

## ARTICLE 6

### TRAFFICKING AND EXPLOITATION OF WOMEN

*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

- 6.1 AWARE recognises and commends the efforts made by the Government of Singapore to suppress the trafficking of women and children especially through the adoption of the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children in 2004 and the ASEAN Charter. Singapore has become more engaged on this issue, despite its robust rebuttal to the Human Rights Watch report and the United States Trafficking in Persons report. Singapore has amended the Evidence Act and Criminal Procedure Code 2010 in January 2011 to enhance the police's ability to identify, investigate and secure evidence to prosecute human traffickers. AWARE believes that more should be done to suppress trafficking. There is still evidence that Singapore remains both a destination and transit point in the global trafficking chain for sexual exploitation. Singapore citizens have also been reported to be clients for sex tourism with women and minors outside of Singapore.
- 6.2 Since 1996, Singapore has specific provisions on the trafficking of women and girls as part of its Women's Charter<sup>1</sup>. The Singapore Police Force (SPF) has a dedicated unit, the Anti-Vice Squad, responsible for sex crimes, including the trafficking of women for sexual exploitation. The issue of trafficking started to gain prominence in the country after the US State Department published its Trafficking in Persons (TIP) report in 2004 which stated that there were more than 100 cases per year of girls and women trafficked into Singapore for the purpose of sexual exploitation<sup>2</sup>.
- 6.3 The TIP report<sup>3</sup> released in 2010 classified Singapore as a Tier 2 Watch List country, a classification the Singapore government rejected, stating that the US report's assessment is unjustified<sup>4</sup>. While criteria used by TIP in its tiered classification of countries may be debated, what has come to light in the wake of this report and the government's response to it is differing conceptual understanding and thus definitions on trafficking. AWARE notes the reluctance by Singapore to recognise that deception and coercion can take place while securing consent and thus what appears to be initial consent may not rule out trafficking.
- 6.4 According to the 2010 TIP report, the place of Singapore on the Tier 2 Watch List is a result of there being no increased quantifiable measures against traffickers and efforts to

---

<sup>1</sup> See Appendix 6.1 Women's Charter Section 141 and Section 142.

<sup>2</sup> <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>...accessed 10 March 2011.

<sup>3</sup> <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>...accessed 10 March 2011.

<sup>4</sup> 'Singapore rebuts allegations of human trafficking', *AsiaOne*, 3 July 2010.

identify victims of trafficking. According to the report, there were no convictions or prosecutions for labour trafficking during the reporting period even though cases of forced labour were recorded<sup>5</sup>. The report noted the treatment of sex trafficking victims as immigration offenders, citing a case in which 85 children were arrested in 2009 for prostitution offences and not regarded as victims. The report suggests that the current law enforcement measures and avenues of aid available for victims may be insufficient to curb the incidence of human trafficking.

### **Age of Consent Revised**

6.5 In the 2007 CEDAW Shadow Report, AWARE highlighted that the minimum “age of consent” was inconsistent in the “Children and Young Persons Act”, the “Women’s Charter” and the “Penal Code”. AWARE commends the Government of Singapore for changing the Penal Code (under Section 376A)<sup>6</sup> to raise the minimum age of consent to 16 years. AWARE supports the strong signal sent by the government that it will not tolerate the sexual exploitation of minors. However, AWARE notes that more can be done to ensure that illegality extends beyond sex work, to encompass all forms of trafficking.

### **Sex Tourism**

6.6 AWARE congratulates the Singapore Government for amending the Penal Code (under Section 376C)<sup>7</sup> that punishes Singaporean citizens and Permanent Residents who engage in commercial sex with a person under the age of 18 outside of Singapore. The legislation has also been amended to punish those who organise or promote child sex tours.

6.7 To increase the effectiveness of this legislation, AWARE recommends the Singapore Government engages with all the stakeholders in the tourism industry including airline companies, cruise companies, hotels and tour agencies to combat the problem of sex tourism, develops operating principles for the industry and begin a targeted public education programme on the consequences of child sex tourism with the help of non-governmental organisations (NGOs).

### **International Treaties**

6.8 Singapore ratified the United Nations Convention Against Transnational Organised Crime (UNTOC)<sup>8</sup> in August 2007. It has since come into force and UNTOC has identified trafficking in persons as a priority area too. Singapore’s Former Police Commissioner, Mr Khoo Boon Hui<sup>9</sup>, was appointed at the Chief of Interpol in 2008. With

---

<sup>5</sup> U.S Department of State ‘2010 Trafficking in Persons Report’, pp. 292.

<sup>6</sup> See Appendix 6.2. Penal Code Section 376A.

<sup>7</sup> See Appendix 6.3. Penal Code Section 376C.

<sup>8</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en) ... accessed 15 March 2011.

<sup>9</sup> <http://www.interpol.int/Public/ICPO/PressReleases/PR2008/PR200855.asp> ... accessed 14 March 2011

such high profile State obligations and champions, AWARE hopes that Singapore will contribute actively to the discourse and actions against trafficking in persons.

## AREAS OF CONCERN

### Prosecution

#### Definition of Trafficking

6.9 Singapore is a signatory to the UN Convention against Transnational Organised Crime but not to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the ‘Palermo Protocol’, 2000).

6.10 The Palermo Protocol defines trafficking (Article 3a) as follows:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Singapore is at cross-purposes with this definition that recognises “coercion” and “forced labour”.

6.11 Singapore continues to take a tough stance against undocumented migrants, seeing their actions as illegal. Singapore does not take into account whether consent was achieved through deception and coercion, (see para 6.3) and individuals are seen to have entered Singapore voluntarily. Law enforcement officers work with a limited interpretation of trafficking and may ignore cases of coercion, deception and forced labour.

6.12 In the State’s Fourth Periodic Report, the Government describes its multi-pronged detection and deterrence approach to enforce its stringent laws against immigration offenders. Such action suggests there is little conceptual understanding of trafficking beyond the issue of illegal entry into the state. People who enter the country through coercion deception or through exploitation of vulnerabilities could have been trafficked, and need to be investigated in a manner that can determine if they are victims of trafficking and not solely immigration offenders.

6.13 With the State’s narrow definition of trafficking, it risks missing opportunities to prosecute those responsible for trafficking. Offences are classified as immigration incidents and it leaves the “victim” as the offender. In 2008<sup>10</sup>, two traffickers were prosecuted and

---

<sup>10</sup> U.S Department of State ‘2009 Trafficking in Persons Report’ <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm> ... accessed 15 March 2011.

convicted for sex trafficking offences. In one case, the trafficker was fined SGD 8,000 or 12 weeks in prison. In the other case, the trafficker of an under-aged girl, was sentenced to one year in prison. In a recent case, two Singaporean Chinese nationals were alleged to have smuggled 13 children through Singapore from China to America<sup>11</sup>. AWARE is concerned that the prosecution charges remain as smuggling instead of trafficking, especially when it concerns underage children. This is yet another example of State's definition issue on trafficking. The number of prosecutions for sex trafficking appears low in proportion to the number of trafficking cases reported by NGOs and foreign embassies, such as the Philippines Embassy. These organisations provide evidence of a substantial number of trafficking cases which remain unresolved. With a broader definition of trafficking, more traffickers are likely to be caught and prosecuted for their crimes. The Concluding Comments of the CEDAW Committee<sup>12</sup> recommend the Government review its current legal and policy measures to be consistent with the UN definition of trafficking. Girls and women should not be punished for violations of immigration laws where in reality they are victims of trafficking. AWARE is concerned at the disparity between the definitions which continues to impact both how cases are assessed and their eventual outcomes.

## Sex Trafficking

- 6.14 There have been a number of reported cases where the women came to Singapore not by force and in search of employment via an agency but were duped into sexual slavery. Illegal recruitment is closely linked to human trafficking. For example, in 2008, the Indian government asked the Singapore government to take action against a maid placement agency, Abel and Joe, registered here, which ran a human trafficking network<sup>13</sup>. The agency allegedly trafficked five young Indian Naga tribal women from their village to Singapore and later moved them to Malaysia. They were promised lucrative jobs but were duped and forced to work as bar girls and prostitutes in nightclubs in Singapore and Malaysia. Indian Commission Counsellor Sudhir Kumar Mehrotra has indicated that as many as 150 women from the North East Indian states of Manipur, Assam and Nagaland had been duped and forced into sex work in this region<sup>14</sup>.
- 6.15 The Philippines Embassy reports that a large number of young women are promised non-existent jobs in restaurants and hotels in Singapore. Upon arrival in Singapore, many end

---

<sup>11</sup> 'Man helped boy enter US illegally for \$5,500;Part of syndicate smuggling kids from China using S'pore passports', *The Straits Times*, 11 May 2011.

<sup>12</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 4 para 22.

<sup>13</sup> 'India asks Singapore to curb trafficking racket', *The Hindustan Times*, 10 October 2008 <http://www.hindustantimes.com/StoryPage/StoryPage.aspx?sectionName=IndiansAbroadSectionPage&id=b3648cd1-a71f-48b6-a6b7-66aea1b0bef3&MatchID1=4813&TeamID1=6&TeamID2=1&MatchType1=1&SeriesID1=1212&PrimaryID=4813&Headline=...> accessed 14 March 2011.

<sup>14</sup> 'Emerging Trend in Trafficking Tribal Women', *IPS News*, 7 October 2008.

up working in seedy bars owing their handlers up to SGD 4,000<sup>15</sup>, which they are expected to pay through commissions from alcoholic drinks ordered by their clients or from sexual services, under conditions akin to debt bondage and forced labour.

- 6.16 It is especially worrying that there seems to be an increase in the number of women trafficked into Singapore. AWARE's last CEDAW Shadow Report submitted in 2007, notes that there has been an alarming increase in the number of trafficking<sup>16</sup> cases reported NGOs and foreign embassies located in Singapore. In a report submitted to the Philippines Department of Foreign Affairs on 28 April, 2008, the Philippines Embassy in Singapore noted "an alarming increase" in human trafficking cases – from just 59 recorded cases in 2005 to 125 in 2006, and 212 in 2007<sup>17</sup>. In August 2008, a Philippine Congressional inquiry into the worsening cases of Filipino trafficking into Singapore was sought by a lawmaker at the House of Representatives<sup>18</sup>.
- 6.17 In 2008, the Philippines Embassy reported 136<sup>19</sup> trafficking cases, a number which varies substantially from the 28 reported cases in Singapore's Fourth Periodic Report. The Embassy notes that the actual number of trafficked Filipino women might be higher still. Based on the testimonies and affidavits of the victims compiled by the Embassy, Filipino women based in specific clusters of bars are exposed to various forms of exploitation, intimidation and deception.
- 6.18 Malaysian media report that Sabah is increasingly becoming a transit point for the trafficking of women, both locals and other nationalities, and that Singapore is one of the destination countries for these trafficked women. Once trafficked young girls reach Singapore, another group recruits them as prostitutes. Young girls are unable to escape as they are well guarded by bouncers or pimps and their earnings seized<sup>20</sup>. In July 2008, a Malaysian newspaper reported that some 70 Sabahan youths were in a desperate situation in Singapore as they were duped by employment agents with promises of good jobs. The

---

<sup>15</sup> 'Trafficking of Filipinas in Singapore at all-time high- DFA' <http://globalnation.inquirer.net/news/breakingnews/view/20080204-116650/Trafficking-of-Filipinos-in-Singapore-all-time-high--DFA...> accessed 15 March 2011.

<sup>16</sup> As defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Article 3.

<sup>17</sup> 'Trafficking of Filipinas in Singapore 'unabated'—embassy US to help curb transnational crime' by Veronica Uy, *INQUIRER.net*, April 28 2008 [http://services.inquirer.net/print/print.php?article\\_id=20080428-133194](http://services.inquirer.net/print/print.php?article_id=20080428-133194) ... accessed 14 March 2011

<sup>18</sup> 'House probe sought vs Filipino trafficking in Singapore' by Maila Ager, *INQUIRER.net*, August 25 2008- <http://globalnation.inquirer.net/news/breakingnews/view/20080825-156726/House-probe-sought-vs-Filipino-traffickingin-Singapore>, ...accessed 14 March 2011.

<sup>19</sup> <http://gvnet.com/humantrafficking/Singapore-2.htm> an extract from US State Department Trafficking in Persons Report 2009... accessed 15 March 2011.

<sup>20</sup> 'Growing' Sabah link to women trafficking', *Daily Express*, 29 December 2008 <http://www.dailyexpress.com.my/print.cfm?NewsID=61935...> accessed 15 March 2011.

girls were forced into prostitution<sup>21</sup>. Such incidents highlight the lack of effective measures in place to identify and prosecute illegal recruiters and the limited avenues for the victims to seek help in Singapore.

- 6.19 Forest or “jungle brothels” are also another area of concern. A recent article by Reuters reported interviews with trafficked Thai women who were originally promised jobs in Singapore restaurants but eventually coerced into prostitution<sup>22</sup>. A Singapore paper<sup>23</sup> suggests that this is not the first instance of trafficked persons in forest brothels. While police raids go some way in “rescuing” women from such predicaments, anecdotal evidence suggests that women are treated as immigration offenders with repatriation seen as the solution to the problem. AWARE is perturbed by the rising numbers of women affected by covert operations, the lack of choice and support services for the victims of trafficking.

### **Migrant Workers including Foreign Domestic Workers**

- 6.20 Foreign Domestic Workers (FDWs) have in some instances been misled about the conditions they will face in Singapore as their destination country<sup>24</sup>. Pay levels may be exaggerated and working conditions idealised by labour recruiters. Therefore, women are denied the opportunity to make an informed decision before entering the destination country.
- 6.21 Some FDWs have their documents held by employers or agencies as a means to control their movement<sup>25</sup>. This seizure of documents include advice pamphlets provided to them by the Ministry of Manpower (MOM) which contain useful telephone numbers that can be called up when help or advice is required. Passport confiscation by recruiting agencies is a common problem for FDWs. AWARE supports the view that passports are the property of the issuing state, and not just the individual holding it, and therefore should not be possessed by other persons or entities. Furthermore, the act of confiscating passports demonstrates the abuse of a position of power where the victim is entrapped and has their freedom of movement restricted. Under the UN definition of trafficking, such acts would be an indicator of trafficking, though it is not recognized as such by the State. It is a clear violation of the worker’s right to her/his identity documents.

---

<sup>21</sup> See Appendix 6.4. ‘Sabahan youths ‘trapped’’, *Daily Express*, 14 July 2008.

<sup>22</sup> See Appendix 6.5. ‘Thais say they suffered in Singapore ‘jungle brothel’’, *Reuters*, 27 April 2009.

<sup>23</sup> ‘Thai ‘sex slaves’ smuggled to Singapore yearly’, *The New Paper*, 21 October 2008.

<sup>24</sup> As reported by local NGOs Transient Workers Count Too (TWC2) and Humanitarian Organisation for Migrant Economics (HOME), both of which look into the well-being of migrant workers.

<sup>25</sup> Ibid.

- 6.22 Singapore NGOs estimate that almost half of FDWs do not get a regular day off<sup>26</sup>. Some agencies advocate no days off at all and the practice of helping employers to evade the necessity of giving workers a day off is widespread<sup>27</sup>.
- 6.23 Employers cite their fear of losing the security bond<sup>28</sup> and so proceed not to give her any day off, under an erroneous idea that they will forfeit the bond if their worker becomes pregnant. Some cite their need for a worker, seven days a week claiming they have children or elderly relatives who need constant attention.
- 6.24 There have been reports of employers using violence and wrongful confinement to force a migrant worker out of the country. There were also reports of employers hiring repatriation companies to intimidate and force a worker to leave. While some of these actions may be deemed offences under the Penal Code<sup>29</sup>, there appears to be a lack of enforcement<sup>30</sup>. In April 2010, the UN Special Rapporteur on racism and xenophobia raised concerns about the living and working conditions of migrants in Singapore<sup>31</sup>.
- 6.25 AWARE affirms that FDWs, like all employees, are entitled to their rest in accordance with human rights standards and acceptable working standards in Singapore. The need for a day off and adequate rest time should not be dependent upon the needs and requirements of others, but should fall within her rights as a human being<sup>32</sup>. These conditions are also part of the General Recommendations 26, para 23 and 26.

### Foreign Brides

- 6.26 Foreign and mail order brides continue to be a cause of concern as they are at risk from trafficking. AWARE's 2007 Shadow Report notes the lack of governance over the process of obtaining foreign brides and the potential deception they may face. Foreign brides are vulnerable as they are not permanent residents, and their passports may be held by their spouses restricting their movement and controlling behaviour with the threat of being repatriated.

---

<sup>26</sup> As there are no official statistics on the day off issue, HOME and TWC2 used polls by the media, testimonies from domestic workers and callers from their helpline to get an indication of the extent of the issue at the ground level. 'No plans to change eligibility criteria, says MOM', *The Straits Times*, March 26 March 2011.

<sup>27</sup> Transient Workers Count Too (TWC2). <http://www.twc2.org.sg/site/>.

<sup>28</sup> Transient Workers Count Too (TWC2). <http://www.twc2.org.sg/site/>.

<sup>29</sup> See Appendix 6.6. Penal Code Section 340.

<sup>30</sup> 2011 Universal Periodic Review submitted by Solidarity for Migrant Workers.

<sup>31</sup> <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf> ...accessed 15 March 2011.

<sup>32</sup> AWARE's CEDAW Shadow Report 2007.



- 6.27 In one case, a Filipino woman married a Singaporean man, unaware that he was still officially married to another woman<sup>33</sup>. He did not take steps to divorce and re-register his marriage with her. She was eventually asked to leave when he found another partner. While she was with him, he claimed tax relief for a wife, using her name. Eventually, the Filipino “wife” had to return to the Philippines as she could not renew her pass to stay in Singapore. The number of foreign wives deserted by their husbands increased during the recession. The women’s shelter, Star Shelter, reported that their cases of abandoned foreign wives doubled in 2009<sup>34</sup>.
- 6.28 With foreign bride agencies bringing women here under false pretences and marketing women as commodities, the procurement of foreign brides should be recognised as a potential form of trafficking. Recently, four people were found guilty by a Vietnamese court for trafficking Vietnamese women to men who had purchased them as wives<sup>35</sup>. The women were led to believe that they would either get a job or be married to wealthy men. Foreign women are subject to abuse and mistreatment, and risk losing their permanent resident status if their husbands file for divorce. The exploitative nature of foreign bride agencies and the potential abuse of power over vulnerable women falls within the UN definition of human trafficking and should be regarded as such. AWARE is concerned over the lack of regulation, the legal status and the slow process for foreign wives to acquire their citizenship. Greater action should be taken against these agencies.

### **Women Traffickers**

- 6.29 In its latest Global Report on “Trafficking in Persons” (published in February 2009) the United Nations Office on Drugs and Crimes (UNODC) notes there is a disproportionately high number of women involved in human trafficking, not only as victims but also as offenders. Ground level enforcement and detection forces should be aware of the diverse profiles of traffickers when putting in place measures to catch and prosecute traffickers.
- 6.30 Singaporean, Patricia Khor Ling Ling, 30, was arrested in Manila for allegedly recruiting Filipinas illegally to work in her Singapore nightspots<sup>36</sup>. She was charged with violating the Overseas Workers and Migrants Act.

### **Protection Measures in Place**

- 6.31 AWARE highlights the insufficient protection, relief and rehabilitation measures in place for victims of trafficking. While they are directed to shelters and advised to stay in the country to give statements against their traffickers, the six month wait can be very stressful for the victims, and deter them from waiting for a trial.

---

<sup>33</sup> As reported by Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

<sup>34</sup> ‘Imported wife in Singapore left in a lurch’, *The Straits Times*, 9 March 2009.

<sup>35</sup> ‘4 Human traffickers jailed for selling 86 women’, *The Sunday Times*, 3 January 2010 <http://www.voy.com/221063/8.html> ... accessed 15 March 2011.

<sup>36</sup> ‘S’porean woman accused of human trafficking’, *The New Paper*, 21 December 2008.



- 6.32 In a recent case, three Vietnamese women paid an agent fees in Vietnam to come to Singapore to enrol in a beauty course<sup>37</sup>. Upon arriving, they realised that they had been duped as they were not enrolled in the beauty course. They were left to fend for themselves. Fortunately, they were able to pursue the course although they are now bonded to the school. No action could be taken against the agent, as the deal was made in Vietnam. This case underscores the importance of tackling trafficking, a cross-border issue, by cooperating with fellow ASEAN countries.
- 6.33 As there are no dedicated state-operated shelters for victims of trafficking, they are often referred to NGO-operated shelters. These shelters have very limited capacity and resources<sup>38</sup> and are unable to provide for and protect the victim fully. There is insufficient information communicated between the authorities and the shelters. Government funding and more information on the background and circumstances about the referred cases would significantly improve the emotional and psychological supported afforded to the victims.
- 6.34 The lack of information exchange among various stakeholders is illustrated in the recent case of a Filipino woman who came to Singapore with the understanding that she was to work as a domestic worker but was later asked to work in a bar. She insisted on going home and was permitted to do so by her employer. However he gave her a fake ticket which landed her in jail at the Immigration point at a train station. TWC2<sup>39</sup> stepped in to help her get in touch with a relative who was able to purchase an air ticket for her return home. TWC2 was not able to talk to her after helping her due to the lack of accessibility to her. With better co-ordination and cooperation from the various stakeholders, there would be a better follow-through of cases from point of rescue to recovery.
- 6.35 AWARE is also concerned about the direct and immediate help provided to victims in the form of health screening, healthcare and psychological support. In a recent case, a 15 year old girl from Bangladesh was made to prostitute herself, and referred by the Anti-Vice squad to ACMI<sup>40</sup>. She was sent for a health check-up and treated for lice and vaginal infections. In this case this was done. But there are other instances where sex workers are bundled off as offenders will little access to physical and psychological screenings.
- 6.36 AWARE has reservations about fixing an age limit of 21 for trafficking offences of forced prostitution and selling, letting, hiring or otherwise disposing of a person for the purposes of prostitution under the Penal Code. This age limit on the victim effectively removes protection from women over the age of 21 who can equally be victims of trafficking.

---

<sup>37</sup> Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

<sup>38</sup> 'No room for abused women at shelters', by Braema Mathi, *The Straits Times*, 17 January 2008.

<sup>39</sup> Transient Workers Count Too. <http://www.twc2.org.sg/site/>

<sup>40</sup> Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

## RECOMMENDATIONS

- 6.37 AWARE strongly urges the Government of Singapore to acknowledge and understand the magnitude of the problem of human trafficking, its vast spread in the region, and the consequences it has on the country's reputation. AWARE recommends a systemic and concerted intervention on a multi-agency basis as preventing the trafficking of young women cannot be addressed by the Government in a piecemeal manner.
- 6.38 AWARE notes that Singapore is signatory to the ASEAN Declaration against Trafficking in Persons Particularly Women and Children (adopted in 2004). Almost five years have passed since the adoption of the Declaration, but trafficking still continues in Singapore<sup>41</sup>. AWARE encourages the government to build administrative mechanisms to implement the ASEAN Declaration, paying attention to Section 5 and 6 of the Declaration<sup>42</sup> which distinguishes victims from the perpetrators of trafficking, and urges Governments to undertake actions to respect and safeguard the dignity and human rights victims of trafficking. The Declaration statements are as follows:

*Article 5: To distinguish victims of trafficking in persons from the perpetrators, and identify the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the respective receiving/ recipient country, including prompt repatriation to their respective countries of origin;*

*Article 6: To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;*

### Definition of Trafficking

- 6.39 AWARE renews its recommendation from its 2007 CEDAW Shadow Report for the Singapore Government to review its definition of trafficking and align it to that of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Unless this is done, the State risks:
- (a) Not identifying and recognising more genuine cases of trafficking;
  - (b) Trying 'trafficking' cases brought to court under other legislation such as immigration and labour laws and allowing offenders to be let off with a lighter sentence;
  - (c) Treating genuine victims of trafficking as offenders instead of victims.
- 6.40 When trafficking cases are not tried under the appropriate forms of legislation, the victims may be denied the legal protection and assistance they would otherwise be entitled to under the relevant international standards.

---

<sup>41</sup> U.S Department of State '2010 Trafficking in Persons Report', pp. 292.

<sup>42</sup> See Appendix 6.7 for full text of the ASEAN Declaration.

- 6.41 According legal recognition to persons who have been trafficked is a basic requirement to ensure that they can be assisted and protected from further victimisation.

### **Prosecution of Traffickers and Protection of Victims**

- 6.42 AWARE recommends speedier investigations and trials to decrease the stay of the victim in Singapore and a more victim-centred approach during law enforcement procedures.
- 6.43 The Philippines Embassy<sup>43</sup> has noted a consistent increase in the number of reported trafficking cases involving Filipino women in the last 4 years. They also report that almost all the victims are reluctant to file a police or labour complaint in Singapore due to the requirement that a complainant must stay in the country while the investigations are ongoing. Investigations usually last between six months to a year, leaving victims unemployed and separated from their families in the Philippines.
- 6.44 More detailed information should be available from the authorities on the cases based on their own investigations so that the relevant help groups can provide adequate care for the victim.
- 6.45 Greater collaboration with other ASEAN countries to persecute agents and traffickers who bring women to Singapore under false pretences, leaving them vulnerable in the country.

### **Ratification of International Legal Instruments**

- 6.46 Singapore should show commitment to eradicate trafficking and other forms of exploitation against women and children by becoming a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children; and the Stockholm Agenda for Action Against Commercial Sexual Exploitation of Children. These international conventions have been signed by 117 and 161 countries around the world respectively.
- 6.47 International legal conventions are crucial to help Singapore codify its political commitment to address trafficking and to ensure that there is effective implementation of international standards and instruments, including the harmonisation of national legislation, to protect victims (actual and potential) and prosecute offenders engaged in such activities.

### **International Cooperation and Coordination**

- 6.48 As Singapore is viewed as one of the leaders within the ASEAN network, the State should take a leadership role in establishing a framework that will contribute towards the harmonisation of definitions, policies and mechanisms to prevent and address issues

---

<sup>43</sup> Reported by the Philippines Embassy in an annual report dated 28 April, 2008 to the Department of Foreign Affairs (Philippines).

related to trafficking of persons in the region.

**Follow-up from CEDAW Committee's 2007 Concluding Comments**

6.49 AWARE would also like to highlight that there has been no change in status with regards to the rights and protection of foreign domestic workers and foreign wives outlined in the Concluding Comments from the 2007 AWARE Shadow Report.