

ARTICLES 1-4

DEFINITION OF DISCRIMINATION, LAW, POLICY AND MEASURES TO IMPLEMENT THE COVENTION

Article 1: For the purposes of the present Convention the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2: State Parties condemn discrimination against women in all forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake various steps.

Article 3: State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4: Adoption by State Parties of temporary special measures aimed at achieving the objectives of equality of opportunity and treatment.

AREAS OF CONCERN

- 1.1 Singapore’s Fourth Periodic Report states that the Constitution of Singapore enshrines the principle of equality as provided for in Article 12¹. However Article 12(2) of the Constitution² states only that there is no discrimination regardless of “race, language or religion”. There is no specific provision to prevent discrimination on the basis of “gender” or “marital status”. The State’s reasons for this are dealt with in greater depth in Articles 2 and 16.
- 1.2 Given these omissions, AWARE takes issue with the State’s assertion that the Singapore Constitution “enshrines” the principle of equality of all persons before the law. Furthermore AWARE argues that the State is obliged to ensure that no group is discriminated against. Article 1 of the CEDAW Convention recognizes that any action which has the effect of discrimination on the basis of sex, (even if unintended), constitutes an act of discrimination. In Articles 2, 6, 11 and 12 AWARE will explain how women are indirectly discriminated against through the framing of policies. For example, many of the policies are still framed in the concept of seeing “men as heads of

¹ See Appendix 1-4.1. Constitution of Singapore Section 12(1)(2).

² Ibid.

household”³.

- 1.3 In its Concluding Comments⁴, the CEDAW Committee expressed its concerns about the limitations expressed in Article 12(2) of the Singapore Constitution, on the provisions of Article 12(1) which guarantees equality of all persons.
- 1.4 This curtailment of the principle of equality through the Constitution was also referred to in the Universal Periodic Review submitted to the Human Rights Council. The Universal Periodic Review outlined how the provisions under Article 14(1) (a) allowed for greater civil liberties but Article 14(1)(b) gave Parliament the authority to impose restrictions on those liberties⁵. These restrictions on Article 12(1) or 14(1) mean that women and men enjoy limited civil liberties and that there are groups that are left out such as lesbians, foreign wives, foreign domestic workers and single unwed mothers.

Contradictory/ Discriminatory Practices

- 1.5 Single unwed mothers continue to find themselves facing discriminatory policies with regards to housing and other social benefits. Their status as “unmarried” mothers, limits their access to opportunities afforded to married women. This point was discussed in detail in Article 11 of the 2007 Shadow report. The same point on non-universal access to benefits for single unwed mothers is made in this report in Article 11 para 11.65. Many of the women in this group have actually made choices to keep the child rather than abort, an option that is readily and legally available. But because of the narrow definition on family structures, they are not seen as part of a “family” set-up and thus cannot access the same family-oriented schemes such as subsidies or full maternity benefits that married mothers receive. The State’s rationale is that treating “unwed mothers” the same as married mothers, would encourage more babies to be born out of wedlock. The State notes that unwed mothers have been helped on a case-by-case basis.
- 1.6 The principle of equality is not applied to foreign women who marry Singapore men with low incomes, educational levels and skills. The foreign wives of these men face a tougher time in becoming citizens. The discrimination they face will be dealt with in greater detail in Articles 6, 11 and 19. In its 2007 Concluding Comments the CEDAW Committee were concerned about the welfare of this group and asked the State “to develop a system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage, rather than considering citizenship applications case by case”⁶.
- 1.7 Based on accounts on the ground and from other groups that provide services to foreign wives, AWARE believes these women continue to face many struggles – coping with

³ See Appendix 5.2. As said by Boon Yoon Chiang, Member of the National Family Council. MCYS press release, October 2008.

⁴ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp 2. para 13.

⁵ COSINGO (Coalition of Singapore NGOs) Report submitted to Human Rights Council by local human rights NGO, MARUAH. www.maruah.org

⁶ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp.5 para 25-26.

raising a family on smaller incomes or being the main caregiver for the children and elderly parents. There is still no transparency on the immigration and citizenship processes. This is a discriminatory practice against women and their Singapore husbands from lower-income backgrounds. The women struggle to access training programmes, language courses, visas and work, and if the marriage goes wrong, they become entangled in protracted custody cases. (See also Article 6 para 6.27).

- 1.8 Singapore men are required to complete two years of compulsory National Service. They are compensated for this time out of their careers, by being placed in the workforce on higher salary scales than women at entry point. AWARE advocates for new definitions of national service, to include community service and emergency services and for the inclusion of women in National Service. AWARE recognises the challenges involved in overhauling national service which, for example, may mean that the period for National Service is shortened to one year, and resources are allocated to different security risks such as infectious diseases, terrorist acts, or natural disasters. (See also Article 11 para 11.35 where this is discussed). Continuing to exclude women from participating in National Service, reinforces stereotypes of men and women, and excludes women from important career and social networks.
- 1.9 The Employment Act, though improved since 2007⁷, still excludes “managerial staff, seamen, foreign domestic workers, those in the civil service and those in statutory boards”⁸. Though the monthly salary threshold has been raised to include more workers, it has not gone far enough to be truly inclusive or to protect the rights of employees equally, especially women. Those who are excluded from the protections of the Employment Act depend on institutions such as the Tripartite Alliance for Fair Employment Practices (TAFEP) (see Article 11 para 11.43) to help them or they can pay high fees for legal expertise. Their ability to access either option is dependent on the background and status of the woman. Disputes and conflicts between workers and employers are negotiated with the help of unions. However processes are not transparent and it is not known if discriminatory practices occur on the grounds of gender, marital status, ethnicity, educational background or income. The CEDAW Committee has asked the State to look into matters of gender-based wage differentials and ensure that there are gender-neutral policy provisions⁹. It has also called on the State to evaluate TAFEP’s guidelines for their actual impact on the ground. AWARE notes that there has been no apparent effort to address these issues in Singapore’s Fourth Periodic Report.

Reservations

- 1.10 The State’s rationale for its blanket reservations on Articles 2, 11 and 16 are discussed in greater detail under each Article in this report with counter-suggestions on why

⁷ See Appendix 1-4.2. Changes to the Employment Act.

⁸ <http://www.mom.gov.sg/Documents/employment-practices/changes-to-the-ea.pdf..> accessed 16 March 2011.

⁹ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp.6 para 30.

reservations on specific clauses should be fully withdrawn¹⁰. But driven by the local circumstances AWARE is of the view that for 2011 it is very possible and feasible to ask for partial reservations on Articles 2, 16 and 11

- 1.11 AWARE's position on Article 11 is that the State ought to improve safety at the workplace¹¹ for all workers regardless of gender. It thus recommends that blanket reservations be removed. The Employment Act needs to be amended to include those in executive positions and foreign domestic workers.
- 1.12 On Articles 2 and 16 AWARE appreciates the concern to retain reservations on some sub-articles so that practices as provided under Syariah Law can be administered for Muslims. However there has been very little progress towards establishing a timeframe to review the removal of blanket reservations on both of these Articles. The State obligations to CEDAW are clearly spelt out. AWARE recognises that the State takes its international obligations seriously and contends that a dialogue and subsequent action on withdrawal of the blanket reservation, will show the good faith and commitment of the State towards implementing laws and policies that eliminate discrimination against all women in Singapore.
- 1.13 Singapore has no anti-discrimination law. The State's response to individual cases of discrimination has been to rely on the guidelines and mediation processes of groups such as TAFEP.

National Machinery for Women

- 1.14 Singapore's Fourth Periodic Report identified the national institutions to promote women's advancement as the Women's Desk, set up in 2002 within the Ministry of Community Development Youth and Sports (MCYS), the Inter-Ministerial Committee (IMC) on CEDAW and the national body of the Singapore Council of Women's Organisations (SCWO)¹². AWARE applauds the efforts of the Women's Desk in ensuring that more sex-disaggregated data is available on the MCYS website. However it remains concerned that such data is not available across all Ministries. Data is required to achieve compliance with Article 3 – "full development and advancement of women in all fields of political, social, economic, cultural fields". It should be visible and shared with other policy-makers. AWARE recommends that gender sensitisation training be conducted for members of the IMC who may serve on the committee in rotation or on a short term

¹⁰ <http://www2.ohchr.org/english/bodies/treaty/glossary.htm> ...accessed 16 March 2011.

Modifications to reservations: An existing reservation may be modified so as to result in a partial withdrawal or to create new exemptions from, or modifications of, the legal effects of certain provisions of a treaty. A modification of the latter kind has the nature of a new reservation.

¹¹ http://www.bayefsky.com/pdf/austria_t2_cedaw.pdf ...accessed 16 March 2011- Austria entered partial reservations with regards to Article 11 as it prohibits women from working in underground mines as a way of protecting them.

¹² Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008, pp. 17.

basis.

- 1.15 The CEDAW Committee praised the State for setting up of an IMC on CEDAW to coordinate policies within different ministries. However, it expressed concerns about the lack of resources and capacity of the Women’s Desk “to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices”¹³. AWARE also notes that there has been little effort by the IMC to address the “reservations” issue through multi-stakeholder dialogues.
- 1.16 The Women’s Desk is located within the Family Policy Unit of MCYS. The State refers to the MCYS as “the lead agency for women matters”¹⁴ yet the Women’s desk continues to operate with only 4.5 personnel¹⁵, although this is an improvement from the 2.5 staff in 2006. The State argues that MCYS employs a multi-stakeholder approach of Many Helping Hands to address women’s issues within different departments. While AWARE recognises the cross-cutting nature of women’s issues and welcomes the close coordination the State suggests, it is concerned that the lack of a proper institutional framework charged with developing gender equality results in a lack of clear policy and poor implementation.
- 1.17 The 2010 budget for MCYS makes no mention of the Women’s Desk or specific projects under it. Out of a total operating expenditure budget of SGD 1.83 billion, SGD 790.96 million (43.3%)¹⁶ is assigned to the Family Development Programme which “covers activities pertaining to marriage, parenthood, family and women”¹⁷. The key performance indicators of the programme however reveal that this budget is not directly concerned by activities to improve gender equality. Rather the “desired outcomes” are: “a positive attitude about marriage, parenthood and family” and “more families and stronger families”¹⁸.
- 1.18 AWARE is disappointed by the continuing marginalization of women’s issues, not least

¹³ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp.3.

¹⁴ MCYS website, section on ‘Celebrating Women’
<http://app1.mcys.gov.sg/IssuesTopics/WomenCelebratingWomen.aspx>... accessed 22 February 2011.

¹⁵ http://app.sgdi.gov.sg/listing_print.asp?agency_subtype=dept&agency_id=0000014674... accessed 22 February 2011.

¹⁶ In 2011 the Operational Expenditure of the Ministry is \$ 1. 78 b, of which \$858.71 million (48.3 %) goes to the Family Development Programme.

¹⁷ Singapore Budget 2011, estimated expenditure
http://www.singaporebudget.gov.sg/budget_2011/revenue_expenditure/toc.html... accessed 22 February 2011.

¹⁸ Singapore Budget 2011, estimated expenditure
http://www.singaporebudget.gov.sg/budget_2011/revenue_expenditure/toc.html ...accessed 22 February 2011.

since the CEDAW Committee made a clear call for the State to “elevate the status of the national machinery for the advancement of women, to strengthen its mandate and provide the necessary human and financial resources so that it has the capacity to develop gender equality policies and monitor their implementation, as well as act as catalyst for the effective use of the gender mainstreaming strategy across all ministries”¹⁹.

- 1.19 The Women’s Desk continues to function as the focal point on gender policy matters and for any international cooperation pertaining to women²⁰. AWARE is appreciative of the informal dialogues that the Minister of State, Madam Yu-Foo Yee Shoon has undertaken to keep abreast with the NGOs that work on women’s issues. Women NGOs have found the Ministry to be open, its staff highly motivated and friendly and its Minister of State and Minister are keen to find solutions. AWARE would like to persuade the well-meaning staff and motivated Ministers to keep the people sector involved as much as possible of its work at the Women’s Desk. The Ministry has also begun to financially support programmes that bring about greater understanding between genders including getting men involved in discussions on gender equality.
- 1.20 Nevertheless AWARE has to say that the Women’s Desk is too oriented towards national umbrella bodies such as SCWO and the People’s Association’s Women’s Wing. While these organisations are important, regular dialogue between government and NGOs is crucial to understanding varying perspectives on issues. As an umbrella organisation of 53 women’s groups with various interests and faiths-based interests, the SCWO will be hard pushed to represent all diverse views. The Women’s Desk would benefit from more direct dialogue with more women’s groups, individually too.

Treaty Incorporation

- 1.21 Singapore takes its treaties very seriously and has made some changes such as including sex-disaggregated data on some issues and making them available on its website on key matters. It has also amended the Women’s Charter and amended policies to help women receive maintenance from recalcitrant ex-spouses.
- 1.22 It has also taken its ASEAN obligations seriously and appointed Dr Aline Wong to the ASEAN Commission for the Promotion and Protection of Rights of Women and Children. It has ratified a key International Labour Organisation (ILO) Convention - Convention 100 on Equal Remuneration for Equal Work to demonstrate its commitment to equal pay for equal work. The Ministry of Manpower (MOM), the National Trades Union Congress (NTUC) and the Singapore National Employers Federation, issued a Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value on 6th November 2002 which paved the way for an “equal remuneration

¹⁹ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp.4 para18.

²⁰ E-mail from Ministry of Community Development, Youth and Sports to AWARE; dated 11th May 2007. This happened after a Closed Door Dialogue session with the Ministry when AWARE asked the Ministry about the visibility and role of the Inter-Ministry Committee on CEDAW.

clause” to be incorporated into the collective agreements and the government has also equalized medical benefits for both male and female civil servants. However support for local education on International Obligations or changes in legislation do not seem to have materialised. In this aspect there is no clear known mechanism on dealing with transmission of treaty obligations to local laws or handling CEDAW’s State Obligations impinge or impact local policies, programmes. It is also not clear how consultations which such confluences (between CEDAW and local situations) occur, take place to find resolutions. It needs to be said that The States is also clear that Treaties and Conventions do not automatically become part of the laws of Singapore and that an aggrieved party cannot “invoke the provisions of the Convention in the law courts in Singapore”. AWARE is concerned over these limitations with regard to State Obligations²¹ .

Optional Protocol to the CEDAW Convention

1.23 Singapore has neither signed nor ratified the Optional Protocol²² to the CEDAW Convention stating that it believes in a partnership/consultative model to fulfil its human rights obligations, as opposed to the more robust external accountability of individual and inter-state complaints, provisions under the Optional Protocol. AWARE disagrees with this approach, however in the absence of the State’s signing or ratifying the Protocol, it becomes crucial that there are robust institutions and legislation to protect women at a national level so that women are not forced to rely on mere guidelines for employers or, institute “best practice” models. The Equal Opportunities Commission in Hong Kong works towards eliminating discrimination and promoting equal opportunity. It is also responsible for implementing anti-discrimination ordinances such as the Sex Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance²³. Singapore has no similar institution or gender protections.

Temporary Special Measures

1.24 Temporary special measures are important tools that can be used by the State to level the playing fields in sectors that need concerted attention. The CEDAW Committee has clarified that these measures are those that accelerate the achievement of gender equality

²¹ Singapore Government's Fourth Periodic Report to UN CEDAW Committee 2008; pg 25; para F5.

²² <http://www.un.org/womenwatch/daw/cedaw/protocol/> ...accessed 16 March 2011. The Protocol contains two procedures: (1) A communications procedure allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee. The Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including those domestic remedies must have been exhausted. (2) The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women’s rights. In either case, States must be party to the Convention and the Protocol. The Protocol includes an ‘opt-out clause’, allowing States upon ratification or accession to declare that they do not accept the inquiry procedure. Article 17 of the Protocol explicitly provides that no reservations may be entered to its terms.

²³ <http://www.eoc.org.hk/eoc/GraphicsFolder/showcontent.aspx?content=Welcome%20Message> ...accessed 16 March 2011.

and are not general social policies that support women's rights²⁴. To this end, the State has reviewed the limited success of the Women's Register and re-formulated its structure and approach to include better identifying women leaders. For a country that has many well-educated women there are still too few who have entered politics. The IMC could aid the Women's Registry to initiate political-sensitisation training programmes for women.

- 1.25 With the rising number of foreign women marrying Singapore men and foreign women working in Singapore, we recommend the IMC set up a task-force to review policies or lack thereof, towards foreign wives and women working here.

RECOMMENDATIONS

Equality Provision under the Constitution

- 1.27 The Constitution should be amended to include no discrimination on the basis of "sex" or "marital status".

(a) Article 12(2) and Article 16(1)²⁵ of Singapore's Constitution should be amended by inserting the word 'sex' and 'marital status' before the word 'descent' in Article 12(2) and after the word 'race' in Article 16(1). The constitutional changes that AWARE is advocating would read as follows:

- Article 12(2): Equal protection
Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the grounds only of religion, race, sex, marital status, 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 establishing or carrying on of any trade, business, profession, vocation or employment.
- Article 16(1): Rights in respect of education
Without prejudice to the generality of Article 12, there shall be no discrimination against any citizens of Singapore on the grounds only of religion, race, sex, marital status, descent or place of birth.
- Article 2: To remove blanket reservations and institute partial reservations to Article 2(f).

Discriminatory laws

- 1.28 There should be review of legislation to assess contradictions and amend laws where necessary.

²⁴ CEDAW Committee General Recommendations No 25 on Temporary Special Measures.

²⁵ See Appendix 1-4.3. Constitution of Singapore Sections 12(2) and 16(1).

- 1.29 There is a need to enact an Anti-Discrimination law based on gender, age and race such as age -, race- , disability-, sex-discriminations acts.

National Machinery for Women

- 1.30 If the Women's Desk is to fulfil its role as the lead agency for women's matters in Singapore, it should be located outside the Family Development Unit. Women's issues affect all women, not just those who are married, and while the State continues to emphasize the importance of marriage and families, recent statistics show that the marriage rate for females is going down²⁶. The State should re-examine its policies for single women and set up an institution tasked with development and implementation of appropriate policies for all women, single or married.
- 1.31 It is important that the IMC becomes more visible and engage more often with more women's groups over policies that affect women.
- 1.32 The Women's Desk should be expanded to become a department and re-named as a Gender Equality Division to reflect the seriousness of its intent. There should a visible focal point for coordination within each Ministry.
- 1.33 There should be gender-sensitization programmes across all Ministries.
- 1.34 The Budget should be presented in a manner that provides for a gender breakdown.
- 1.35 There should be a gender-disaggregated data available to the public on all policies.

Optional Protocol

- 1.36 The State should sign and ratify the Optional Protocol.

Temporary Special Measures

- 1.37 There are many "new" women in Singapore today – foreign domestic workers, foreign wives married to lower-income Singapore men, women in the entertainment industry, women who work in the service and healthcare industries, working expatriate women. It is important to form a Task Force to review the approach Singapore has taken to these women and put in measures that are not discriminatory and protect their well-being.
- 1.38 For a highly-educated female population, Singapore still has a disproportionately low number of women leaders in political or boardroom roles. Setting up a quota scheme to increase numbers over the next decade would improve this balance as has happened in Rwanda.

²⁶ Latest available figures from Singapore's Statistics office are for 2010. www.singstat.gov.sg... accessed 22 February 2011.