies of the enterprise, or the management and running of the business. They also include professionals with tertiary education and specialised knowledge/skills and whose employment terms are comparable to those of managers and executives. Professionals such as lawyers, accountants, dentists and doctors whose nature and terms of employment are comparable to executives would generally be deemed as such: see 'The Employment Act: Who it covers,' MOM, last updated on 6 February 2012, http://www.mom.gov.sg/employment-practices/employment-rights-conditions/employment-act/Pages/default.aspx.


473 These are issued pursuant to powers set out in the *Employment of Foreign Manpower Act* (Cap. 91A, 2009 Rev Ed Sing).
The following summarizes some of the Employment Act’s statutory safeguards against labour exploitation:

<table>
<thead>
<tr>
<th>Safeguard against Exploitation</th>
<th>Scope of Applicability</th>
<th>Penalty (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees will not be in breach of or terminating without notice where they are immediately threatened by danger to the person by violence or disease, which they did not by their contract of service undertake to run.</td>
<td>All employees to whom the Employment Act is generally applicable</td>
<td>NA</td>
</tr>
<tr>
<td>Employers are prohibited from making deductions from employees’ salaries, unless such deductions are those specified in the Act, or authorized by a court or other competent authority.</td>
<td></td>
<td>Employers in breach are liable to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both, and for a subsequent offence under the same section to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.</td>
</tr>
<tr>
<td>Employees must be paid their salaries at least once a month.</td>
<td>Same as above, as well as managers and executives with a salary not exceeding $4,500 a month</td>
<td></td>
</tr>
<tr>
<td>Mandatory paid holidays or payment in lieu, and mandatory sick leave</td>
<td>All employees to whom the Employment Act is generally applicable</td>
<td>Employers in breach are liable for a fine not exceeding $5,000, and for a second or subsequent offence to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.</td>
</tr>
<tr>
<td>Mandatory weekly rest days or payment in lieu</td>
<td>Workmen (generally, persons engaged in manual labour) with a monthly salary of up to $4,500, and employees with a monthly salary of up to $2,000</td>
<td></td>
</tr>
</tbody>
</table>

Foreign Domestic Workers

FDWs are excluded from the Employment Act and its provisions on specific work hours, rest days and holidays. The government’s position is that, for domestic workers, such regulation is not practical given that they work in a home environment and domestic arrangements vary in different households.482

The employment of FDWs is largely regulated by the Employment of Foreign Manpower (Work Passes) Act.482

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474 151 Employment Act, s. 15.
475 152 Ibid, s. 26.
476 153 Ibid, s. 32.
477 154 Ibid, s. 112.
478 Ibid, s. 20. A fixed salary period of one month is deemed, even though none is expressly provided for in the employment contract. Salary periods in the employment contract cannot exceed one month.
479 156 Ibid, s. 88 and s. 89.
480 157 Ibid, s. 36 and s. 37.
481 158 Ibid, s. 38.
482 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.47.
Regulations, which requires employers to, among other things:

- pay a basic salary amount to their foreign employees regularly (within 7 days of a stipulated salary period). The basic salary is an amount that was declared to the authorities in their work permit or work pass applications;
- provide ‘safe working conditions and take such measures as are necessary to ensure the safety and health of the foreign employee at work’;
- provide ‘acceptable accommodation for the foreign employee’; and
- bear the costs of the foreign employee’s upkeep and maintenance in Singapore, including the provision of medical treatment, and for foreign domestic workers, food.

Employers in breach of the foregoing regulations are liable for a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or both.

In a significant move, and after sustained lobbying by NGOs, the government has announced that from 1 January 2013, it will be mandatory for FDWs to have one rest day per week, or compensation in lieu. This appears to apply only to FDWs and not Singaporean domestic workers.

The Regulations also provide for certain safeguards against debt bondage of foreign employees, including FDWs. Employers in breach of the foregoing are liable for a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or both.

The Employment Agencies Act protects against exploitation involving employment agencies. It is an offence to engage the services of an unlicensed employment agency. There are safeguards against debt bondage due to employment agency fees via prescribed fee caps. Employment agencies are also required to ensure, after obtaining employment for the foreign employee, that the foreign employee’s passport or other identification documents are returned directly to that foreign employee as soon as practicable.

All employment agencies placing FDWs must be accredited, and these accredited agencies are required to facilitate the signing of standard contracts issued by accreditation bodies.

Other Forms of Exploitation

Forced marriage of any person and related acts are criminalized. Trading in any woman or girl, whether or not for prostitution, is prohibited. For all exploitation prosecutions, laws against wrongful restraint and confinement under the Penal Code, and wrongful detention under the Employment Act, may be invoked depending on the circumstances of the case.

 Trafficking

The definition of ‘trafficking’ in the Trafficking Protocol has not been incorporated as such into local laws. According to the government, Singapore nevertheless currently adopts the Trafficking Protocol’s definition as its working definition, including in front-line law enforcement.

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484 Employers are prohibited from (i) indirectly or directly demanding or receiving any sums from their foreign employees, or any benefits from an employment agency, for employing or continuing to employ, or guaranteeing the employment of, foreign employees; and (ii) recovering or deducting certain specified costs and expenses that would be incurred in respect of foreign employees, such as costs of work permit applications and medical examinations: Employment of Foreign Manpower (Work Passes) Regulations (Chap 91A, R 29 and R 30, 2009 Rev Ed Sing), r 29 and r 30.

485 Employment Agencies Act (Cap 92, 1985 Rev Ed Sing), s. 22A.

486 Employment agencies are prohibited from charging foreign applicants any sum greater than a prescribed fee. This prescribed fee is equivalent to one month’s salary for each year of either the period of validity of the work pass, or the contractual period of employment. The prescribed fee cannot in any event exceed 2 months’ salary: Section 23 of the Employment Agencies Act read with Rule 12 of the 2011 Employment Agencies Rules. Those in breach are liable for a fine not exceeding $5,000 and, in respect of a second or subsequent offence, to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both.

487 Employment Agencies Act, s. 10(2).

488 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.49 and 11.52.

489 Compelling a person to marry against his will, by the use of any force or threat, is prohibited: Section 36 of the Women’s Charter. Kidnapping or abducting a female of any age for purposes of forced marriage is also prohibited: Penal Code, s. 366.

490 The buying or selling of any woman or girl, whether or not for the purpose of present or subsequent prostitution, is prohibited: Women’s Charter, s. 141.

491 Employment Act, s. 108.

492 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 45.
The National Plan of Action against Trafficking in Persons, unveiled in March 2012, seeks, among other things, to provide a common definition for trafficking to enhance processes in victim identification and protection.493 Local laws are currently being reviewed, including the issue of whether there should be a dedicated law on human trafficking.494

While outside the scope of this study, a preliminary search of case law suggests that there are no reported cases of prosecutions brought based on sections 141 and 142 of the Women’s Charter, despite them being capable of encompassing a wide variety of situations of trafficking. It appears that some sex trafficking prosecutions are instead brought as charges of procuring a woman for prostitution under section 140 of the Women’s Charter, including cases involving deception.499

There are other laws that do not specifically envisage a situation of exploitation, but that could nevertheless be invoked to prosecute acts of trafficking, e.g. the offences of kidnapping, abduction, and wrongful restraint and confinement under the Penal Code.

Illegal immigration offences are also relevant.500 The government has viewed preventing trafficking as involving enforcement against illegal immigration. In describing

494 Esther Ng, ‘New Plan to Tackle Human Trafficking,’ TODAY, 22 March 2012.
495 Women’s Charter, s. 141.
496 Ibid, s. 142.
497 Ibid, s. 140(1)(h).
498 Employment Act, s. 113.
500 Section 57 of the Immigration Act (Cap 133, 2008 Rev Ed Sing) criminalizes, among other things, abetting a person to enter Singapore unlawfully, and harbouring or employing an illegal immigrant.
actions taken against trafficking in its Fourth Periodic Report to the CEDAW Committee, the government cited Singapore's stringent laws against immigration offenders, its efforts to detect and deter the smuggling of illegal immigrants, and the publicizing of these measures.\(^{501}\)

### Trafficking for Sexual Exploitation

The following offences criminalize aspects of trafficking for the purpose of sexual exploitation:

<table>
<thead>
<tr>
<th>Prohibited Act</th>
<th>Purpose of Prohibited Act</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procuring or bringing into Singapore any woman or girl, or attempting to do so(^{502})</td>
<td>(i) To have carnal connection (except by way of marriage) with any male person; or (ii) For the purpose of prostitution either within or without Singapore</td>
<td>Imprisonment for up to 5 years, and a fine of up to S$10,000. Repeat offenders are liable to be caned.</td>
</tr>
<tr>
<td>Knowingly receiving or harbouring any woman or girl who has been procured, brought into Singapore, or sold or purchased, or imported under false pretences, or attempting to do so(^{503})</td>
<td>(i) To have carnal connection (except by way of marriage) with any male person; or (ii) For the purpose of prostitution (iii) For any unlawful or immoral purpose</td>
<td></td>
</tr>
<tr>
<td>Detaining any woman or girl against her will in any place, or attempting to do so(^{504})</td>
<td>(i) To have carnal connection (except by way of marriage) with any male person; or (ii) For the purpose of prostitution (iii) For any unlawful or immoral purpose</td>
<td></td>
</tr>
<tr>
<td>Detaining any woman or girl against her will in a brothel, or attempting to do so(^{505})</td>
<td>None expressly stated.</td>
<td></td>
</tr>
<tr>
<td>Bringing or assisting in bringing, by any false pretence, false representation, or fraudulent or deceitful means, any female of any age(^{506})</td>
<td>For the purpose of prostitution</td>
<td>Imprisonment for a term not exceeding 10 years and a fine</td>
</tr>
<tr>
<td>Bringing or assisting in bringing into Singapore any female of any age, with intent that the female be sold or bought(^{507})</td>
<td>'Illicit intercourse' or 'a life of prostitution'</td>
<td>Imprisonment of up to 10 years, and a fine or caning</td>
</tr>
<tr>
<td>Kidnapping and abduction of a female of any age(^{508})</td>
<td>'Illicit intercourse' or 'a life of prostitution'</td>
<td></td>
</tr>
<tr>
<td>Kidnapping and abduction of any person(^{509})</td>
<td>For purposes that would put that person in danger of grievous hurt or non-consensual sodomy</td>
<td></td>
</tr>
</tbody>
</table>

### Exploitation of Children

The following section addresses offences relating specifically to children and young persons. The age of a ‘minor’ for purposes of these offences varies. Generally, it appears that the greater the perceived severity of the criminal conduct, the greater the protection afforded by raising the age limit. With regard to sexual offences, it should be noted that the minimum age for consensual sex for an unmarried girl is 16.

501 *Singapore’s Fourth Periodic Report* (CEDAW/C/SGP/4, 3 April 2009), paras. 6.6 and 6.7.
Sexual Exploitation and Prostitution of Children

Children who prostitute themselves or engage in commercial sex are not criminally penalized for doing so.

The following summarizes provisions relevant to sexual exploitation and prostitution of children in Singapore:

### Table 26 - Offences that Criminalize Aspects of Sexual Exploitation and Prostitution of Children in Singapore

<table>
<thead>
<tr>
<th>Prohibited Acts</th>
<th>Purpose of Prohibited Act</th>
<th>Penalties</th>
</tr>
</thead>
</table>
| Selling, letting to hire, or otherwise disposing of any person under the age of 21 years[^510] | (i) Prostitution  
(ii) illicit intercourse; or  
(iii) any unlawful and immoral purpose, at any age | Imprisonment for a term which may extend to 10 years and a fine |
| Buying, hiring or otherwise obtaining possession of any person under the age of 21 years[^511] |  | |
| Having commercial sex with any person under 18 years of age[^512] |  | Imprisonment for a term which may extend to 7 years, a fine, or both |
| Communicating with any person for the purpose of obtaining commercial sex with any person under 18 years of age[^513] |  | Imprisonment for a term which may extend to 2 years, or with fine, or with both |
| Sexual grooming of any person under the age of 16 by a person of or above the age of 21[^514] |  | Imprisonment for a term which may extend to 3 years, a fine, or both |
| An 'obscene or indecent act' with any person below 16[^515] |  | A fine not exceeding $10,000 or imprisonment for a term not exceeding 5 years or both |
| Procuring or attempting to procure an 'obscene or indecent act' by any person below 16[^516] |  |  |

The laws against commercial sex with children generally, and against sexual grooming, are relevant to addressing the growing trends of ‘compensated dating’ and online child sexual exploitation.

The defence of reasonable mistake as to age is available to any person under the age of 21 who commits the offence of obtaining commercial sex with a minor, or communicating with any person for purposes of the same. Persons aged 21 and above will not escape liability even if they are mistaken as to the minor’s age.

There are also laws prohibiting certain acts of facilitating, inducing or encouraging the prostitution of girls under the age of 16[^518]. These laws do not cover situations involving boys. Child sex tourism by Singaporeans abroad is criminalized[^519].

### Child Labour Exploitation

The labour safeguards for children under the Employment Act extend to persons under the age of 16[^520]. With certain exceptions, children below the age of 15 may not be employed for labour[^521]. Other safeguards include

[^510]: Penal Code, s. 372.  
[^511]: Ibid, s. 373.  
[^512]: Ibid, s. 376B(1).  
[^513]: Ibid, s. 376B(2).  
[^514]: Ibid, s. 376E.  
[^515]: CYPA, s. 7(a). Abetting, procuring or attempting to procure the commission of the same is also an offence.  
[^516]: Ibid, s. 7(b).  
[^517]: Penal Code, s. 377D.  
[^518]: Women’s Charter, s. 143 and 145.  
[^519]: It is an offence for any person who is a citizen or permanent resident of Singapore to, while outside Singapore, have commercial sex with any person under 18, or communicate with any person for purposes of the same. The penalties had the acts been committed in Singapore apply: Penal Code, s. 376C. Further, it is an offence for any person to facilitate (by making travel arrangements or providing transport), promote, or assist a person to obtain, commercial sex with a person under 18 outside Singapore: Penal Code, s. 376D.  
[^520]: Employment Act, s. 67A  
[^521]: Employment Act, s. 68. Exception is made for children employed in businesses run solely by the family, or children aged 13 and above who are employed in light work.
restrictions on work hours and type of occupation and work. In broad terms, children covered by the said Act may not be engaged to perform risky or dangerous work.

**Child Trafficking**

The trafficking offences specifically relating to children cover those under 14 years of age. Section 12 of the CYPA criminalizes certain acts relating to the ‘transfer…of possession, custody or control’ of such children for ‘any valuable consideration’. Section 13 of the CYPA criminalizes the bringing of children into Singapore, using ‘false pretence, false representations or fraudulent or deceitful means’, whether employed within or outside Singapore. Offenders are liable for a fine not exceeding $10,000 or to imprisonment for a term not exceeding 5 years, or both.

**Cross-border Cooperation in ASEAN**

ASEAN Member States, including Singapore, have acknowledged that because trafficking often has a strong transnational element, an effective response requires both coordination and collaboration across national borders.

In this regard, Singapore has the following policies for extending or receiving law enforcement assistance to other countries in the following situations:

- Singapore can provide mutual legal assistance to any country, even if there is no bilateral treaty or other arrangement in place, if certain conditions are met. Such assistance includes taking of evidence, custody of persons in transit, search and seizure, identifying or locating persons, and service of process.
- Singapore may extradite fugitives to Commonwealth countries (including Malaysia), and to non-Commonwealth countries where treaties exist. Extradition is possible for a range of offences, including some relating to trafficking. Also, Singapore has a bilateral extradition treaty with Indonesia.
- Singapore may assist, and receive assistance from Brunei and Malaysia, in carrying out the arrests of persons and service of summons.

**c. Assessment of State Policies against Exploitation**

**Trafficking**

One significant and recurring recommendation made by NGOs is for a victim-centric and consolidated anti-trafficking law. From reports, there appear to be two main reasons supporting this.

First, Singapore’s current laws relating to trafficking and exploitation are said to be lacking in provisions for victim support. The existing framework has been described as a ‘predominantly transnational criminal justice framework,’ as opposed to a ‘human rights framework.’ The latter ostensibly refers to an emphasis on victim protection and rehabilitation.

In this regard, it has been suggested that the anti-human trafficking law be one that ‘provides for a multi-disciplinary response including witness protection, community education and rehabilitation of survivors.’

Laws providing for the grant of temporary visas to foreign victims bringing civil proceedings for compensation have

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522 Employment (Children and Young Persons) Regulations.

523 Section 12 states: ‘(1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child for any valuable consideration shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years. (2) Every person who, without lawful authority or excuse harbours or has in his possession, custody or control any child with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or outside Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 5 years or to both.

524 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 1.


528 Section 121 of the Criminal Procedure Code 2010 provides for reciprocal arrangements with Brunei and Malaysia for reciprocal arrangements with Brunei and Malaysia for the arrest of persons and service of summons.


also been recommended.532

Second, consolidation may give needed clarity and consistency. The existing laws under the Women’s Charter, Penal Code and CYP A have been described as ‘too piecemeal’.533 As shown above, there is indeed an array of various relevant provisions found in different statutes, some of which overlap with others in the situations they cover, and provide for different ranges of penalties.

Further, there has been disagreement over the scope of certain offences. Singapore’s trafficking laws have been described by one NGO as ‘comprehensive,’534 and by another as ‘highly restrictive [such as to exclude the vast majority of trafficking cases]’ and narrower in scope than the Trafficking Protocol’s definition.535 There has been disagreement over whether the laws cover situations of debt bondage and other non-physical coercion.536 Some also assert that laws do not cover situations where women and children are brought into Singapore by deception.537 In this regard, it is not clear from the plain wording of the relevant provisions that the foregoing criticisms are correct. Further, there have been trafficking convictions involving women deceived into travelling to Singapore.538

The concern of the NGOs appears to be that, in practice, authorities are overlooking cases where victims consented to travel to Singapore as a result of being deceived or coerced.539 Insofar as the matter is one of errors in the application of laws by authorities such as front-line law enforcement personnel, a consolidated definition of trafficking could prove easier to put in operation. It is laudable that the government is looking into a common definition of trafficking to ‘enhance processes in victim identification and protection.’540

A number of other recommendations raised by NGOs are relevant to the ongoing legislation review.

First, the government has been urged to ensure that all actions carried out in the process of trafficking are punished, regardless of whether or not actual exploitation occurs.541 In this regard, section 140 of the Penal Code criminalizes attempts to commit any offence punishable by imprisonment or fine.

Second, the absence of any express provision that the consent of a victim is irrelevant when the victim has given consent as a result of fraud, deception, abuse of power etc, has been highlighted as of concern.542

Third, it has been noted that laws are silent on whether victims of trafficking will be prosecuted for offences committed as part of the trafficking process.543 The government has stated that it will not prosecute such victims.544 Nevertheless, specific statutory provision for

533 Esther Ng, ‘New Plan to Tackle Human Trafficking,’ TODAY, 22 March 2012.
536 Section 140 has been interpreted by the US Department of State in its 2011 TIP report as not prohibiting non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process. The Inter-agency Task Force on Trafficking in Persons has disagreed with this interpretation, taking the position that section 140 covers a wide variety of situations, including where there is no threat of physical injury: Ministry of Foreign Affairs, ‘Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,’ 1 August 2011, para. 23. Separately, local NGO, TWC2, together with the Global Alliance Against Traffic in Women, have in their 2011 CEDAW shadow report taken the view that section 140(c)(iii) of the Women’s Charter does appear to offer an avenue for prosecuting those who trap women into sex work by using their indebtedness. The said NGOs note, however, that the provision seems little used.
537 TWC2 and the Global Alliance Against Traffic in Women, Singapore Shadow Report: 4th Periodic Review, June 2011, 16; AWARE, CEDAW Shadow Report, May 2011, para. 59-60. The argument raised in the former report is that reference in the provisions to bringing into Singapore by ‘false pretence, false representation or fraudulent or deceitful means’ refers to fraud and deception practised on the authorities, not the victim.
539 TWC2 and the Global Alliance Against Traffic in Women, Singapore Shadow Report: 4th Periodic Review, June 2011, 17-18 (‘…authorities in Singapore appear to operate on the basis that the presence of any element of consent or cooperation by individuals in their own exploitation necessarily means that they are not victims of trafficking. For the authorities, it is enough that a person did not appeal for assistance at passport control and say that s/he was going to be subjected to exploitation and be restricted under another person’s control for any subsequent claim to have been trafficked to be rejected.’); AWARE, CEDAW Shadow Report, May 2011, para. 6.3 and 6.13.
543 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 23.
544 Ibid, citing a government communication.
non-prosecution of victims would have the benefit of setting a clear and unequivocal standard.

Fourth, tougher laws and penalties have been called for. The US State Department has, in its 2011 Trafficking in Persons report, taken the view that while the penalties prescribed for sex trafficking offences in the Women's Charter are 'sufficiently stringent', they are not commensurate with other serious crimes such as rape. A 2011 ASEAN progress report stated that punishments for trafficking offences are arguably not commensurate with other trafficking offences in the region. The government favours contractual over statutory protection. All employment agencies placing FDWs must be accredited, and these accredited agencies are required to facilitate the signing of standard contracts issued by accreditation bodies. One response made to this is that FDWs do not have sufficient bargaining power in making such arrangements with their employers, especially as many would at the time for entering into their employment contracts likely be concerned with placement fees already incurred. There does not as yet appear to be any clear evidence showing whether the use of accredited employment agencies is either effective or ineffective in providing FDWs with contractual safeguards. In any case, effectiveness is ultimately dependent on whether the FDW is in a position to have contracts enforced.

Labour Exploitation of FDWs

Issues relating to FDWs are often in the spotlight, largely due to NGO efforts. NGOs have criticized the following aspects of existing laws concerning FDWs:

- the exclusion of FDWs from the Employment Act, and the absence of legal safeguards relating to notice of termination of contract, annual leave, medical leave, maternity leave and over-time pay; and
- their exclusion from the Work Injury Compensation Act. The compulsory accident medical insurance that employers must provide for domestic workers is said to be less favourable than the coverage afforded by the said Act.

Underlying the controversy is the tension between the government's concern to avoid overly limiting employers' ability to make arrangements suitable for them and their families, and NGOs' concern that the lack of regulation exposes FDWs to situations of exploitation.

3. Implementation, Monitoring and Enforcement

Singapore has not fared well on recent independent rankings of its performance in relation to combating trafficking and exploitation. Besides being placed on the US State Department's Tier 2 watchlist in 2010 and 2011, the government favours contractual over statutory protection. All employment agencies placing FDWs must be accredited, and these accredited agencies are required to facilitate the signing of standard contracts issued by accreditation bodies.

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Government policies that make the foreign worker's employment in Singapore, and change of employer, dependent on her current employer have been described above. These may compel workers to comply with orders and deter them from making complaints, thereby making them vulnerable to exploitation. The government's opposing concern is presumably that with Singapore's geographical size and dense population, these policies that tightly control the ability of FDWs to stay in Singapore are necessary to keep the population size manageable.

In terms of preventing debt bondage of FDWs, it is relevant to note the government's recent proposal to impose stiffer penalties on employers who receive 'kickbacks or bribes' from foreign workers to get employed.

3. Implementation, Monitoring and Enforcement

Singapore has not fared well on recent independent rankings of its performance in relation to combating trafficking and exploitation. Besides being placed on the US State Department's Tier 2 watchlist in 2010 and 2011,
it has also from 2009 to 2012 been categorised as a country making 'slow progress' in ECPAT International's rankings of States based on their actions to protect children from sex trafficking.

### a. Implementing and Monitoring Mechanisms

The MHA and MOM are the primary government ministries that deal with issues of exploitation and trafficking.

The SPF is under the purview of the MHA. The SPF's Specialised Crime Branch (Criminal Investigation Department) has a dedicated unit handling vice issues, including trafficking of women for commercial sexual exploitation. Investigators attached to the unit deal with human trafficking cases as and when they arise, and in addition to other investigative responsibilities. The unit has no exclusive nationwide mandate to investigate allegations of trafficking. The government has plans to set up specialised enforcement teams to combat sex and labour trafficking.

The Legal Services Division of MOM has the primary function of prosecuting offenders of the legislation within the purview of MOM, including the Employment of Foreign Workers Act, Employment Act and the Employment Agencies Act. The Labour Relations and Workplaces Division investigates claims and complaints on salary matters and other terms and conditions of employment in respect of all employees covered by the Employment Act. The Foreign Manpower Management Division of MOM enforces the work permit conditions covering FDWs as well as their employment contracts. There is inter-departmental cooperation under the Ministry to facilitate the well-being of foreign workers, including among the said Divisions.

An Inter-Agency Taskforce was set up in November 2010 to coordinate anti-trafficking initiatives and policy alignment between government agencies in Singapore, and review and identify areas for improvement in the current system. The Taskforce is chaired by MOM and MHA, and includes representatives from the SPF, ICA, MCYS, MOH, MinLaw, the MFA and the AGC.

In March 2012, after 3-month long consultations with various stakeholders such as non-government agencies, researchers, academia and foreign governments, the Taskforce launched the National Plan of Action against trafficking in persons, a roadmap for action from 2012 to 2015. The government’s efforts will focus on sex and labour trafficking.

### b. Complaints Process

**Compensation**

Victims may obtain compensation from convicted offenders at the end of the criminal proceedings. Under

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551 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.46.


553 Ministry of Foreign Affairs, ‘Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,’ 1 August 2011, para. 3.

554 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 46.


556 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 36.

557 Ibid.


561 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.46.


563 Ministry of Foreign Affairs, ‘Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,’ 1 August 2011, para. 3.

564 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 46.


section 359 of the Criminal Procedure Code 2010, the court shall after convicting the offender consider whether or not it is appropriate to make the compensation order, and if so, the court must make the order. This will not affect the victim’s right to take up civil action against the perpetrator. This mechanism makes it possible for victims to receive compensation without the usual civil litigation burdens of time and cost.

It is conceivable that victims might still wish to seek compensation outside of the section 359 route, e.g. because prosecutions were not pursued, the court declined to order compensation under section 359 due to complexities of the case, or to seek a greater amount of compensation. However, the very nature of the crimes of exploitation and trafficking committed against them would suggest that these victims are likely not in a position to pursue ordinary civil proceedings, which are potentially lengthy and costly. In particular, foreigners have limited access to government-based pro bono services. There appear to be limited, or no, effective avenues for compensation claims to be brought by trafficked victims.

**Avenues for Making Complaints**

Apart from directly lodging complaints with the police, victims may seek assistance from foreign embassies, Family Service Centres, or other civil society organizations, and receive assistance in having their cases referred to the police. The National Family Violence Networking System, described above, also addresses cases involving victims of exploitation and trafficking. Foreign victims may also make complaints to immigration officers at immigration checkpoints in Singapore, while they are in transit during their return to their home country.

The government is exploring setting up a Trafficking in Persons hotline, for trafficked persons to obtain assistance or report offences.

**Sexual Exploitation Cases**

A non-comprehensive picture of how victims arrive at the aforementioned places of assistance, e.g. foreign embassies and civil society organisations, is provided by the 2010 ECPAT International research report. Victim were ‘rescued’ or assisted by NGO outreach workers or similar personnel from civil society organisations, or found their way / were presented to a civil society organisation or foreign embassy after their ‘contracts’ were completed, escaping independently, or being picked up during and released after a police raid.

The report notes ‘none of the participants reported exiting through the active cooperation and/or intervention of the police or immigration authorities.’

**Labour Cases**

For labour cases, MOM has complaints channels in place. For FDWs in particular, there is a toll-free helpline manned by MOM officers; feedback forms in prepaid envelopes are distributed to all FDWs at a compulsory course attended when they first arrive; random interviews are conducted by MOM with FDWs working for the first time in Singapore during their initial months; and home visits are conducted by MOM officers.

Avenues would be redundant if victims are unaware of them. MOM has procedures for making foreign workers aware of available avenues for help. An advisory booklet, 571

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568 The services of the Legal Aid Bureau are only available to Singapore Citizens and Singapore Permanent Residents: Legal Aid Bureau, http://app2.lab.gov.sg/.


570 Ministry of Foreign Affairs, ‘Singapore Inter-Agency Taskforce’s Detailed Response to the 2011 US State Department’s Trafficking In Persons Report,’ 1 August 2011, para. 7.


572 ECPAT International Research Report, *Commercial Sexual Exploitation and Trafficking of Children and Young People in Singapore*, 2010, 58. The report acknowledges a bias in these results, as all victim participants were met through NGOs or foreign embassies.

573 Ibid.


575 Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011)*, para. 84.
available in English and 9 native languages of foreign workers, is, according to the government, circulated to all foreign workers. It sets out their rights and obligations while working here, and provides useful telephone numbers which foreign workers can call in the event of an emergency, such as numbers for medical help, one-stop social service, the Samaritans of Singapore, the Labour Relations and Welfare Department, the Work Permit Department of MOM as well as various embassy helpdesk lines.  

Further, all foreign workers entering Singapore on a work permit (for lower-skilled or unskilled labour) are issued letters prior to their departure for employment that provide information on their expected occupation and basic monthly salary as declared by their employers. These letters also inform workers of the employment-related expenses that should be borne by their employers and cannot be passed on to the worker.

All newly-arrived FDWs must attend a compulsory half-day safety awareness course before they are issued their work permits, during which they are advised on their employment rights and the avenues to seek help if they encounter employment problems.  

Social networks and MOM appear to be the main resources for foreign workers to access avenues for recourse. In a 2007/2008 research study, 219 foreign workers temporarily residing at a shelter run by HOME were asked how they learnt of the NGO or its shelters. In the case of 47% of the respondents, it was through a friend or relative working in Singapore, and for 32%, it was through MOM. A small number learnt of the shelters through articles published on the newspapers or in the magazines (5%), the police (4%), the embassy (4%) or locals (2%). Forty-three per cent (43%) came to the shelter on their own initiative, and 25% were referred to by MOM. Besides the NGO, 42% sought advice from their friends or relatives, and 28% also sought advice from MOM on the problems they encountered.

Foreign sex workers, they will not be immediately deported if investigations are pursued. Where investigations do not reveal evidence of trafficking, they may then be prosecuted where found to have committed offences. Where investigations lead to prosecutions, those who become prosecution witnesses are allowed to remain in Singapore. During this time, they are placed by authorities in shelter homes and given food and medical attention. Upon completion of the criminal proceedings, they are returned to their home country via arrangements made by the police with the relevant embassy.

As the above does not apply unless the survivor is called as a prosecution witness, it has been recommended that any temporary visa granted for the duration of the prosecutions be expanded to cover civil proceedings brought by these survivors. While there are ostensibly concerns that sham claims will be brought so that persons can delay their return, the fact that the government reportedly grants temporary visas to foreign workers pending determination of their labour compensation claims, where legitimate, shows that addressing these concerns in relation to sex workers may be feasible.

Foreign workers not in the sex industry and who came into Singapore on a work permit are in a better position. For them, the process described above generally applies. In addition, these foreign workers, including FDWs, are allowed during the proceedings to work on the Temporary Jobs Scheme. For FDWs in such situations,

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576 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.34.
578 Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.36.
581 Ibid.
583 Ministry of Information, Communication and the Arts, ‘Singapore’s Detailed Response to the Allegations in the 2010 US State Department’s Trafficking in Persons Report,’ press release, 30 June 2010, para. 10; Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consider-
the requirement for their employers' consent to change employers is waived. These workers are at the end of the criminal proceedings given the option to convert their temporary employment to permanent status. According to the government, many convert to regular work permits after their cases are completed.

These foreign workers pursuing civil claims against their employers are also allowed to stay in Singapore until their claims are settled. According to HOME, however, this applies to workers with salary or work injury compensation claims, but not to claims against agents for fees paid to them.

**Arrangements During Criminal Proceedings**

Some of the applicable protections available to women and girls during criminal proceedings for exploitation and trafficking have been outlined above. Further, women and girls who are prosecution witnesses in prosecutions for Women's Charter offences relating to exploitation and trafficking may be detained by authorities in places of safety pending the determination of the proceedings.

**Barriers to Access**

**Sexual Exploitation and Sex Trafficking**

The following are reported barriers faced by sex exploitation and trafficking victims.

First, foreigners involved in the sex trade are reportedly treated as potential or actual offenders, which would deter victims from approaching authorities or raising complaints. According to NGOs, women and children caught in brothel and vice raids are treated as immigration offenders and promptly deported. The 2010 US Trafficking in Persons Report cites as an example how nearly all of the 7,614 women and children detained in anti-vice sweeps in 2009 were deported after arrest. Also, 89 minors were arrested by the police in 2009 for prostitution offences. The act of arrest could, in the view of these minors, imply criminality and deter them from coming forward, still it is not known how these minors were in fact treated upon arrest. One media report cites a case where 2 trafficked Chinese nationals who ran away and approached the police for help were instead detained before apparently being released on bail.

Second, and related to the above, there have been allegations by NGOs that investigations by front-line enforcement officers into the existence of sex exploitation and trafficking often overlook cases of trafficking. Where cases of trafficking go unrecognized, foreign victims will be deported and have little chance of claiming redress.

Third, it seems possible that victims in the sex trade, who may not wish to approach authorities, are not always made aware of other avenues for recourse available to them. In one case study in ECPAT’s CSEC Report, a victim who was picked up during a police raid was released on a monthly pass but, despite asking the police, was not told of places where she could go, such as her embassy.

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584 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), 19.

585 Ibid.


587 Radha Basu, 'Holding area is a room in the office: Close tabs kept on workers in case they try to run off,' Straits Times, 31 January 2009, (According to MOM rules, all injured workers may stay in Singapore until their claims are settled.)

588 HOME and TWC2, Justice Delayed, Justice Denied, 26.

589 Table 13 - List of Protection Measures against Re-traumatization during Investigative and Court Procedures, 64.

589 Women’s Charter, s. 155.

590 Delphia Lim

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593 Ibid; Ministry of Information, Communication and the Arts, 'Singapore’s Detailed Response to the Allegations in the 2010 US State Department’s Trafficking in Persons Report', press release, 30 June 2010, para. 14 (none of the minors were below the age of 14).


596 Ibid.
Fourth, victims of trafficking reportedly do not wish to file official complaints due to the lack of adequate social, legal, and other support made available from authorities. For instance, it has been noted that victims are deterred from making complaints to the authorities by the prospect of having to stay for between 6 months to a year in Singapore while investigations are ongoing, but being unable to seek employment.598

Labour Exploitation and Trafficking

Foreign workers may be deterred from making complaints because their ability to remain in Singapore and earn wages is to large extent within the control of their employer. In addition, employers have, as described above, used repatriation companies to ensure that their foreign workers are unable to pursue complaints and redress, such as for non-payments of salary and conditions of forced labour.

Protection and Rehabilitation of Victims

Promises have been made, as part of the National Action Plan against Trafficking, that the management of trafficking victims will be enhanced, particularly for prosecution witnesses, and this will be in the form of clearer victim identification procedures and enhanced victim-care services.600

Discovering / Identifying Victims

Where victims of trafficking go unrecognized, they are deported and unable to avail themselves of protection and rehabilitation assistance; some may instead be prosecuted for offences committed as part of the trafficking process.

Trenchant criticisms have been levelled against victim identification procedures in law enforcement. According to the 2011 US TIP report, 'the government showed minimal progress in identifying and protecting trafficking victims, despite ample financial resources. It stated that 'law enforcement authorities continued to [wait] for victims to come forward and file complaints before investigating trafficking offenses.'

According to ECPAT’s CSEC Report, in most of the victim participants’ cases, there was no active cooperation and/or intervention by the police or immigration authorities in their exit process. This was despite the fact that police and immigration authorities had been deployed at the areas where the trafficked victims worked, and in fact had harrassed or questioned them. The report also observed that authorities did not work in cooperation with NGOs and embassies to investigate venues where there could be trafficked persons. These findings suggest that authorities are not making active efforts to search for and identify victims of trafficking.

Instead, according to the same research, law enforcers continue to raid, punish, detain and deport trafficked victims, leaving them highly vulnerable to further trauma and abuse.

It is therefore unsurprising that evidence points to victims being trafficked or exploited again: there are victims who have re-entered Singapore's commercial sex sector after deportation, or ended up in prostitution in their home countries.

Non-Prosecution of Victims of Trafficking

Laws are silent on whether victims of trafficking will be prosecuted for offences committed as part of the trafficking process. According to the government, if a foreign victim were to report that she had been trafficked, she would not

598 AWARE, CEDAW Shadow Report, May 2011, para. 6.43.
604 Ibid.
605 Ibid.
606 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 23.
be treated as an offender by the authorities.\textsuperscript{507} MOM has in March 2012 acknowledged in relation to trafficking that 'few will step forward if they fear being prosecuted for offences they may have been coerced into committing.'\textsuperscript{508} Given this policy, it is proper victim identification that is pivotal to ensuring that victims are not prosecuted as offenders.

Return of Victims of Trafficking

For victims who express their desire to return home, Singapore facilitates their return and works closely with their home countries. For victims who are children, the Child Protection Service in MCYS will work with the relevant agencies in consultation with the Embassy, a Child Protection Service in MCYS will work with the relevant agencies in consultation with the Embassy, a suitable NGO or the international social service to ensure that the child is returned to a safe care environment and support services are available to the child and his/her family.\textsuperscript{609}

It has been reported however that the government did not provide victims of sex or labour trafficking with legal alternatives to removal to countries where they may face hardship or retribution.\textsuperscript{610}

State-Funded Shelters for Victims of Exploitation

Due to the government's 'Many Helping Hands' policy, there are no state-run shelters. The government instead funds, monitors and works closely with the VWO-run shelters; these are part of the National Family Violence Networking System.\textsuperscript{611} There are 3 selected Family Service Centres that have crisis shelters and are able to provide victims with temporary accommodation, protection, practical assistance programmes and emotional support.\textsuperscript{612}

Family Service Centres follow the protocols on case management and referrals to legal, medical and psychological services for victims of violence and abuse.\textsuperscript{613} Cases involving children that are referred to MCYS are reviewed by the Child Abuse Protection Team.\textsuperscript{614} The system and protocols have been described above. In addition, a protocol exists to manage the cases of victims of trafficking for sexual exploitation; this is stipulated in the Integrated Management of Family Violence Cases Manual, which is shared by all key agencies.\textsuperscript{615}

The state-funded shelters for trafficking victims are the same as those for victims of family violence. There are no trafficking-specific shelters yet, state-funded or otherwise.\textsuperscript{616} In 2010, 7 trafficked victims were assisted by state-funded shelters for medical services.\textsuperscript{517} In 2009, 8 Thai and Vietnamese children who were potential victims of trafficking were reportedly referred to these shelters.\textsuperscript{618} The Inter-agency Taskforce against Trafficking in Persons 'has committed to review the adequacy of current shelter facilities and will make the necessary recommendations by next year.'\textsuperscript{619}

\begin{thebibliography}{99}
\bibitem{507} Ibid, 23, citing a government communication.
\bibitem{609} Committee on the Elimination of Discrimination Against Women, \textit{Responses to the list of issues and questions with regard to the consideration of the fourth periodic report} (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), 12.
\bibitem{615} Ibid, 32 and 33.
\bibitem{616} Local NGO HOME has announced plans to open an Anti-Human Trafficking Centre: Imelda Saad, 'HOME to set up anti-human trafficking centre in S’pore,' \textit{Channel NewsAsia}, 27 November 2011, http://www.channelnewsasia.com/stories/singaporelocalnews/view/1167812/1/.
\bibitem{617} Ministry of Foreign Affairs, 'Detailed Response from the Singapore Inter-agency Taskforce to the 2011 US TIP Report,' 1 August 2011, para. 20.
\end{thebibliography}
Victims may approach these shelters on their own, or may be detained there by the authorities. Under the Women’s Charter, women and girls who are victims of exploitation, including trafficking, may be detained by authorities in places of safety.620 They may not leave such places without authorisation.621 They may also, on their own application, be received into places of safety if they satisfy authorities that they are in urgent need of refuge.622 These powers are used only in exceptional circumstances. During the period of detention, the victim is provided with medical, psychological and counselling services,623 although this is not statutorily provided for.

Authorities may, under the CYPA, intervene to protect children under 16 who are victims or suspected victims of exploitation, including trafficking, and place them in places of temporary care and protection.624

According to the 2011 US TIP report, trafficking victims residing in these government-funded shelters have their movements restricted while assisting authorities with investigation and prosecution.625 The government has clarified that these residents have the freedom to enter and leave shelters, and are required to provide contact details and sign in/out when they do so. This does not apply where the individual faces physical threats or there are serious concerns with witness tampering.626

620 Sections 155, 156, 159 and 160 of the Women’s Charter. The aforementioned places of safety and temporary care and protection are welfare centres and temporary residential shelters run by voluntary welfare organizations (VWOs), including Family Service Centres.

621 Section 169 of the Women’s Charter. A decision to detain can be subject to an appeal and an independent review. A discharge committee appointed by the Minister reviews all the cases of all women and girls detained after six months, and may recommend discharge or release on licence. If the woman or girl breaches her licence, she is brought back before the Director and may be detained for a further period: Sections 155, 161, 163 and 179 of the Women’s Charter.

622 Women’s Charter, s. 163.

623 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 22.

624 CYPA, s. 9.

625 United States Department of State, Trafficking in Persons Report 2011 – Singapore, accessed 8 May 2012, http://www.state.gov/j/tip/rls/tiprpt/2010/142761.htm. See also ECPAT International Research Report, Commercial Sexual Exploitation and Trafficking of Children and Young People in Singapore, 2010, 63 (lack of a screening system to identify victims and specific training); TWCl and the Global Alliance Against Traffic in Women, Singapore Shadow Report: 4th Periodic Review, June 2011, 18 (‘…the authorities in Singapore appear to operate on the basis that the presence of any element of consent or cooperation by individuals in their own exploitation necessarily means that they are not victims of trafficking. For the authorities, it is enough that a person did not appeal for assistance at passport control and say that s/he was going to be subjected to exploitation and be restricted under another person’s control for any subsequent claim to have been trafficked (sic) to be rejected.’ The basis for this assertion was not stated; it is not known if it arises from any specific cases the NGO was privy to.)


628 Ibid.


d. Prevention Strategy

According to the National Plan of Action against Trafficking, the government’s prevention strategy will include running structured training programmes for government officers, embarking on public education initiatives and conducting research studies.627

Investigations and Prosecutions in Respect of Trafficking

The government will be setting up specialised enforcement teams to combat sex and labour trafficking.628

As things stand, however, the Singapore law enforcement authorities face vigorous allegations that they lack the willingness and ability to identify potential sex trafficking victims, mount thorough investigations and prosecute cases.629 The large numbers of foreign sex workers arrested and deported each year, including minors, and the small numbers of identified victims and trafficking prosecutions and convictions, have been cited as evidence of this.630 The findings of ECPAT’s CSEC Report, canvassed above, also appear to support these allegations, e.g. the absence of involvement of the authorities in enabling the victim...
participants to exit their situations of exploitation, despite
having had direct contact at police stations or in the areas
they worked.

In one ECPAT case study, a Filipina recruiter was jailed
for 3 months in Singapore for offences relating to the
deployment of a minor in prostitution, but upon returning
to the Philippines was sentenced to life imprisonment
under Philippines’ anti-trafficking law for her involvement
in a child sex trafficking syndicate.631 Without further
information, this is equivocal as to whether there was a
lack of thoroughness in investigations and/or questionable
prosecutorial discretion, because the disparate outcomes
may have equally been the result of difficulties obtaining
evidence, especially if most of the evidence was in
the Philippines. It does nevertheless warrant further
attention being paid to the conduct of investigations and
prosecutions.632

Some Recent Capacity-Building Measures by the Government

- Development of a ‘TIP Card’ by the police, which contains the key elements of trafficking as defined under international law, and lists twelve indicators to assist front-line officers in assessing whether a particular case meets the elements of trafficking in persons; it also includes the contact details of officers in the Specialised Crime Branch, which investigates all cases of sexual exploitation related to trafficking633
- Compiling a new handbook for law enforcement officers, drawing on best practices shared by international partners634
- Training for law enforcers,635 including in ‘specialised
interview techniques636

Cross-Border Collaboration

Informal cooperation between police in Singapore, the
Criminal Investigation Division Anti-trafficking Unit in
Indonesia and police in Malaysia has been fostered. There
have been some successes, including the uncovering of a
child trafficking ring operating across Indonesia, Malaysia
and Singapore.637

Anti-Commercial Sex Raids

Anti-commercial sex operations are conducted by the
government to enforce laws against sexual exploitation,
and reduce demand for commercial sexual services.

Table 27 - Number of Anti-commercial Sex Operations in
Singapore from 2008 to 2010

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of anti-commercial sex operations</td>
<td>About 1,400</td>
<td>About 2,600</td>
<td>3,608</td>
</tr>
</tbody>
</table>

The US State Department has nevertheless asserted that
the Singapore government has not been making efforts to
reduce the demand in Singapore’s commercial sex industry,
likely because of the low numbers of prosecutions and
convictions brought for sexual exploitation and trafficking
offences.641

632 Ibid.
633 ASEAN, Progress Report on Criminal Justice Responses to Trafficking in the ASEAN Region, July 2011, 60.
636 Ibid.
640 Ibid.
Regulation of Employment of Foreign Manpower

The Foreign Manpower Management Division maintains the standards of employment agencies through accreditation and a demerit points system, and oversees and enforces the Employment Agencies Act.\textsuperscript{642}

Singapore authorities carry out regular inspections and audits to ensure that employers comply with their statutory obligations. In 2009, 2,252 foreign worker-related inspections were conducted by the authorities. FDWs working in Singapore for the first time are also randomly selected for interviews especially within the first six months of their stay in Singapore.\textsuperscript{643}

However, the obligations of employers and employment agencies are said to be not strictly enforced. According to one NGO, despite statutory prohibitions on the withholding of identity documents of foreign workers, 9 out of 10 FDWs who seek assistance from the NGO do not have identification documents.\textsuperscript{644} Also, high placement fees continue to be charged by employment agencies, despite a statutory cap on such fees.\textsuperscript{645}

Education and Public Awareness

Trafficking

The government has cited the publicizing of its tough enforcement measures against immigration offenders, e.g. in parliamentary debates and the media, as a means of raising awareness of trafficking in persons and deterring would-be human smugglers and traffickers.\textsuperscript{646} Viewing a trafficking issue through the lens of immigration enforcement, instead of viewing it for what it is – a trafficking issue – is questionable.

Commercial Sexual Exploitation of Children

Government measures to raise awareness about the different types of commercial sexual exploitation of children include:

- Participating in the ChildWise Regional Education Campaign against Child Sex Tourism (Singapore is a member of the ChildWise Regional Taskforce)\textsuperscript{647}
- Sexuality education in schools and training of teachers on, among others, legal issues relating to sexual crime as well as trends, particularly those relating to Internet Relay Chat and the telephone chat line.\textsuperscript{648} Sexuality education has proved to be an effective strategy in preventing prostitution-related practices such as ‘compensated dating,’ which has become quite common among Singaporean children.\textsuperscript{649}

Labour Exploitation

As described above, the government has adopted certain procedures to be followed on arrival of foreign workers with work permits in Singapore, to ensure they are apprised of their rights and avenues for recourse. In addition, MOM has trained NGO workers on local labour law to assist them in answering calls to 24-hour hotlines.\textsuperscript{650} However, the absence of efforts by the State-linked labour union, the National Trade Unions Congress, to organize women migrant workers has been highlighted.\textsuperscript{651}

\textsuperscript{642} Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), para. 11.46.


\textsuperscript{644} AWARE, CEDAW Shadow Report, May 2011, 106.

\textsuperscript{645} Ibid.

\textsuperscript{646} Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), 13.

\textsuperscript{647} Ibid., Committee on the Rights of the Child, Replies of Singapore to the list of issues (CRC/C/SGP/2-3) concerning additional and updated information related to its second and third periodic reports (CRC/C/SGP/Q/2-3/Add.1, 12 January 2011), para. 118 to 119.

\textsuperscript{648} Singapore’s Second and Third Periodic Report to the United Nations Committee on the Rights of the Child, (CRC/C/SGP/2-3, 6 January 2009), paras. 326 and 486.


\textsuperscript{651} HOME, Shadow Report to 9th Session. 2011 CEDAW, 2011, para. 22.
4. Role of Non-State Actors

a. Assistance to Victims

Non-State-funded shelters

HOME runs a shelter for women. Residents are usually victims of abuse and exploitation. Programs are organized for their rehabilitation and recovery. HOME has also announced plans to set up an Anti-Human Trafficking Centre in 2012, which is envisaged to have services like a toll-free emergency hotline, that allows trafficked victims to speak to persons who can speak their languages, and a consultant who is an expert on international laws, human right laws, and trafficking laws, to help in the training and the building of capacity of stakeholders.

Certain embassies, including the Philippines and Indonesian embassies, operate shelters for their nationals, primarily for female domestic workers and women engaged in prostitution.

Outreach

NGOs apparently do not have the necessary expertise in conducting outreach or rescue work for sex trafficking victims specifically. While victim participants in ECPAT’s CSEC Report reported being rescued or assisted by local NGOs providing direct health services to sex workers, none of these organisations have an awareness about trafficking, nor is it an explicit component of their agenda or mandate. Further, these organisations conduct outreach in specific locales only (primarily Geylang).

Other Services

A number of NGOs provide free legal services, such as legal consultations and conciliation services, to foreign workers, supported by panels of pro bono lawyers. NGOs also operate helplines that foreign women can turn to.

b. Prevention Programs

There have been a few public campaigns against human trafficking. These include UN Women's Sound Out Against Trafficking campaign, and a campaign Traffick Lights initiated by a youth group at a local university. HOME and TWC2, have also engaged in some publicity efforts via their websites and forums on human trafficking. These organizations also publicize cases of exploitation of foreign workers.

Vigorous advocacy efforts and lobbying for law and policy reform in relation to trafficking and exploitation have been made by NGOs, such as SCWO, AWARE, HOME and TWC2, for instance, through CEDAW shadow reports. In April 2012, NGOs issued a joint civil society statement urging the Interagency Taskforce on Trafficking in Persons to prioritise accession to the Trafficking Protocol and to ‘fasttrack the enactment into Singapore law of the definition of trafficking set out in Article 3 of the Palermo Protocol.’ The NGOs also asked the Taskforce to utilise civil society's range of expertise and skills, including in research, awareness-raising, training and the provision of direct services to trafficked and potentially trafficked persons.

Research efforts are limited. The most notable research report is ECPAT’s CSEC Report, which engaged in field research to provide empirical evidence of the prevalence and profile of sex trafficking in Singapore. No other such


field research appears to have been undertaken.\(^{661}\) Surveys and research conducted by HOME and TWC2 on issues affecting FDWs and other migrant workers provide some evidence relevant to trafficking and exploitation, but do not address these issues directly. HOME has notably announced plans to conduct research interviews with migrant workers in the shelter it runs to identify trafficking victims.\(^{662}\)

c. Monitoring and Cooperation

Singapore has, at the time of the publication of this report, only just launched a targeted response to human trafficking. Independent monitoring of the policies and practices implemented under this targeted strategy will be needed.

Cooperation between NGOs and the authorities on issues relating to trafficking and exploitation was previously lacking. Collaboration and cooperation between NGOs conducting outreach in respect of prostitution and law enforcement authorities to investigate venues where there could be trafficked persons was reportedly limited, as was cooperative exchange of information about potential trafficking issues with NGOs and foreign diplomatic missions.\(^{663}\) Cooperation in the provision of protection and rehabilitation exists largely in the form of the Family Violence Networking System which victims of trafficking and exploitation may access.

Consultations held by the Inter-agency Taskforce against Trafficking with stakeholders such as NGOs, academia, researchers and foreign governments in formulating the National Plan of Action against trafficking may signal improvements in cooperation and collaboration to come.

5. Progress Indicators and Challenges

The increase in reported and acknowledged official cases of trafficking and exploitation signals a greater openness of the government to acknowledge and address the problem.

The setting up of the Inter-agency Taskforce against Trafficking in Persons and launch of the National Action Plan against Trafficking in Persons are all recent, laudable developments. It remains to be seen how effective these measures are.

Capacity-building and research to encourage greater understanding of the problem are crucial. The capacity of both government and non-state actors to deal with issues of trafficking can be improved, as acknowledged by local NGOs who are seeking consultants. Field research on trafficking in Singapore is also fledgling.

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662 Speech by Bridget Tan, founder and president of HOME, at a forum by ONE (Singapore), ‘Child Prostitution, Human Trafficking and Poverty,’ 18 January 2012.

E. ABUSE AND DISCRIMINATION IN MIGRATION

As at December 2009, there were 856,000 migrant workers engaged in low-skilled or semi-skilled manual jobs, 196,000 migrant women worked as live-in domestic workers. As in 2011, there were 206,000 FDWs in Singapore. Live-in FDWs come mainly from Indonesia, the Philippines and Sri Lanka; smaller numbers come from India, Myanmar, Bangladesh, Thailand, Nepal and Pakistan.

As most of the literature on issues affecting foreign female workers in Singapore pertains to FDWs, this section will focus solely on them.

1. Description of the Problem

a. Prevalence of Abuse and Discrimination in Migration

Abuse

<table>
<thead>
<tr>
<th>Year</th>
<th>Official numbers</th>
<th>Unofficial numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>• 5 prosecuted for endangering the lives of FDWs in 2009 and 2010&lt;sup&gt;667&lt;/sup&gt;</td>
<td>• 685 injury cases for migrant workers&lt;sup&gt;668&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>• 60 cases of abuse of FDWs&lt;sup&gt;671&lt;/sup&gt;</td>
<td>• 676 Employment Act contraventions for migrant workers&lt;sup&gt;669&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>• 32 jailed for abuse of FDWs from 2001 to 2009&lt;sup&gt;672&lt;/sup&gt;</td>
<td>• 1,388 migrant domestic workers who suffered violations provided shelter&lt;sup&gt;670&lt;/sup&gt;</td>
</tr>
<tr>
<td>2008</td>
<td>• 53 cases of abuse of FDWs&lt;sup&gt;673&lt;/sup&gt;</td>
<td>• 80,000 to 100,000 migrant workers were not given proper accommodation&lt;sup&gt;674&lt;/sup&gt;</td>
</tr>
<tr>
<td>2007</td>
<td>• 68 cases of abuse of FDWs&lt;sup&gt;675&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>• 42 cases of abuse of FDWs&lt;sup&gt;676&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>• 59 cases of abuse of FDWs&lt;sup&gt;677&lt;/sup&gt;</td>
<td>• 147 FDWs died from workplace accidents or suicides from 1999 to 2005&lt;sup&gt;678&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

664 HOME and TWC2, Justice Delayed, Justice Denied, 3, citing Francis Chan, 'Foreign worker levy to increase over 3 years', Straits Times, 23 February 2010.
665 Amanda Tan, 'Weekly day off for maids a must from next year', Straits Times, 6 March 2012, Page A1
667 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 81.
668 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para. 30.
669 Ibid.
667 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 83.
672 Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), para. 81.
674 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para. 46, referring to Melissa Sim, 'Temporary housing still needed', Straits Times, 18 September 2008.
677 Ibid.
Abuse is reportedly encountered by FDWs even before they arrive in Singapore, at training centres in their home countries.\textsuperscript{679} In a 2007/2008 survey conducted on FDWs temporarily residing at a HOME shelter, 17% of the respondents alleged various forms of maltreatment and problems in their agencies or training centers in their own countries.\textsuperscript{680}

In Singapore, numerous media reports and victim testimonies collated by NGOs have detailed the abuse of FDWs by both employers and employment agencies.\textsuperscript{681} Abuses range from physical and sexual abuse and harassment, to psychological and verbal abuse and threats, including in the form of isolation, inadequate provision of food and accommodation and absence of safety measures.\textsuperscript{682} For instance, FDWs have been sexually harassed and violated by employers or other members in the household, often in the absence of others.\textsuperscript{683} ‘They have been denied food or given leftovers because of employers’ neglect or the mistakes the FDWs made at work,’\textsuperscript{684} and restricted from religious fasting or praying.\textsuperscript{685} Some are deprived of privacy, due to poor accommodation arrangements and surveillance.\textsuperscript{686} FDWs have also been confined and had their movements and communication avenues restricted.\textsuperscript{687}

The 2007/2008 survey referred to above found that among the 219 respondents, 56% alleged to have been subjected to verbal abuse and 18% experienced neglect by employers such as not being given enough food or medicine, or any rest after a long day of work. Among the 20% of respondents who alleged to have been physically abused, there were accounts of extreme physical abuse such as having been hit with an object or spat on, forced to walk a long distance, splashed with cold water, pushed off the stairs, as well as cases of sexual abuse.\textsuperscript{688} There is a bias in the percentages as many FDWs were in the shelter as a result of abuse by their employers or employment agencies.

Employment agencies are, according to reports, often culprits or complicit in abuses, conducting strip-searches, making threats and inflicting physical abuse, confiscating and withholding passports and other travel documents, and refusing to remove women from abusive employment situations.\textsuperscript{689} In the 2007/2008 survey, 23% of respondents experienced verbal abuse by employment agents, and there were cases of physical and sexual abuse by the agents as well.\textsuperscript{690}

### State Policies and Practices Reported to be Discriminatory

The following are state policies and practices that have been heavily criticized by NGOs advocating for FDWs’ rights. The statutory restrictions under the Employment of Foreign Manpower (Work Passes) Regulations are said to be in themselves human rights violations.\textsuperscript{691}

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\textsuperscript{679} Human Rights Watch, ‘Maid to Order,’ http://www.hrw.org/node/11507/section/3.

\textsuperscript{680} Problems were for example, home country’s agents and Singapore agents differed in their explanations of working conditions. Kayoko Ueno, ‘Research survey report on shelter residents 2007 to 2008.’


\textsuperscript{682} Solidarity for Migrant Workers, Submission to Universal Periodic Review, para. 30.


\textsuperscript{684} Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para 47.

\textsuperscript{685} Ibid, para 26.

\textsuperscript{686} Ibid, para 15.

\textsuperscript{687} Human Rights Watch, ‘Maid to Order,’ http://www.hrw.org/node/11507/section/6; Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011.

\textsuperscript{688} Problems were for example, home country’s agents and Singapore agents differed in their explanations of working conditions. Kayoko Ueno, ‘Research survey report on shelter residents 2007 to 2008.’


\textsuperscript{690} Kayoko Ueno, ‘Research survey report on shelter residents 2007 to 2008.’

Prohibition on becoming pregnant or delivering any child in Singapore during and after the validity period of work permit

Restrictions on marriage affect both men and women, but it is usually female migrant workers who find themselves in situations where they wish to marry Singaporean men.

Economic status is reportedly often a deciding factor which means in practice, many of these workers, who are generally lowly paid, see their marriage applications rejected.

Mandatory initial and 6-monthly medical examinations. Positive diagnosis for infectious diseases, namely tuberculosis, malaria, syphilis and/or HIV, will lead to repatriation.

These laws are said to provide better protection than those currently available to FDWs under the Employment of Foreign Manpower Act and its regulations, which are said to be inadequate.

Table 29 - Criticisms on State Policies and Practices by NGOs advocating for FDWs’ Rights

<table>
<thead>
<tr>
<th>State Policy / Practice</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition on becoming pregnant or delivering any child in Singapore during and after the validity period of work permit</td>
<td>Pregnancy of an FDW is consequently a legitimate reason for termination of her employment and deportation. At least 100 FDWs are reportedly sent home every year due to pregnancy.</td>
</tr>
<tr>
<td>Prohibition on marrying a Singapore citizen or permanent resident (whether or not the marriage takes place in Singapore), during and after the validity period of work permit, without prior approval</td>
<td>Restrictions on marriage affect both men and women, but it is usually female migrant workers who find themselves in situations where they wish to marry Singaporean men. Economic status is reportedly often a deciding factor which means in practice, many of these workers, who are generally lowly paid, see their marriage applications rejected.</td>
</tr>
<tr>
<td>Mandatory initial and 6-monthly medical examinations. Positive diagnosis for infectious diseases, namely tuberculosis, malaria, syphilis and/or HIV, will lead to repatriation. Employers who wish to know the results of the medical examination may obtain a copy of the completed report directly from the examining doctor</td>
<td>These laws are said to provide better protection than those currently available to FDWs under the Employment of Foreign Manpower Act and its regulations, which are said to be inadequate.</td>
</tr>
<tr>
<td>Exclusion of FDWs from the Employment Act and the Work Injury Compensation Act</td>
<td></td>
</tr>
</tbody>
</table>

b. Root Causes of Abuse and Discrimination in Migration and Aggravating Practices

Attitudes Towards FDWs

Abuse against FDWs reportedly arises from perceptions that abusive behaviour towards FDWs is acceptable, and these are a result of regarding FDWs as the ‘subservient other’ in the home, and the ‘inferior other’ in the public sphere. Causes of this perception of FDWs as inferior have been attributed to ‘the ideologies of patriarchy and Confucianism, the hierarchical social structure, class and race prejudice, and corporate culture.’ Discrimination on the basis of religion, ethnicity and race has also been noted. FDWs have been described as ‘socially and economically invisible.’

The use of the term ‘maid’ reportedly encourages derogatory
stereotypes of FDWs. FDWs are apparently represented by the media as ‘loose’, sexually predatory and at the same time primarily interested in boyfriends for the money they spend on them.⁷⁰³ A condition in FDWs’ work permit conditions states that a foreign worker ‘shall not indulge or be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore.’ This has been said to reflect prevailing discriminatory attitudes towards FDWs.⁷⁰⁴

The acceptability of imposing harsh conditions on FDWs may be related to the accepted view that ‘tough working conditions are a part of normal and unquestioned characteristic of live-in domestic work.’⁷⁰⁵

Employers’ Obligations

Certain obligations imposed on employers appear to be prompting employers to engage in wrongful conduct towards FDWs. For instance:

• Employers are reluctant to give FDWs days off, and restrict their movements by among other things confiscating their passports, because of a fear that FDWs will get pregnant, or engage in conduct in breach of their work permit, resulting in employers losing their security bond;⁷⁰⁶ and
• Employers are unwilling to let FDWs receive medical attention, and are impatient to get hospitalized employees out of hospital, because they are obliged to insure FDWs for medical and hospitalisation costs.

However, these reasons do not mean that the obligations on employers are problematic. Such situations may stem from employers’ pre-existing attitudes towards FDWs.

Nature of Domestic Work

FDWs’ work permits require them to reside at their employers’ residences. The unique nature of work in a domestic setting includes the encroachment on both parties’ personal spaces and other stresses. This renders the live-in FDW-employer relationship vulnerable to conflict.⁷⁰⁷ In addition, law enforcement against abuses of FDWs is thought ‘difficult to enforce due to the nature of their work.’⁷⁰⁸ This is one of the government’s stated reasons for excluding FDWs from the scope of the Employment Act.

Rationale for Reportedly Discriminatory State Policies

The statutory restrictions imposed on FDWs are presumably justified by the government’s strict stance on immigration, i.e. these policies that tightly control the ability of FDWs to stay in Singapore are necessary to keep the population size manageable.⁷⁰⁹

In particular, Singapore has adopted a migration policy which welcomes the skilled while rotating the low-skilled in and out of the country.⁷¹⁰ Singapore is said to regard foreign domestic workers as a transient workforce who can be repatriated during periods of economic slowdown.⁷¹¹

c. Impact of Abuse and Discrimination in Migration

State Policies and Practices Reported to be Discriminatory

⁷⁰⁴ Ibid, 15.
⁷⁰⁹ Committee on the Elimination of Discrimination Against Women, Responses to the list of issues and questions with regard to the consideration of the fourth periodic report (CEDAW/C/SGP/Q/4/Add.1, 18 May 2011), 24.
2. De Jure State Responses

a. Bases of State Responsibility

Singapore does not appear to be bound by any instruments pertaining specifically to migrant workers. It has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, or the ILO Convention No. 189 on Decent Work for Domestic Workers and its supplementary recommendation. Singapore has also been urged to ratify ILO Convention No. 111 (concerning Discrimination in Respect of Employment and Occupation).

Singapore is a signatory to the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Alongside nine other ASEAN heads-of-state, Singapore declared its commitment as a migrant-receiving state to protect the fundamental human rights of migrant workers, and to promote ‘fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers’. Singapore has also committed to cooperate to ‘resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented’. The Declaration does not oblige Singapore to facilitate the regularisation of the situation of migrant workers who are undocumented, or change its labour laws.

Table 30 - List of State Policies and Practices Reported to be Discriminatory

<table>
<thead>
<tr>
<th>State Policy / Practice</th>
<th>Impact</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition on becoming pregnant or delivering any child in Singapore during and after the validity period of work permit</td>
<td>Unsafe and illegal abortions</td>
<td>For fear of being deported if found to be pregnant, FDWs have been reported to self-administer unsafe abortions or to undergo illegal ones, leading to serious injury.</td>
</tr>
<tr>
<td>Prohibition on marrying a Singapore citizen or permanent resident (whether or not the marriage takes place in Singapore), during and after the validity period of work permit, without prior approval</td>
<td>Separation of FDWs from children</td>
<td>Such situations may arise when an FDW bears a child with a Singaporean man, and the child is a Singapore citizen by birth or descent. Rejection of the marriage application would result in the FDW having to leave Singapore for breaching her work permit, and the child remaining in Singapore with the Singaporean father due to the benefits s/he can receive as a Singapore citizen here. This was noted with concern by the 2011 CRC Committee.</td>
</tr>
<tr>
<td>Mandatory initial and 6-monthly medical examinations. Positive diagnosis for infectious diseases, namely tuberculosis, malaria, syphilis and/or HIV, will lead to repatriation.</td>
<td>Unwillingness to undergo medical examinations. Vulnerability to traffickers.</td>
<td></td>
</tr>
</tbody>
</table>

712 Employment of Foreign Manpower (Work Passes) Regulations. Condition 9, Part IV (Conditions to be complied with by foreign employee), First Schedule.

713 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, ANNEX J.

714 Employment of Foreign Manpower (Work Passes) Regulations. Condition 8, Part IV (Conditions to be complied with by foreign employee), First Schedule.

715 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, Annex I.

716 The CRC Committee has noted that the application of the EFMA results in the separation of some children from their parents and has urged the Government to review its immigration legislation (in particular the Immigration Act and the EFMA), with a view to avoid the separation of children from their parents: Committee on the Rights of the Child, Concluding Observations: Singapore (CRC/C/SGP/CO/2-3, 2 May 2011), paras 44-45.


Plans for an ASEAN socio-cultural blueprint to be established by 2015 would involve strategic action plans on issues including progress for migrant rights.720

b. National Policies Against Abuse and Discrimination in Migration

The offences against violence under the Women’s Charter (save for family violence) and the Penal Code described above apply to FDWs. Significantly, enhanced penalties apply when an employer of a ‘domestic maid’, or a member of the employer’s household, commits certain Penal Code offences against the maid, such as causing hurt or grievous hurt, wrongful confinement, assault or use of force, and an act intending to insult the modesty of a domestic maid. A ‘domestic maid’ is specifically defined as female, and is a house servant who resides in her employer’s private dwelling-house. Penalties are enhanced by one and a half times the amount of punishment to which the perpetrator would otherwise have been liable for that offence.721

The safeguards in the Employment of Foreign Manpower Act, its regulations and the Employment Agencies Act are set out above under ‘Exploitation,’ as are the regulatory measures taken by the government, such as accreditation of employment agencies.

c. Assessment of State Policies

Assessments made of State policies relating to FDWs are canvassed above under ‘Exploitation.’ In particular, the government has denied that the exclusion of FDWs from the Employment Act is ‘gender biased.’ However, it is said that all FDWs in Singapore are women,722 hence the exclusion has a disproportionate impact on women.

The following recommendations have been made by NGOs:723

• Repeal the reportedly discriminatory restrictions and immigration policies set out above
• Repeal the requirement for FDWs to stay at their employers’ residences
• Provide for the entitlement of FDWs to marry in Singapore without the permission of authorities
• Remove the work permit condition which forbid FDWs from engaging in ‘immoral and undesirable activities’724
• Ensure that FDWs have the same rights and protection on health and safety that are extended to all workers in Singapore
• Enact regulations to ensure FDWs are not restricted from exercising the freedoms of religion and association
• Facilitate the organization of associations for FDWs

Cross-border Collaboration

Exploitative placement fees may be to considerable extent a problem in the FDW’s country of origin. Singapore does not appear to have any formal bilateral or regional cooperation agreements or arrangements with the common sending countries of FDWs.

It was thus recommended that Singapore pursue ‘bilateral and multilateral tracks in seeking to streamline procedures for placement of workers, reduce costs and relieve workers of most of the current placement costs725 and to also ‘actively pursue negotiations for multilateral agreements with major labour sending States to Singapore; agree upon limits to recruitment fees and standards covering employment to prevent contract substitution and exploitative practices.726

3. Implementation, Monitoring and Enforcement

a. Implementing and Monitoring Mechanisms

There are no implementing mechanisms specifically for FDWs or migrant workers. The need for the Office for Women’s Development to take into account foreign female workers in its development and action plans, and the

721 Penal Code, s. 73.
724 Solidarity for Migrant Workers, A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para. 37.
formulation of a human rights action plan to address and monitor the rights of migrant women and women domestic workers has been raised.\textsuperscript{727}

\textbf{b. Complaints Process}

The concerns described above relating to complaints mechanisms for victims of labour exploitation and trafficking apply to FDWs who are victims of abuse.\textsuperscript{728} Complaints regarding discriminatory State policies would be made through the judicial review process. However, the prohibition against discrimination in the Constitution refers only to Singapore citizens.

\textbf{c. Protection and Rehabilitation}

The various protection and rehabilitation measures available to victims of labour exploitation and trafficking, described above, apply to FDWs who are victims of abuse.\textsuperscript{729}

\textbf{d. Prevention Strategy}

The prevention measures taken in relation to labour exploitation and trafficking, described above, apply to prevent abuse of FDWs.\textsuperscript{730}

\textit{Public Education and Awareness}

In addition to the efforts to educate FDWs and apprise them of their rights, as described above, the Ministry of Manpower has also engaged in employer education. It has produced an information kit for employers, on their responsibilities and statutory obligations, a guide on cultural norms and customs of the main source countries for FDWs, and an electronic newsletter. Employers are also required to attend an Orientation Programme, where they are advised on cultivating a good working relationship with the FDWs.\textsuperscript{731} Employers who change FDWs 5 or more times in a 1 year period may be required to attend an interview by the authorities. Applications from employers who persist in changing FDWs frequently without satisfactory reasons may be rejected.\textsuperscript{732}

However, actions to eliminate prejudices and all other practices which are based on the idea of the inferiority or the superiority or on stereotyped roles for FDWs are noted to be absent.\textsuperscript{733}

\textbf{4. Role of Non-State Actors}

\textbf{a. Assistance to Victims}

There appear to be a large number of social service providers in Singapore for FDWs who suffer abuse. These run the gamut from general assistance for migrants, self-help, free meals for incomeless migrant workers, health, housing, employment, financial services, training, legal, religious, counselling, social and cultural activities.\textsuperscript{734}

Some of the most vocal groups that are involved in providing a wide range of assistance specific to migrant workers include HOME and TWC2. Both run helpdesks and provide legal aid services to migrant workers.\textsuperscript{735} HOME provides shelter for displaced migrant workers. TWC2 runs the Cuff Road Food Programme\textsuperscript{736} which provides free meals, and the Care Fund\textsuperscript{737} which extends monetary help for essential medical and surgical treatment, among other needs, where there is no other help available.

\textbf{b. Prevention Programs}

NGOs have organised ad hoc public campaigns, including the high-profile ‘Day Off’ Campaign organised by UN Women, TWC2 and HOME to encourage employers to voluntarily give FDWs a weekly day off. UN Women is one of the few non-local NGOs operating in Singapore, and has paid particular attention to migrant workers and trafficking in persons and partnered local NGOs in support of campaigns and projects for the rights of FDWs.\textsuperscript{738}

\begin{thebibliography}{99}
\bibitem{727} Ibid, 3.
\bibitem{728} See Section D.3.b, ‘Complaints Process,’ 102.
\bibitem{729} See Section D.3.c, ‘Protection and Rehabilitation of Victims,’ 107.
\bibitem{731} Singapore’s Fourth Periodic Report (CEDAW/C/SGP/4, 3 April 2009), 53.
\bibitem{732} Ibid.
\bibitem{733} HOME, Shadow Report to 49th Session. 2011 CEDAW, 2011, para. 18.
\bibitem{734} ‘Migrant Workers,’ Concern.sg, www.concern.sg/Migrant_Workers.
\bibitem{735} HOME and TWC2, Justice Delayed, Justice Denied, 2010, 36.
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Active advocacy efforts, and commendable research efforts, have been made by NGOs. For example, TCW2, HOME and AWARE have conducted surveys and collated victim testimonies on issues affecting FDWs and other migrant workers, to support their advocacy work. All three have been active in lobbying the government, through debates in the media and their shadow reports to CEDAW. HOME participated in the CEDAW process alongside government representatives, including in briefings and dialogue sessions with the CEDAW Committee.739 Human Rights Watch has also engaged in research and advocacy efforts for FDWs in Singapore and engaged directly with the government in doing so.740

Training workshops and courses are also run for FDWs, including health and rights education, and finances and management training.741

c. Monitoring and Cooperation

Local NGOs have partnered with each other, and international NGOs in research, advocacy and lobbying efforts, such as releasing research reports, joint public campaigns, and issuing joint submissions to CEDAW and the UPR.

With regard to cooperation with the government however, the absence of consultations by the government with NGOs on FDW issues has been highlighted.742

Cooperation in relation to training programmes and assistance for FDWs is however notable, such as provision by the government of training on legal issues to FDW hotline workers at a local NGO,743 and collaboration with local NGOs to develop a skills training programme for FDWs.744

5. Progress Indicators and Challenges

The government’s recent policy change to give FDWs a mandatory weekly day off perhaps signals greater openness to take more active steps to regulate the employment of FDWs. Consultations with NGOs on FDW issues are however not being regularly undertaken.

Whether the government’s response to abuse of FDWs, such as its employer and employee education efforts, and the system of regulation of employment agencies, is effective, and areas for improvement, have not been studied. This research gap impedes evidence-based approaches to policy development.

744 AWARE, CEDAW Shadow Report, May 2011, para. 11.54.
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