

## **Media release**

# **AWARE calls for central body to handle maintenance claims**

## **Group's feedback on proposed changes to Women's Charter includes renaming it 'Family Charter' and extending pre-marriage counselling to foreign brides**

**27 October 2010** – AWARE, Singapore's leading gender equality advocacy group, welcomes the proposed amendments to the Women's Charter but calls for a slew of adjustments and additions to strengthen the legislation and ensure greater compliance with its provisions.

The **key recommendation** is that a central body be set up to administer maintenance payments and facilitate the collection of outstanding payments, with powers to access information from government databases.

Adding its voice to other calls that have been made for such an agency, AWARE said in its submission to the Ministry of Community Development, Youth and Sports (MCYS): "The proposed enhancements do not address one of the greatest weaknesses of the present system, namely, the onerous burden on the under-resourced claimant to go to Court repeatedly to enforce defaults in maintenance payments."

The many trips to the Court "wear down the claimant and cause her to give up a right enshrined in the Women's Charter and granted by Court. The claimant, often a single mum struggling to maintain her job and take care of her children, cannot afford to keep taking time off work. The current changes do not take away this problem."

AWARE said it was making its recommendations on the strength of:

- its many years of helping women via a crisis helpline, counselling service and legal clinic
- the professional experience of several family lawyers amongst its active volunteers
- its monitoring of trends in gender and family matters.

### **Call it 'Family Charter' instead**

A second strong recommendation is that the Women's Charter be renamed 'Family Charter' as its provisions cover "every conceivable aspect of marital and family law - registration and dissolution of marriages, division of matrimonial assets, maintenance provisions and the welfare of children. Thus, the Family Charter is a more accurate name for this important piece of legislation."

The name "Women's Charter" gives the impression that this is a statute that protects women against men and that men have less rights than women in Singapore.

"This misconception," AWARE said, "may contribute towards the acrimony in a divorce as the husband, feeling that the system is against him (because it is governed by the Women's Charter), retaliates against his wife and children by not paying maintenance."

### **Pre-marriage counselling for foreign brides**

Another call by AWARE is for the proposed mandatory marriage preparatory course for certain groups, such as minors, to be extended to couples where one party is a foreign citizen who does not speak English. The primary target here is an intended marriage between a Singaporean male and a

less educated foreign bride from the region, often brokered by a third party matchmaking agency and entered into very quickly.

In such cases there can be significant cultural and language differences between the spouses and this can lead to problems. A foreign wife who is in Singapore on a social visit pass is especially vulnerable when the marriage sours because she is completely dependent on her Singaporean husband.

AWARE's helpline has handled many cases of foreign wives forced to leave their children in Singapore when their Singaporean husband decided, unilaterally, that the marriage was over and refused to renew his spouse's social visit pass. His wife is thus forced to leave Singapore, leaving the children of such marriages suddenly without a mother.

Requiring such couples to attend a marriage preparatory course would help ensure that foreign spouses-to-be are clear about their immigration status, while also helping both parties better understand each other's expectations in marriage.

**Other recommendations made by AWARE include:**

**Enforcement of maintenance**

- a) Require divorcees planning to remarry to declare any maintenance order on them, and not just if they are in arrears on such an order, so prospective spouses are aware of this financial obligation
- b) Provide for late interest on maintenance arrears to encourage prompt payments
- c) With habitual defaulters, allow access to the defaulter's CPF to pay for the arrears in child maintenance payments
- d) Allow, in appropriate cases and where it is just and equitable, for maintenance for husbands, such as when he is sick or incapacitated

**Divorce Time Frames**

With the trend being for people to marry later, the time bar for the filing of divorce writs should be shortened. This is so that when a first marriage does not work out, the couple can end the marriage more quickly and thus each be able to try and find another partner and start a family before they get too old.

AWARE has therefore called for the time bar for seeking divorce to be reduced from three to two years, with similar reductions in the time frames for desertion and separation situations.

AWARE President Nicole Tan said the recommendations had been drawn up after much thought and deliberation, with much input from both the counselling staff and the family lawyers among the organisation's members, and she hoped the authorities would give due consideration to all the points.

"The Women's Charter was a progressive document when it was first enacted," she said. "Fifty years have passed and it is timely to update this important legislation to take into account emerging social trends such as the increase of trans-border marriages and the increased median age of marriage for both women and men."

Copies of AWARE's submission to MCYS can be downloaded from the AWARE website at [http://www.aware.org.sg/wp-content/uploads/WomensCharter\\_Submissions\\_final2\\_.pdf](http://www.aware.org.sg/wp-content/uploads/WomensCharter_Submissions_final2_.pdf)