



Association of Women Action and Research  
CEDAW Shadow Report  
May 2011

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## **GLOSSARY**

### **A**

ACMI	Archdiocesan Commission on Migrant and Itinerant Workers
AEAS	Association of Employment Agencies Singapore
AMLA	Administration of Muslim Law Act
AMP	Association of Muslim Professionals
ASEAN	Association of Southeast Asian Nation
AWARE	Association of Women for Action and Research

### **C**

CASE	Consumer Association of Singapore
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CPF	Central Provident Fund
CPI	Consumer Price Index
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation

### **D**

DALYS	Disability-adjusted life years
DEO	Domestic Exclusion Orders

### **E**

EDE-Q	Eating Disorder Examination Questionnaire
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### **F**

FDW	Foreign Domestic Worker
FSC	Family Service Centre
FVDG	Family Violence Dialogue Group
FVWG	Family Violence Working Group

**H**

HHF	Holistic Health Framework
HOME	Humanitarian Organisation for Migration Economics
HPB	Health Promotion Board

**I**

ILO	International Labour Organisation
IMC	Inter-Ministerial Committee
INCB	International Narcotics Control Board
IVAWS	International Violence against Women Survey

**M**

MCYS	Ministry of Community Development, Youths and Sports
MCP	Mandatory Counselling Programme
MHA	Ministry of Home Affairs
MOE	Ministry of Education
MOH	Ministry of Health
MOM	Ministry of Manpower
MP	Member of Parliament
MUIS	Islamic Council of Muslim Affairs

**N**

NGO	Non-governmental Organisation
NIE	National Institute of Education
NTUC	National Trades Union Congress

**P**

PA	People's Association
PAP	People's Action Party
PMETs	Professionals, managers, executives and technicians
PPIS	Singapore Muslim Women Organisation

PPO	Personal Protection Order
PQAC	Pre-school Qualification Accreditation Committee
PVHE	Present Value of lifetime Healthcare Expenses

**R**

ROMM	Registry of Muslim Marriage
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**S**

SAFV	Society Against Family Violence
SAM	Society of Aesthetic Medicine
SCWO	Singapore Council of Women's Organisations
SGH	Singapore General Hospital
SHF	Singapore Heart Foundation
SMC	Singapore Medical Council
SME	Small and medium Enterprises
SMRT	Singapore Mass Rapid Transit
SPF	Singapore Police Force
SSCB	Serious Sexual Crime Branch

**T**

TAF	Trim and Fit
TAFEP	Tripartite Alliance for Fair Employment Practices
TC	Teacher Counsellors
TFR	Total Fertility Rate
TIP	Trafficking in Persons
TWC2	Transient Workers Count 2

**U**

UCCW	Unit for Contract and Casual Worker
UN	United Nations
UNODC	United Nations Office on Drugs and Crimes



UNTOC      United Nations Convention Against Transnational Organised Crime

**V**

VAW      Violence Against Women

VWO      Voluntary Welfare Organisation

**W**

WC      Women's Charter

WHO      World Health Organisation

WINGS      Women Initiative for Ageing Successfully

WIS      Workfare Income Supplement

WoW!      Work-Life Works

WTS      Workfare Training Support Scheme

**Y**

YLL      Years of Life Lost

## **FOREWORD**

It is with great honour that I present the third shadow report by the CEDAW Committee of the Association of Women and Action (AWARE) on the Convention on the Elimination of all Forms of Discrimination Against Women.

Just a week ago, Singapore had her watershed general elections. It is the first time since 1972 that almost all the seats in Parliament were contested; and over 20% of the voters were first-time voters, most of them below 30. In the numerous rallies, political speeches, newspaper reports, and commentaries that consumed the nation for 9 days, gender and gender equality were not issues that ignite passionate public discourse. The burning issues were the rising cost of living; the increasing income gap; and the immigration policy within the fair shores of Singapore.

Gender issues that grabbed headlines, though briefly, were whether Singapore is ready for a female prime minister; and whether Singapore is ready for a gay member of parliament. These hinted at the glass ceiling in political life for those who are not male and heterosexual. After the dust has settled, less than 10% of the members of parliament would be women.

Gender and gender equality issues need to be mainstreamed and made part of the national discourse. Women do hold up half the sky! Whilst we acknowledge the progress Singapore had made since the last shadow report in 2007, CEDAW (and its process of state accountability) continues to be useful. It keeps the state focused on gender issues; and provide a framework within which civil society could advocate for change.

Finally, with great pride and humility, I thank each member of the CEDAW Committee. They toiled tirelessly and without expectation of gratitude in preparing this report. They had remained steadfast volunteers through AWARE's recent turmoil of being "steepledjacked" and had come back speaking more firmly and passionately. For their courage, commitment and compassion.

Nicole TAN Siew Ping  
President, AWARE

15 May 2011

## **INTRODUCTION**

Singapore's achievements are many – high literacy and numeracy rates, majority are well-educated at least with 10 years of basic school years behind them, an economy that is robust and a political system that is stable and enabling.

Against this backdrop it is hard to accept that as a first principle there is discrimination through our Constitution, which is not inclusive of 'gender' and 'status'. The second is that for a highly educated population we still have too few women ministers and decision-makers at the top end. The State cannot afford not to embrace one half of the population as being worthy enough to be part of our nation-enhancement effort in every respect.

New challenges are becoming pressing concerns - fertility rates that are below replacement levels, an ageing population, impact of globalization on job security and the overall lack of work-life balance. The government is evolving, a tad too slowly, towards being open to civil society and seeing their role as the Third State in nation-building efforts.

This is the Association of Women for Action and Research's (AWARE) Third Shadow Report. In this report we recognise the efforts made by the government and also take issue with the lack of fundamental protection and cover Articles 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 16 and General Recommendation 19. The content and choice of article coverage are a result of a process, undertaken by the CEDAW Committee at AWARE, to be as inclusive of many women's groups as possible.

The whole report – CEDAW Shadow Report by AWARE, 2011 – was put together by a team of volunteers who met often to develop the discussions before embarking on the research and writing. The team of core volunteers drew support from volunteers who played a crucial role of tracking and checking facts. We have tried our very best to ensure that all information shared in the document are authentic and factual. We also worked with other organisations to gather information and to invite them to be part of this process. We also invited our national body – the Singapore Council of Women's Organisation (SCWO) – to endorse our report, fully or partially. The work for this report actually began in August 2008. But our work was derailed when our organisation was taken over by a fundamentalist Christian group who were against AWARE's liberal approach on sexuality education and on LGBT issues. When we 'won' back our organisation through an EGM much of the focus was on putting in systems in place. The CEDAW Committee only picked up the threads of the discussion and began in earnest again in 2011.

## **Process**

The CEDAW Committee was keen to nurture a coalition of women's groups to participate in the research for the Shadow Report. These were the efforts to raise awareness to CEDAW:-

- In 2007 two forums were held to share the outcomes of the 2007 CEDAW process.
- In 2008 we conducted two full-day workshops for external parties and invited women's groups to attend and participate in the CEDAW process. Of the 10 organisations that attended, four committed to the process of participating in the next Shadow Report. But with the exception of one group – Sayoni - the rest soon dropped out as they could not commit to CEDAW on top of many other commitments that they had.
- We are pleased that this women's group – Sayoni - has submitted a separate report on their cause and AWARE supports their position.
- The Committee ran two internal sessions at AWARE for all members to participate in the process. Many volunteered to be part of the Shadow writing project. One volunteer took charge of researching and writing on an Article while the members for the Article supported the main researcher.
- The Chair met with each volunteer or groups of volunteers to brainstorm together on the framework for each Article. This was an ongoing process – for thesis statements, writing, research, editing, further research and fact-checking.
- In the writing process we ensured that credit was given to the government for all the things they were doing right in promoting gender equality.
- As a sub-committee much energy has gone into checking and re-checking our facts against information that is available.
- Because of the nature of this reporting structure there is some repetition of arguments across Articles as issues are intertwined. We have cross-referred wherever possible.
- We submitted the Draft report in April 2011 to the AWARE Executive Committee for feedback.
- In April 2011 we also invited all women's groups and other member organisations to attend sessions and give feedback on the report. That feedback has been incorporated where appropriate.
- We submitted the Draft report to IWRAW on April 12, 2011 for feedback.
- We will, as we did in 2007, share our report with SCWO, for their endorsement (partial or full), once we get the feedback from IWRAW.
- With feedback from IWRAW we revised where needed sent it to OHCHR for the report to reach the CEDAW Committee by 10 June, 2011.
- This Report is submitted with an attachment – an Appendix File for citations and explanations. We have tried to be thorough for AWARE's sake too as this and the State's Report will continue to shape the next phase of AWARE's advocacy and public education materials. We know it is rather long but we need the information, in its entirety, for ourselves too.
- In May 2011 we were part of the Closed Door Session that the Ministry of Community Development Youth and Sports (MCYS) and SCWO conducted.

We raised many issues especially on the reservations and the role of the Inter-Ministry Committee (IMC). Key issues from this report were shared at the session.

- AWARE's key CEDAW Committee members hope to attend the Reporting Session in July 2011.

We are grateful to other civil society groups that have unreservedly given us the support. Civil society groups such as Transient Workers Count Too (TWC2), Humanitarian Organization for Migration Economics (HOME), Archdiocesan Commission on Migrant and Itinerant Workers (ACMI) are groups that furnished AWARE with information on Foreign Domestic Workers and on Foreign Wives.

This work would not have been possible without the sheer dedication of the following volunteer writers and researchers – Azmeen Moiz, Clementine Yap, Halijah Mohamad, Kwan Mei Soh, Pei Shan Ng, Raqvind Kaur, Sarah Chalmers and Tashia Peterson. They were supported in research at various times by various volunteers which include the following pool – Amrita Datta, Caris Lim, Geraldine Ang, Joo Hwey Kwek, Karen Goh, Ketki Madane, Khushboo Shahdadpuri, Mathia Lee, Siya Chen, Stephanie Loh, Sunita Menon, Tenley Peterson, Veronica Avril Yeo and Yen Yen Lee.

The report would not be intact without the dedicated effort of the fact-checkers – Huey Woon Lee, Mariam Ali, Rajashree Rajan, Taryn Mook, Siti Nadzirah Samsudin and Yvonne Shantini Edwin.

The report has been tidied up and proof-read by a team of volunteers – Diane Chee, Dahliah Shamsuddin, Leslie Koh and Penny Shone.

As the coordinator and Chair of CEDAW, I am personally grateful to the support from Sarah Chalmers, Siti Nadzirah Samsudin and Tashia Petersen

We also thank the Executive Committee and Secretariat of AWARE. We are also indebted to IRAW Asia-Pacific for their support and valuable feedback.

To more dialogues for a common outcome.

Yours sincerely,

Braema Mathiapparanam (Mathi)  
Chair, CEDAW Report Committee (2004-present)  
Past President, AWARE (2003-2005)

## **EXECUTIVE SUMMARY**

We acknowledge and appreciate the many efforts made by the Singapore government to make conditions better for women.

### **Positive Developments**

- 1 The government has amended the law: - to offer greater protection to women and girls; to raise the minimum age of marriage for Muslim girls; and to allow children born to non-Singaporean men become Singapore citizens.
- 2 There are also more women in politics and even a woman Minister. It has also increased its efforts to persuade companies to provide better conditions for family-friendly workplace and more efforts have been made to reach out to women to remain in the workforce.
- 3 The Women's Desk has been strengthened and other instruments such as Tripartite Alliance for Fair Employment Practices (TAFEP) and the National Trade Union Congress (NTUC) Migrant Workers' Forum are also becoming more established.

### **Fundamental Approach**

- 4 While the State tries hard, nevertheless, it needs to be said that it does not come from a place of mainstreaming gender. There is still a main text or a sub-text that 'men are the heads of the household' and women leaders too advise that as Asian women it is cultural to give the men 'face' to lead while women do the work. How prevalent this kind of thinking is amongst decision makers and policy creators remain an unknown.
- 5 The lack of a gender mainstreaming approach, the lack of a gendered curriculum in schools and at tertiary level or the lack of endorsement by political leaders for gender equality makes it difficult still for women to be seen as equal to men. The conceptual framing in terms of equality of outcomes, equality of access and substantive equality – key tenets of CEDAW principles – do not seem to underpin policy decisions or the narratives. Many of the improvements made to improve the position of women stem from meeting practical needs. For example, women are needed in the workforce to boost productivity or that women need to get married, have children and men have to become more engaged as fathers to beat the falling Total Fertility Rate (TFR). This is a pity as the same TFR issue could be dealt with more effectively, if the government could take on a more long-term view by ensuring - for example - that its Marriage and Parenthood Package are premised on a gender equality principle. This lack of a gender equality principle is visible through the contrast of leave given to fathers and mothers – there is still no mandated paternity leave for fathers; and pregnant mothers still run the risk of losing their job because of the mandated four months' maternity leave.

- 6 It is important for the State to apply itself to ensuring that there is equal access to opportunities between men and women as well as to understudy the level of equality in the outcomes between male and female performances. Singapore operates on meritocratic principles but women can still be disadvantaged if it is not recognised that they could have different starting points or deal with many other challenges throughout their lives.

Hence the Association of Women for Action and Research (AWARE) raises the following **Key Issues** in this Shadow Report for the CEDAW Committee to consider:

### **Women to Have Equal Representation under the Constitution – Removal of Blanket Reservations**

- 7 The Government cited that its blanket reservations are premised to guarantee the freedom of minority groups, mainly Muslim women and men, so that they can practise their personal and religious laws under Article 152 of the Constitution. This balance is important and Singapore's multi-faith approach needs to be preserved. However there is a strong argument to withdraw the blanket reservations from Article 2 and 16 and enter partial reservations on 2(f), 16(1a) and (1c). A country like Malaysia with similar dilemmas has removed such reservations and included "Gender" under its Federal Constitution. Other Muslim countries too have removed reservations.
- 8 The government's rationale on retaining its reservations on Article 2 is also an obstacle to having substantive discussions on introducing anti-discrimination laws to include different groups of women workers in the Employment Act, protect women against sexual harassment, pregnancy-related termination at the workplace and for embracing their gender identity.
- 9 The government has taken many measures to put in measures to improve conditions for women and men at the workplace. No doubt there is still much more that can be done. But our argument is that enough is in place to remove the reservation on Article 11(1) which is based in the first place on ensuring the safety of women and their unborn child at the workplace. There are higher universal norms on workplace safety standards today and women or men should not be exposed to hazardous working conditions. On that premise alone the reservations should be lifted.
- 10 While the CEDAW Committee's conditions can be challenging on the matter of partial withdrawal of reservations, this is a matter that the Government can study. Other countries (for example Austria) have done it and have also given assurances to removing all reservations in due course. We appreciate that it is a difficult balancing act in Singapore but not impossible without compromising on any one group.

### Our recommendations

- We urge the Government to form a committee to review the State's position on reservations and to review all laws for harmonization with the Constitution.
- We urge the Government to remove the blanket reservations to Article 2 and enter a partial reservation with reference to Article 2(f) that covers issues pertaining to the allowances made under the Administration of the Muslim Law Act, for Muslim women and men to have the freedom to practice their own religion.
- For Article 16 the reservations should be restricted to Article 16 (1) (a) and (c) only as Singapore has laws which give men & women (including Muslim women) the same rights as required by Article 16(1)(a) to (h).
- We urge the Government to amend the Constitution to include "Gender" and "Status" so that there is no discrimination or exclusions in the Constitution.
- We urge the government to withdraw the reservation to Article 11 and amend the Employment Act to make workplace safety a priority in all work spaces.

### **The National Machinery for Women**

- 11 The Women's Desk within the Ministry of Community Development Youth and Sports (MCYS) has been strengthened. But its role and mandate can be further enhanced to play a pivotal role in changing the mindsets at the national level and at the grassroots level. Though it takes on a coordinating role across all Ministries, its function remains more in a capacity to facilitate than to envision and plan for gender mainstreaming strategies. The Inter-Ministerial Committee (IMC) on CEDAW still needs to make itself more visible as its impact is hardly felt at the ground level. Credit needs to be given at this point to the tireless efforts of the Minister of State and her team for making things happen with this outfit of the Women's Desk.
- 12 The Women's Desk should also be a standalone department that is not under the Family Development Division as women take on many roles in and out of the family situation.

### Our recommendations

- We continue to urge the Government to institute a Gender Equality outfit as in developed countries. This unit's mandate is to ensure that gender is mainstreamed across the country.
- We urge that gender-sensitisation programmes be carried out across all Ministries.
- The Women's Desk needs to be more than a Desk and become a full-fledged Department recognizing the diverse roles women play.
- That the Women's Desk and IMC needs to review the state of affairs for foreign wives and married women in Singapore whose husbands do have second marriages in other countries.
- The 3P approach – public, private and people sectors – needs to become a



- reality at policy consultation level.
- We urge the Women's Desk to also enhance the education of the population on matters of CEDAW and other human rights instruments, besides organising a consultation on the Optional Protocol on CEDAW.
  - This body – Gender Equality or the Women's Desk – needs to make gender mainstreaming a norm, needs to provide gender disaggregated data as a norm, and needs to conduct gender-sensitisation programmes as a norm.

### **Enhancing the Position of Women at the Top Level**

- 13 Singapore's women are more fortunate where access to opportunities and education are concerned. The report card, thanks to State's effort is impressive. But what concerns is the disconnect when well-educated women are not holding enough decision-making jobs. It is correct that many women still feel that their role is in the home and thus limit their own careers. In other instances, it is due to discriminating attitudes for which there is no legal recourse though the unions take up representation on behalf of workers.
- 14 The Government's over-riding paradigm is one that men are heads of the household and that the family structure needs to prevail. There is nothing wrong in emphasising the family as all important. But it is troubling when policies are oriented towards enhancing family structures.

### Our recommendations

- We also urge the Government to continue with its efforts to get more women into politics. The newly reformed Women's Register and the Board Gender Index might be a step in the right direction.
- We urge the Government to institute mechanisms – and so ask once again for a temporary special measure - to bring more women into politics.
- We urge the Government to promote more capable female Parliamentarians – and there are a few - to full Minister positions, with Ministry portfolios.
- We urge the Government to introduce gender-sensitisation training programmes as there is still a general lack of gender-sensitivity among Parliamentarians, men and women.
- We urge the Government to review its National agenda which is very focused on the family and also directly or indirectly, premised on men as heads of households. These have influenced policies locking women and men into reproductive and productive roles respectively.
- We urge the Government to debunk the notion of men as heads of households and endorse openly for a policy model of joint-partnership in families.

## **Women in the Labour Market and Work-Life Balance**

- 15 There is stereotyping in the kind of jobs that men and women take on. Women earn less than men. Women and men are struggling with this universal phenomenon of balancing their lives across work, home, three-generational families, hobbies. It is still mainly women trying to make things work at home, in the office and in their relationship. In addition the first generation Singaporean, who very often grew up poor with poor malnutrition, is today ageing with little income security. Families who are their caregivers are stretched- coping with work, raising children and looking after their elderly parents.
- 16 The Government is trying its best to bring about better work-life balance. It has set up various schemes, revitalised TAFEP, introduced more support schemes and offered more incentives. Nevertheless it remains pervasive that the culture and the policies are geared towards having the woman as the main caregiver for the children and the elderly. She may choose to do so, too. What is important is that she is well-supported and that the schemes (equality of access) are equally applicable to men and women so that both parties can make considered decisions. The campaigns and media cannot just stereotype women as caregivers extraordinaire.

### Our recommendations

- We urge the Government to lead the way by introducing gender sensitisation training within the civil service.
- We ask the government to examine why one-gender-dominated industries continue to exist and acquire information on gender-dominated industries.
- We continue to urge the Government to use more 'stick' too against employers who are resistant to flexible work arrangements while increasing the incentives to employers who offer good schemes and have a good track record.
- AWARE recommends public education and media campaigns to sensitise both employers and employees of the benefits of such an approach.
- We also ask that the Singapore Human Resources Institute and the Singapore National Employers Federation provide training for all member firms about how to provide such flexible arrangements.
- We ask that any new start-up has to demonstrate arrangements for flexi-work before being licensed.
- The Government needs to help small companies manage flexible work arrangements with rebates and introduce schemes that allow SMEs to share common resources to offset costs.
- We recommend that dismissals of pregnant mothers be investigated thoroughly as processes of assessments of workers can be opaque and that employers be prosecuted for their offences to send clear signals to society.
- We say that it is imperative for the government to make paternity leave mandatory, promote part-time work for either mothers or fathers, introduce caregiving incentives and transform the last month of the maternity leave into

- parental leave.
- We urge the Government to continue reviewing child-care and day care facilities for quality of resources. The Government also needs to increase the day-care facilities for working couples who have elderly-minding care duties.
- We say that to support such couples it is important to mandate six days of dependency leave so that women and men can look after their elderly and less abled members in the family.
- We recommend setting up an Equality Commission to look into all matters of discrimination and pass legislation against Discrimination to protect all workers.
- We urge the State to also encourage employers to provide all workers with the benefits otherwise set out by statute even though these employees are not covered by the Employment Act.
- There is an urgent need for the Women's Desk and IMC or a new unit to form a task force to look into matters of the Older Woman who outlives her spouse but may not outlast her finances.

### **Stereotyping Women**

- 17 The pressure to look beautiful is overwhelming. The market targets new technologies to get to the young to sell their products and services. Many girls and women are going under the knife to look beautiful.
- 18 Women still hold stereotypical roles at the workplace. Sexual harassment is understated as there is no legal recourse. Women are also socialized to accept harassment as a norm at the workplace.
- 19 The media imaging still places primarily women in the caregiving roles with the men, very often, being absolved from such depictions.
- 20 Foreign Wives (married to lower-end Singapore men) are depicted as 'submissive', 'young bodied', 'sexy' and 'good caregivers'.

### **Our recommendations**

- We recommend that anyone practising aesthetic and cosmetic medicine should be required to join the Singapore Society of Aesthetic Medicine and that membership no longer be voluntary.
- We call upon the State to impose stricter regulations with regard to safety and to extend these guidelines to non-medical practitioners such as beauty salons and spas. By leaving such practitioners unregulated, patients are being placed at increased risk. It is also important to ensure compliance with the State's safety guidelines by conducting regular checks by suitably qualified and Ministry of Health-approved inspectors.
- We also ask for tighter regulation of advertisements of aesthetic procedures and proper enforcement of these guidelines. Leaving lucrative industries such as the aesthetic beauty industry to self regulate is clearly ineffective. Equally,

in the interests of the physical and psychological health of women in Singapore, the State should ensure that information on the scientific value of aesthetic products and procedures is made available to the public through advertising and the media.

- We recommend that there is again another review of the guidelines on advertising. Organisations such as CaseTrust which receives many complaints against agencies, must become transparent, collaborate with civil society groups and take visible action against such agencies when there is no compliance.
- We again urge the government to take action against match-making agencies which blatantly 'sell' foreign brides as 'virgins' and 'submissive' women, etc.
- We recommend that there is legislation on Sexual Harassment.
- We recommend that Sexuality Education classes also include Body Image discussions and attitudes towards foreign women vis-à-vis local women.

### **Trafficking of Women**

- 21 The State remains unengaged in educating the public on trafficking or in making efforts to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The differing reports from various sources on numbers of trafficked persons continue and there has been no known reconciliation efforts on the definition of trafficking.
- 22 We are concerned by the numbers of foreign women who work in the entertainment industry – sex workers, lounge hostesses – who may work under duress or unreasonable working conditions.
- 23 Though conditions have improved for Foreign Domestic Workers, they still remain beyond the pale of the protection under the Employment Act and their contracts are not governed by law. There are still incidents of forced labour issues, miserly wages, undignified sleeping arrangements and the perennial No Days Off.
- 24 Women, who marry Singapore men from the lower-income group, continue to struggle with acquiring legal status in an open and transparent manner. They become vulnerable to abuse and deportation if the marriage breaks down. There is little movement towards making the immigration process, more transparent.

### **Our Recommendations**

- We strongly urge the Government of Singapore to acknowledge and understand the magnitude of the problem of human trafficking, and work towards a multi-agency intervention programme.
- We renew our recommendation in 2007 that 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.

- We urge the Government to review its position and become a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons so that we are part of the universal effort to curb trafficking.
- We urge the State to recognise that there is a need to increase the support services for women who are under investigation for trafficking and that officers need to be trained in such assessment processes to protect the women from further victimisation.
- We reiterate the call made in 2007 and support the recommendations in the Concluding Comments that the State introduces new legislation or amends the Employment of Foreign Workers Act or Employment Act to ensure that foreign domestic workers work under favourable and fair conditions.
- We urge the government to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and to support the proposed legally binding ILO Convention on Decent Work for Domestic Workers supplemented by Recommendations at the International Labour Conference in 2011.
- We also urge the Government to withdraw the regulations prohibiting marriage to Singaporeans and the regular pregnancy tests that are disrespectful to the worker. We note the lack of change in status with regards to the rights and protection of foreign wives and ask that they be given legal status and a transparent system of granting citizenship be developed and instituted.
- We strongly urge the State to heed the call made by the CEDAW Committee to 'provide work permit[s] to foreign wives with a social visit pass and develop a system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage' rather than on a case by case basis.
- We also ask that mandatory pre-marital counselling for foreign, especially non-English speaking, wives be made available.

## **Health and Women**

- 25 Overall there is a shift to the public paying for their own medical costs as the State reduces its portion of healthcare expenditure. This affects the elderly and especially the older women. Women outlive their spouses. Older women are less financially independent and as a woman grows older she is prone to life-long disabling illnesses. The hospital bill sizes for some of the common illnesses that women are prone to raises concerns over issues of affordability for women who have less savings overall especially among the older age group.
- 26 There is a trend to acknowledge mental illnesses. While the stigma remains what is troubling is the high cost of medication as most of the drugs are non-standard fare which means higher prices. Eating disorders is rising among the younger women, affecting the functioning of organs quite drastically.

### Our recommendations

- We urge the State to increase its portion of healthcare expenditure so that out-of-pocket expenses are less heavy especially for older people.
- We ask that the State provide Singaporeans over 85 years old with Medishield cover for life and also be transparent about its eligibility criteria for Medifund.
- We ask for more targeted public health prevention programmes with good outreach targeted at women, in particular diseases such as cardiovascular diseases, stroke, mental disorders, diabetes mellitus and neurological and sense disorders. This also needs to be accompanied with deeper subsidies on health screening packages.
- We also ask the State to conduct research to identify the root causes for the emotional and mental disorders afflicting all strata of society from children, youths, adults and the elderly and to implement proactive preventive measures.
- We urge the State to recruit more professionals to intervene and support those with eating disorders in schools and tertiary education centres. More talks on self-esteem and health promotion need to be given at schools and with the help of NGOs to reach out to women.
- The State should set up a multi-agency taskforce to study Singapore's caregiving needs and formulate policies and programmes that will better meet these needs.

### **Economic and Social Benefits**

- 27 There are many financial assistance schemes to help those in need. However it continues to remain a challenge to navigate the system. There are also differing criteria for the various schemes under the Many-Helping-Hands approach for a systemic and sustainable approach.
- 28 There is also concern that women remain vulnerable to abuse and their children to sexual abuse when the family has to share premises with relatives as a result of their homelessness.

### Our Recommendations

- We ask the State to review the efficacy of the Many-Helping-Hands approach in meeting the needs of those in distress and consider extending cash transfers to them for longer periods so they have more time to find their feet.
- We urge the State to increase the staff-client ratio in the social services for better management of women, families in distress.
- We also ask that the benefits be extended to single unwed mothers and that no distinction be made as a result of 'status'.
- We also urge the government to extend the foreign worker levy to the foreign domestic worker as savings when she goes home.
- We ask for more shelters with bigger spaces for families to be made available as families recover from being homeless and sort their lives again.

- We ask the government to give a clearer delineation of budget allocations by the communities that need caregiving assistance, with a breakdown of these communities by sex, age, ethnicity and citizenship.

### **Violence against Women**

- 29 There are concerns over the numbers of the elderly, foreign wives, foreign domestic workers who were being abused. There is also a clear acknowledgment through a study that sexual harassment takes place.
- 30 The structures and processes for reporting of abuse still leave gaps that mean individuals can be left wanting more protection. This especially is in regard to the availability of the domestic exclusion orders that can only be evoked after the personal protection orders have been given out. Likewise amendments to recognise marital rape still leaves many gaps in terms of non-recognition of partners and that the wives must have had first applied for a personal protection order.
- 31 There are concerns over how data is collected and how consistently such data is disaggregated by sex, age, ethnicity and made available to the public or the civil society sector.
- 32 There are concerns on whether there are enough shelters for abused Singapore women and foreign women.
- 33 While Violence against Women in Singapore has somewhat lessened there is now renewed concern if we have become too complacent and a public education programme is needed.

### Our Recommendations

- We ask for data collection of statistics on various forms of violence against women, children and the elderly in Singapore needs to be consistent, accurate and comprehensive which can be done with better coordination across multi-agency platforms.
- We ask that the State implement the Concluding Observations calling for the establishment of a central data base, to put in place preventive measures, public education programmes and the mandatory requirement for professionals working with children to report and take appropriate action in suspected cases of child abuse and neglect.
- Again we ask the State to implement the Concluding Comments to provide foreign wives of Singaporean citizens with ‘prompt access to information and sufficient shelters for the time period required’.
- We urge the State to remove completely the immunity accorded to husbands in section 375 of the Penal Code in accordance with the CEDAW Committee’s Concluding Observations calling for legislation criminalising marital rape. All spouses should be entitled to be free from marital rape without first having to

- be issued a PPO.
- We also ask that practices and procedures around the collection of evidence, investigation and prosecution of rape cases, be reviewed to ensure victims are not made to endure further trauma and anxiety and that their rights are upheld.
  - We ask for constant gender-sensitive training to be provided for law enforcement officers, lawyers, judges, and hospital staff.
  - We ask for a periodical review on the efficacy of the Mandatory Counselling Programme (MCP).
  - With a growing population that is diverse we ask for more resources in terms of shelters for women in need.
  - We urge the State to keep violence against women at the forefront of its public education programmes and counter public perceptions on domestic violence and child abuse as personal family matters.

### **Foreign Women**

- 34 There are foreign domestic workers, foreign women working in the service and entertainment industries both as documented and undocumented workers, foreign women on apprenticeship programmes and foreign women who are married to Singapore men. CEDAW's General Recommendations 26(4) recognises all the various groups and also the levels of protection afforded to foreign women (GR 26 para13 to 22).
- 35 Discrimination by law against foreign domestic workers, in terms of mandatory testing for sexually transmitted diseases or pregnancies and the prohibition by law to marry a Singaporean, are human rights violations. This is an area of deep concern.
- 36 There are also concerns on exploitation of foreign workers with regard to salaries, work hours, kind of work and access to rest hours.

### **Our Recommendations**

We urge the government to comply with the Recommendations spelt out in General Recommendations 26 (para 23(a) - (c) and 26(a) -(1)) and to offer to do so within a time frame and in consultation with civil society actors.

- We urge the government to do away with the pregnancy tests, the tests for sexuality transmitted diseases for foreign domestic workers and replace them with a general health screening test for all workers, regardless of sex, ethnicity or nationality.
- We also urge the government to repeal on the law that prohibits foreign domestic workers from marrying Singapore men.
- We ask that a task-force be set up to review all policies related to female foreign workers and wives so that approaches to be taken can be ascertained through multi-lateral and multi-level discussions.



## **ARTICLES 1-4**

## 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 or 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 12<sup>1</sup>. However Article 12(2) of the Constitution<sup>2</sup> 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

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<sup>1</sup> See Appendix 1-4.1. Constitution of Singapore Section 12(1)(2).

<sup>2</sup> Ibid.

concept of seeing “men as heads of household”<sup>3</sup>.

- 1.3 In its Concluding Comments<sup>4</sup>, 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 liberties<sup>5</sup>. 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”<sup>6</sup>.

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

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

<sup>5</sup> COSINGO (Coalition of Singapore NGOs) Report submitted to Human Rights Council by local human rights NGO, MARUAH. [www.maruah.org](http://www.maruah.org)

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

- 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 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 2007<sup>7</sup>, still excludes “managerial staff, seamen, foreign domestic workers, those in the civil service and those in statutory boards”<sup>8</sup>. 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 provisions<sup>9</sup>. 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.

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<sup>7</sup> See Appendix 1-4.2. Changes to the Employment Act.

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

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

## 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 reservations on specific clauses should be fully withdrawn<sup>10</sup>. 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 workplace<sup>11</sup> 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)<sup>12</sup>. 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

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<sup>10</sup> <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.

<sup>11</sup> [http://www.bayefsky.com/pdf/austria\\_t2\\_cedaw.pdf](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.

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

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 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”<sup>13</sup>. 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 in Singapore”<sup>14</sup> yet the Women’s desk continues to operate with only 4.5 personnel<sup>15</sup>, 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%)<sup>16</sup> is assigned to the Family Development Programme which “covers activities pertaining to marriage, parenthood, family and women”<sup>17</sup>. 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,

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<sup>13</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.3.

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

<sup>15</sup> [http://app.sgdi.gov.sg/listing\\_print.asp?agency\\_subtype=dept&agency\\_id=0000014674...](http://app.sgdi.gov.sg/listing_print.asp?agency_subtype=dept&agency_id=0000014674...) accessed 22 February 2011.

<sup>16</sup> 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.

<sup>17</sup> Singapore Budget 2011, estimated expenditure  
[http://www.singaporebudget.gov.sg/budget\\_2011/revenue\\_expenditure/toc.html...](http://www.singaporebudget.gov.sg/budget_2011/revenue_expenditure/toc.html...) accessed 22 February 2011.

- parenthood and family” and “more families and stronger families”<sup>18</sup>.
- 1.18 AWARE is disappointed by the continuing marginalization of women’s issues, not least 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”<sup>19</sup>.
- 1.19 The Women’s Desk continues to function as the focal point on gender policy matters and for any international cooperation pertaining to women<sup>20</sup>. 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.

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<sup>18</sup> Singapore Budget 2011, estimated expenditure  
[http://www.singaporebudget.gov.sg/budget\\_2011/revenue\\_expenditure/toc.html](http://www.singaporebudget.gov.sg/budget_2011/revenue_expenditure/toc.html) ...accessed 22 February 2011.

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

<sup>20</sup> 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.



- 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 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 Obligations<sup>21</sup>.

### **Optional Protocol to the CEDAW Convention**

- 1.23 Singapore has neither signed nor ratified the Optional Protocol<sup>22</sup> 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

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

<sup>22</sup> <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.



Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance<sup>23</sup>. 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 and are not general social policies that support women's rights<sup>24</sup>. 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)<sup>25</sup> 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.

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

<sup>24</sup> CEDAW Committee General Recommendations No 25 on Temporary Special Measures.

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

- 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.
- 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 down<sup>26</sup>. 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.

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<sup>26</sup> Latest available figures from Singapore's Statistics office are for 2010. [www.singstat.gov.sg](http://www.singstat.gov.sg),... accessed 22 February 2011.

## **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.

## **ARTICLE 2**

## ARTICLE 2

### NATIONAL AND INTERNATIONAL DIMENSIONS OF STATE OBLIGATION

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

- (a) *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realisation of this principle;*
- (b) *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) *To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) *To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) *To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;*
- (f) *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) *To repeal all national penal provisions which constitute discrimination against women.*

2.1 Singapore's Fourth Periodic Report does not articulate the rationale for the reservations. Instead it expounds on the outreach mechanisms for complaints<sup>27</sup>. The CEDAW Committee's Concluding Comments is an expression of "deep concern" over the reservations to Articles 2, 11(1) and 16, paying special attention to the reservations on Articles 2 and 16 as being "contrary to the object and purpose of the Convention"<sup>28</sup>. In fact there was an urging in the Comments document to set a concrete "time-frame" for removal of reservations as well as to hold consultations at the national level.

2.2 AWARE appreciates that two consultations with non-governmental organisations (NGOs) were conducted by the government to discuss the Fourth Periodic Report. But it must also be acknowledged that there was no process to the best of AWARE's knowledge, to discuss the reservations with women's groups and the Muslim women. Concerned, AWARE organized a closed door roundtable

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<sup>27</sup> Singapore Government's Fourth Periodic Report to UN CEDAW Committee 2008, pp. 20.

<sup>28</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 2 para 11.

discussion with Muslim women on 1 November, 2008 at the premises of Singapore Council of Women's Organisations (SCWO). The objectives of the roundtable were to facilitate discussions on issues pertaining to Muslim women in Singapore and to initiate the process of building bridges between the different women's and Muslim organisations. Eighteen participants from 11 organisations<sup>29</sup> attended the workshops. Respectful of the sensitive nature of the issues to be discussed, participants were given the option of participating as individuals. AWARE has also conducted three open training sessions on CEDAW and held a special full-day workshop for Muslim women. Late last year, two CEDAW volunteers also conducted a half-day training for some religious teachers and that was a good initiative.

- 2.3 The progress to remove reservations is rather slow and consultations do not seem to exercises in reporting on progress made by sharing the studies conducted of other countries etc. This is a core reservation and AWARE has to say that overall there is either little movement in addressing the reservations at the national level or the steps taken are so small that there has been no sharing of information to involve the various communities.

## AREAS OF CONCERN

### Reservations

- 2.4 AWARE expresses its deep disappointment again over the blanket reservations on Articles 2 and 16. The blanket reservations should be removed and replaced by partial reservations. In the case of Article 2, the reservation need only apply to Article 2(f). This is offered by AWARE as a two-step possibility to eventually remove even this reservation within a time-frame.

### Article 2(f)<sup>30</sup>

- 2.5 The Government says that reservations are necessary because of the impositions from Singapore's Constitution<sup>31</sup> – Article 12(2) [on equal protection before the law] and Article 152 [on minorities and special position of Malays]. This means upholding the respect of freedom of minorities with regard to how Syariah Law is administered in areas of family law. These provisions under the Constitution are necessary to maintain the delicate multi-racial and cultural balance in Singapore society, and in the light of recent discussions on terrorism, a multi-faith approach is necessary and important for harmony to be entrenched as a way of life here. AWARE does not dispute the importance of such a provision for freedom to

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<sup>29</sup> The organisations that were invited to workshop include Association of Muslim Professionals (AMP), Casa Raudha Women's Home, Darul Arqam, MUIS, Muslim Converts Association, Singapore Council of Women's Organization (SCWO), and Young Women Muslim Organization (PPIS).

<sup>30</sup> Article 16 is discussed in greater depth in this report.

<sup>31</sup> See Appendix 2.1. Constitution of the Republic of Singapore Article 12(2) and 152.

practise and observe one's religion and says that it is important to preserve protections and recognition of minority rights. However this protection should not mean that the State can keep stepping back from making legal provisions to stop discrimination by not removing this reservation because of customary law issues.

2.6 Currently under the Administration of Muslim Law Act (AMLA), there are some privileges given to Muslim men that are inconsistent with requirements under CEDAW. The following allowances under the AMLA make it impossible for the State to comply with Article 2(f) under CEDAW. (See also Article 16 para 16.20).

- Polygamy – the provision that Muslim men can have up to four wives is available only to men and not to women;
- Inheritance rights favour male beneficiaries over female beneficiaries;
- Muslim women require the consent of their guardians for marriage but males do not have such requirements;
- Rights to divorce favour Muslim men over Muslim women.

2.7 So, the State has argued that in order to continue guaranteeing the freedom of minorities (i.e. in this particular case, Muslim women and men) to practise their personal and religious laws, Singapore would not be able to comply fully with the obligations in Article 2(f).

2.8 But AWARE continues to be bewildered by the State's need to issue a blanket reservation on the whole of Article 2 instead of confining it to just Article 2(f), which, under the circumstances, makes better sense.

2.9 Therefore AWARE reiterates that it cannot agree with the State's stand on this matter, and views this blanket reservation as being discriminatory – ironically even to Muslim women who in every other aspect of their lives, are subject to all other laws in Singapore and not just the Syariah Law, which is applied only to areas within Family Law where the religious code prevails. Reservations to Article 2 should be restricted to paragraph 2(f) to cover the terms of the law relating to marriage, divorce and other family law matters that come within the ambit of the AMLA. Though it is a delicate operational and implementation process to make a partial reservation only on Article 2(f), it needs to be done to avoid throwing the baby out with the bathwater in terms of all women's rights, including Muslim women's other rights, and still be sensitive to certain aspects of the law when it is applied to women and men for religious purposes.

2.10 In this matter AWARE notes that the Vienna Convention on the Law of Treaties (1969)<sup>32</sup> permits ratifications on Conventions with reservations but this is a temporary special measure, giving time for States to work implementing measures to remove them. AWARE sees no necessity at all in having reservations on Article 2(a), 2(b), 2(d), 2(e) and 2(g). Article 2 is the *raison d'être* for CEDAW. It is a

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<sup>32</sup> [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf) ..accessed 23rd May 2011

core provision. If Singapore has a reservation to Article 2, its commitment to the object and purpose of the Convention is put into serious question. Hence the State is obliged to take this two-step approach and at least move into partial reservation on Article 2(f) and work towards removing that reservation too.

### **Article 2(a)**

2.11 Article 2(a) requires the State to embody the principle of the equality of men and women. The State keeps repeating that there is equality under the Singapore Constitution under Article 12 and this embodies non-discrimination against women. Hence, as Singapore already believes and embodies the principle of the equality of men and women, there is no need to impose a reservation on Article 2(a).

### **Article 2(b)**

2.12 Article 2(b) requires the State to adopt appropriate legislative and/or measures prohibiting all discrimination against women. In the Fourth Periodic Report the State cites many avenues for women to seek redress for any act of injustice against them<sup>33</sup>. This means that there are administrative procedures and legal recourses (e.g. the appeal mechanism that is made available to any citizen, regardless of gender). As such, AWARE sees no reason for Singapore to have a reservation on Article 2(b).

### **Article 2(c)**

2.13 Article 2(c) requires the State to establish legal protection of rights on an equal basis with men. The Singapore report again outlines penal provisions that protect the rights of women. With regard to violence, there are provisions in the Penal Code, the Women's Charter, the Employment Act. That being the case, AWARE sees no necessity for Singapore to maintain a reservation to Article 2(c).

### **Article 2(d), (e), (g)**

2.14 There is still no proper mechanism to protect individuals against discrimination in Singapore. Laws against sexual harassment, for example, have yet to be tabled. Yet research and surveys reveal that there are such acts (see Article 11 para 11.46). Only sections of the Miscellaneous Offences (Public Order and Nuisance) Act<sup>34</sup> might criminalise certain dimensions of sexual harassment, but these are far from sufficient.

2.15 The Employment Act does not contain any provision protecting women (or men)

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<sup>33</sup> Singapore Government's Fourth Periodic Report to UN CEDAW Committee 2008, pp. 20 para 2.4 to 2.9.

<sup>34</sup> See Appendix 2.2. Miscellaneous Offences (Public Order and Nuisance) Act Section 13A(1).



- from sexual harassment at work and as it is not inclusive of all women<sup>35</sup>.
- 2.16 There is discrimination by an absence of provisions for single unmarried mothers, foreign wives married to Singapore husbands and foreign domestic workers. (See discussions in Article 6 para 6.26 and Article 4 para 4.11).
- 2.17 This is discrimination but there is no national instrument by way of an anti-discrimination law. A national organisation that provides information, guidelines and mediation processes is that of the Tripartite Alliance for Fair Employment Practices (TAFEP). But the efficacy of this outfit is hard to determine as cases are not made public.
- 2.18 AWARE argues that it is crucial to remove the reservations on Article 2(d), (e) and (g) to complement the proposed Constitutional changes to Article 12(2) to prohibit and eliminate gender discrimination. With such provisions it will be possible to have a mechanism to monitor anti-discriminatory provisions within the legislation.

## RECOMMENDATIONS

### Constitutional Amendments

- 2.19 The Constitution should be amended to include no discrimination on the basis of Sex and Marital status. (See also Articles 1-4).
- 2.20 It is untenable and incongruous that gender remains a basis of discrimination. Singapore has evolved to a higher level of gender equality in some areas. The reservations are stopping us from passing legislation, for instance in the field of employment law, to protect women against discrimination. Courts would also be less ready to extend the common law to proscribe gender discrimination unless there is a basis in the Constitution that clearly spells it out<sup>36</sup>. Therefore such an amendment would first and foremost signal Singapore's commitment to gender equality. Next, it would dispense with the need to amend other legislation, as all other legislation infringing the above would be *ultra vires*<sup>37</sup> the Constitution. For example this hurdle to other amendments is clearly shown in Singapore's inability to ratify Convention No. 111 under the International Labour Organisation<sup>38</sup>.

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<sup>35</sup> Employment Act Section 2.

<sup>36</sup> Even if the common law did develop to such effect in limited fields of law where gender discrimination comes into issue, the evolving and variable rules of common law which is judge-made cannot be considered reasonable substitution for the entrenchment of the right of women to non-discrimination in the Constitution, the supreme law of the land.

<sup>37</sup> From Latin, meaning *beyond the legal power*.

<sup>38</sup> <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C111>. ...accessed 15 March 2011. Singapore – au contraire to 169 other ratifying states, has not ratified the 1958 Discrimination (Employment and Occupation) Convention (No. 111) of the International Labour Organisation.

## **Legislation against Gender Discrimination**

2.21 AWARE urges the government to pass legislation that accounts for discrimination on the grounds of sex and marital status. One good example remains the Australian Act which created a Commissioner of Equal Opportunity and a Sex Discrimination Board with a Registrar. The Act<sup>39</sup> also establishes criteria for sex discrimination in employment and in other fields such as education, goods, services and premises. The Act also provides for the enforcement of its orders and enforcement of personal remedies. The necessary amendments could be made to suit local culture and conditions. AWARE is of the opinion that Singapore too can have such legislation to protect its citizens from discrimination.

## **Mechanism for Monitoring Legislation for Discriminatory Provisions**

2.22 There still seems to be no institution in Singapore that protects citizens against discrimination. As stated earlier, an amendment to Article 12(1) of the Constitution would be a step in the right direction. Alternatively, a Sex Discrimination Act (see para 2.21) could be discussed and debated. These are also suggestions from the CEDAW Committee's Concluding Comments with regard to discriminatory laws on the basis of sex, and AWARE hopes to see this implemented soon in Singapore<sup>40</sup>.

## **Other Recommendations**

2.23 Singapore needs to become a signatory to the Optional Protocol on CEDAW.

2.24 Singapore should be involved in educating women on CEDAW as much as it has done for the Convention on the Rights of the Child, and support such educational programmes on constitutional rights, human rights and women's rights.

2.25 Sex-disaggregated data needs to be shared with others and there should be a higher level of transparency.

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<sup>39</sup> See Appendix 2.3. Australian Sex Discrimination Act 1984.

<sup>40</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.3.

## **ARTICLE 4**

## ARTICLE 4

### SPECIAL MEASURES

1. *Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination, as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
2. *Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*
- 4.1 The State concept of a Singapore society is based on family values which is idealised in a model of the traditional nuclear family with men as heads of the household. The concept of meritocracy, though strongly ingrained in our education system and national psyche, is undermined by the ubiquitous emphasis on the family and its prescribed gender roles, especially with regards to women in the workforce. Women are more often than not, still perceived by their role(s) in the family – as caregivers - as opposed to their individual capabilities in the workforce.
- 4.2 AWARE asserts that this strong ideology shapes societal attitudes - women feel pressed to fulfil traditional gendered roles of “daughter”, “daughter-in-law”, “mother”, “nurturer” first – followed by the workplace role of “leader”, “politician” or “administrator”. Women thus enter the labour market and politics with existing responsibilities to home and moderate their aspirations to maintain a balance among their various roles.
- 4.3 There is also a common assumption that all Singaporeans are on a level playing field and have the same opportunities to succeed in what is purported to be a meritocratic society. However if men and women are socially conditioned by different and prescribed family roles, they are not operating on a level playing field. Meritocracy, a treasured value, in these instances, is unlikely to be effective in promoting social mobility between the class levels or the genders. Articles in the Singaporean press have reported on class immobility - that students from different social classes were not all judged equally for Public Service Commission scholarships in Singapore<sup>41</sup>. There seemed to be an unfair advantage from the better-off students who have more opportunities than a student from a poorer background. Men and women may not start from a level playing field. Girls in a

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<sup>41</sup> See Appendix 4.1. ‘Social escalator needs oiling’, by Janie Heng, *The Straits Times*, 28 August 2008 and ‘Poor kids need aspiration; they must not be allowed to sink into apathy and stop striving’, by Rachael Chang, *The Straits Times*, 23 March 2011.

traditional nuclear family set-up, will face challenges in striking out hard in the workforce. AWARE believes that such mindset problems require special measures to address imbalances and promote equality for women and men, both on the home and work fronts.

## AREAS OF CONCERN

### Political Representation

- 4.4 There is an increasing number of female graduates, and numbers are growing at a faster rate than that of their male counterparts<sup>42</sup>. Despite the rapid rise of highly educated women, there has yet to be an equally substantive growth in the amount of female presentation in the country's politics. Female representation in Parliament moved from 20.5 percent since the 2006 May elections to 21.84 percent at the most recent election in May 2011. The watershed elections saw 19 women elected as MPs amongst a total of 87 MPs, including our first woman opposition MP. Though it is a slight improvement over 2006, it is still well below the required 30 percent regarded as necessary for women to assert an significant influence in politics<sup>43</sup>. As of March 2011, Singapore ranked 43 out of 186 countries in the Inter-Parliamentary Union (IPU) Statistics based on May 2006 election results<sup>44</sup>. Women, for all their better education, have low representation in boardrooms too. (See also Article 7 para 7.3).
- 4.5 In the State's Fourth Periodic Report, Singapore responded to previous requests for establishing temporary special measures by stating that "the introduction of quotas in Parliament is not a favoured option to boost female representation, as Singapore operates a system based on meritocracy"<sup>45</sup>. However, female political representation in Singapore remains low.
- 4.6 Rwanda has proven successful with its implementation of temporary special measures. In 2003, its Constitution set the quota of women holding seats in the Chamber of Deputies to be 30 percent of 80 seats<sup>46</sup>. Five years later, the tiny East

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<sup>42</sup> MCYS gender statistics for 2009 show 51.4% females compared to 48.6% males. <http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/GraduatesfromUniversitiesbyGender.aspx...> accessed 11 March 2011.

<sup>43</sup> 'World parliaments still have glass ceiling for women: EU study', *AFP*, 7 March 2008

<sup>44</sup> <http://www.ipu.org/wmn-e/classif.htm...> accessed 5 April 2011.

<sup>45</sup> 'Responses to the list of issues and questions with regards to the consideration of the third periodic report – Singapore', CEDAW, available at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws39.htm...> accessed 14 January 2009.

<sup>46</sup> 'Rwanda female-majority House elects Speaker after historic poll', *Daily Nation*, 6 October 2008, available at: <http://www.nation.co.ke/News/africa/-/1066/477882/-/148sb2oz/-/index.html> ... accessed 5 April 2011.

African country became the first country in the world to elect a majority of women to its legislative assembly, with women occupying 45 out of 80 seats in Parliament<sup>47</sup>. The IPU ranked Rwanda 1 out of 186 countries<sup>48</sup>. Another example is Norway, a developed country that also built up its women representation through a quota process which was introduced in the 1970s when there were only 15 percent women in the Norwegian National Assembly. In recent years the figure fluctuates between 36 percent and 39 percent<sup>49</sup>.

## Senior Management

- 4.7 Women still trail behind men in senior management jobs. Data from the Ministry of Manpower shows that even though women make up about 43.6 percent of the 1.96 million resident labour force. Of the 856, 000 employed women, only 28.5 percent of women worked as managers or were proprietors or professionals. In contrast there were 36.4 percent men in similar occupations amongst the 1.1 million employed males<sup>50</sup>.
- 4.8 In terms of wage inequality, 20,900 women were earning SGD 10,000 a month and above in 2007, compared with 65,500 men who came under the same earning bracket in 2007<sup>51</sup>. In the report half as many women were employed as senior managers and only 1/3 of them earned SGD 10,000 a month and above. This does not correlate with the ratio of female and male graduates which shows more women than men graduating with a university degree in Singapore<sup>52</sup>. (See also Article 11 para 11.34).

## Foreign Wives

- 4.9 The issue of foreign wives was raised in AWARE's CEDAW Shadow report submitted in 2007 and also in the Concluding Comments of the UN CEDAW Committee. The Committee was concerned about the situation of "foreign wives of Singaporean citizens, especially in regards to violence and abuse, their right to work and their residence status in the country"<sup>53</sup>. In a recent newspaper article<sup>54</sup> it

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<sup>47</sup> [http://www.ipu.org/parline/reports/2265\\_A.htm](http://www.ipu.org/parline/reports/2265_A.htm) ... accessed 5 April 2011.

<sup>48</sup> Inter-Parliamentary Union [www.ipu.org/wmn-e/classif.htm](http://www.ipu.org/wmn-e/classif.htm) ...accessed 16 March 2011.

<sup>49</sup> <http://www.norway.org/aboutnorway/society/Equal-Opportunities/gender/politics/> ... accessed 4 April 2011.

<sup>50</sup> Report on the Labour Force in Singapore June 2010, Table 28.

<sup>51</sup> 'What women really want – flexibility' by Ramchandai Nisha, *Business Times*, 8 March 2008.

<sup>52</sup> MCYS gender statistics for 2009 show 51.4% females compared to 48.6% males. <http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/GraduatesfromUniversitiesbyGender.aspx> ... accessed 11th March 2011.

<sup>53</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007.

was reported that the Immigration and Checkpoint Authority received an average of 15,400 long-term visit passes and 9,900 permanent residence (PR) applications annually between 2005 and 2009 from foreign spouses of Singaporeans. Of these, 14 percent of the long-term pass application and 45 percent of the PR requests were rejected. With the growing numbers of women coming into the country to work and to become wives and mothers, it is important that we set up a task force to study the matter and offer sound policies that do not compromise on the dignity of the individual.

- 4.10 Marriages between citizen grooms and non-citizen brides make up 78 percent of all marriages between citizens and non-citizens in 2009, with the majority of non-citizen spouses coming from Asia<sup>55</sup>. There is a growing need to examine the issues that foreign wives face. More vulnerable than Singaporean wives, they are often financially dependent on their husbands, have no kin here to turn to, and may have problems communicating. Furthermore, foreign wives who are abused in their marriage may be unwilling to report problems out of fear that their social passes may be cancelled by their husbands and they be repatriated to their home without their children<sup>56</sup>.
- 4.11 Foreign spouses may be disadvantaged in a number of areas. Insurers do not cover them under the same terms as Singaporeans and Permanent Residents. Foreigners do not have access to the social security provided by Central Provident Funds (CPF) and are charged higher prices at polyclinics, specialist clinics and certain hospital wards. In a divorce, foreign brides who have been unable to prove any financial contribution during a short marriage will be unlikely to receive any of her husband's assets<sup>57</sup>. If they are abused they will need a shelter space as they have no family in Singapore. (See also Article 5 para 5.6, Article 6 para 6.26 and GR 19 para 19.19).

## RECOMMENDATIONS

### Political Representation

- 4.12 AWARE urges the Government to recognise the lack of women's representation in politics. To ensure women's participation in the political arena, quotas should

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<sup>54</sup> 'In love and apart. Foreign brides unable to get PR or visit passes face family stress' by Theresa Tan, *The Straits Times*, 30 April 2011.

<sup>55</sup> National Population Secretariat at 2010. Population in Brief 2010, National Population Secretariat, Singapore, <http://www.singstat.gov.sg/stats/themes/people/popinbrief2010.pdf>. ... accessed 8 April 2011.

<sup>56</sup> See Appendix 4.2. 'Foreign bride: I live in fear everyday', by Theresa Tan, *The Straits Times*, 23 June 2007.

<sup>57</sup> 'Money matters when you marry a foreigner', by Chan Teik Leong, *The Straits Times*, 11 February 2007.

be established to place women at all levels of governance, including setting aside 30 percent of seats in the Parliament for female politicians. The publicly elected Members of Parliament can appoint women to these seats. Such provisions can be created through a constitutional amendment or a special temporary measure for 5 to 10 years.

### **Senior Management Jobs**

- 4.13 AWARE highlights the need for women to take on more decision-making roles in the workplace. The Government should push for public listed companies in Singapore to have a minimum percentage of women on their company board. Furthermore, the Government can introduce a management trainee programme for female graduates within the civil service to prepare women for upper management levels as well as introduce mentoring programmes. Targets can also be set for the participation of women in recruitment programmes and promotion exercises.

### **Foreign Wives**

- 4.14 AWARE urges the Government to set up a special task force to examine the issues that foreign wives face and to educate them about their access to legal aid and social services.



## **ARTICLE 5**

## ARTICLE 5

### SEX ROLE STEREOTYPING AND PREJUDICE

*State Parties shall take all appropriate measures:*

- (a) To modify the social and cultural patterns of the conduct of men and women, with a view to achieving the elimination of prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotypical roles for men and women;*
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

Singapore has made good progress on the road to equality in both the education and work fields. Today, more females graduate from university than males<sup>58</sup> and women represent 43.6 percent of the workforce<sup>59</sup>. However, this progress has not been matched by equality in the home. The view of the man as head of the household<sup>60</sup> still prevails despite the strong face of women in the workforce. Women with careers are often faced with the difficulties of finding a work-life balance with inadequate support from their male partners. At the same time, women are continually bombarded by gender-stereotypical messages in the media that reinforce stereotypical roles or idealized images to which they are expected to aspire. The process of doing away with stereotypes and ensuring that there is no discrimination is limited by the reservations on Articles 2, 11 and 16. These reservations are relevant in this discussion and impact on the local practices, much of which are governed by illustrations of best practices and guidelines, thus limiting the kind of protection that can be offered.

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<sup>58</sup> MCYS gender statistics for 2009 show 51.4% females compared to 48.6% males. <http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/GraduatesfromUniversitiesbyGender.aspx> ...accessed 1 April 2011.

<sup>59</sup> Extrapolated from the employment data set out by MOM in Table 29 of its 'Report on Labour Force in Singapore 2010' [http://www.mom.gov.sg/Publications/mrsd\\_singapore\\_workforce\\_2010.pdf](http://www.mom.gov.sg/Publications/mrsd_singapore_workforce_2010.pdf) ...accessed 23 January 2011.

<sup>60</sup> See also discussion under Article 11 para 11.24.

## AREAS OF CONCERN

### Common Responsibility of Men and Women in the Upbringing of Children

- 5.1 Singapore sees the family as an important institution which contributes to “social stability and national cohesiveness”<sup>61</sup>. As a result of this view, the State has initiated many pro-family policies and programmes which aim to encourage the formation of families and the strengthening of family ties. Part VI of the Women’s Charter - entitled “Rights and Duties of Husband and Wife” - declares that once married, “the husband and wife shall be mutually bound to cooperate with each other in safeguarding the interests of the union and in caring and providing for the children”<sup>62</sup>. It seems clear that both men and women are expected to share the care for their children. However in terms of running the matrimonial home, the Charter talks only of “equal rights”, not of the expected corresponding “equal responsibilities”.
- 5.2 In spite of such legislation, the traditional view of the male as head of the family remains prevalent. In the words of a member of the National Family Council, “the father is not only the head of the household but, from my observations, the key to sound family life”<sup>63</sup>. This is a damning statement from a national body as surely both fathers and mothers are essential to a sound family life. In this “traditional society”, women are expected to, and do perform the lion’s share of care giving to children and elderly parents, as well as household chores. A survey<sup>64</sup> by the Ministry for Community Development, Youth and Sport (MCYS) in 2009 found that while 99 percent of fathers felt that responsibility for bringing up children should be shared equally between men and women, the reality was that far fewer men were involved in their children’s lives. Indeed, many respondents were stuck in the limited, traditional view of fatherhood, seeing the father’s primary role as the “breadwinner” (46%), with a mere 11 percent of respondents listing their role as “looking after the child’s day-to-day needs”. Fathers spend barely half the amount of time alone with a child during a weekend as mothers who spend an average of 4.6 hours alone with their child. When asked to list the challenges fathers face in not being able to spend more time with their children, the majority cited work responsibilities (63%), but a worrying 39 percent cited society’s views on how men should behave.

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<sup>61</sup> See MCYS website <http://app1.mcys.gov.sg/IssuesTopics/StrongandStableFamilies.aspx> ... accessed 1 April 2010.

<sup>62</sup> See Appendix 5.1. Women’s Charter. See also PM’s CNY Year Speech 2008.

<sup>63</sup> See Appendix 5.2. National Family Council. MCYS press release October 2008.

<sup>64</sup> MCYS Singapore Fatherhood Public Perception Survey 2009 – survey of 2,200 men. [http://www.dadsforlife.sg/images/stories/dfi/SINGAPORE\\_FATHERHOOD\\_PUBLIC\\_PERCEPTION\\_SURVEY\\_2009.pdf...](http://www.dadsforlife.sg/images/stories/dfi/SINGAPORE_FATHERHOOD_PUBLIC_PERCEPTION_SURVEY_2009.pdf...) accessed 23 January 2011.

- 5.3 AWARE welcomes the work of the State in attempting to involve more men in the upbringing of the children and congratulates it on initiatives such as the Dads for Life website<sup>65</sup> and Fathers@School programme<sup>66</sup> which aim to encourage father-child bonding and involve all fathers more in the lives of their children. Such actions can only have benefits for men, children and women. However, the revealing results of the MCYS survey and recent discussions in online forums point to the need to address this issue with more fundamental changes.
- 5.4 One of the main areas of concern cited by both men and women as a challenge to family life is the problem of work-life balance. The 2009 International Labour Office (ILO) Global Wage Report shows that Singapore has the longest working hours in the world<sup>67</sup>. While the State has introduced schemes to encourage employers to introduce work-life measures at the workplace<sup>68</sup>, according to the Ministry of Manpower most employers are still slow on the uptake (see Article 11 para 11.56). This discrepancy presents a worrying picture. It is not enough to introduce schemes if employers are not family-friendly. As the Prime Minister noted in his announcement of the new Marriage and Procreation Package<sup>69</sup>, employers need to change their attitudes and not present a “sour face” or make employees feel that there will be a “little black mark recorded in your annual confidential report” whenever they ask for flexible leave arrangements. Without family-friendly employers, both men and women will feel disinclined to take parental leave, fearing that such requests will adversely affect their careers. Recent discussions on paternity leave in online forums reveal just how real these fears are to male employees:
- “I think government must take lead in this area, 2 days childcare leave and 4 days enhanced childcare leave, where got enough? Want to apply also have to think carefully, what will my boss think of me?”;
  - “Wasting her time in trying to convince the companies we work in to actually be more understanding and family oriented. I doubt they’ll sacrifice corporate dollars for the sake of staff welfare”;

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<sup>65</sup> <http://www.dadsforlife.sg/> ...accessed 13 January 2011.

<sup>66</sup> [http://dadsforlife.sg/index.php?option=com\\_content&view=article&id=51&Itemid=94...](http://dadsforlife.sg/index.php?option=com_content&view=article&id=51&Itemid=94...) accessed 23 January 2011.

<sup>67</sup> International Labour Office ‘Global Wage Report 2009’, pp.6 chart 4. [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_116500.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_116500.pdf) ...accessed 4 April 2011.

<sup>68</sup> See the Ministry of Manpower’s WOW Fund. <http://www.mom.gov.sg/employment-practices/work-life-harmony/wow-fund/Pages/wow-fund.aspx> ...accessed 13 January 2011.

<sup>69</sup> [http://www.pmo.gov.sg/content/pmosite/mediacentre/speechesinterviews/primeminister/2008/August/transcript\\_of\\_primeministerleehsienloongnationaldayrally2008spe.html](http://www.pmo.gov.sg/content/pmosite/mediacentre/speechesinterviews/primeminister/2008/August/transcript_of_primeministerleehsienloongnationaldayrally2008spe.html) ...accessed 24 January 2011.

- “Child sick you bring him/her see doctor you get so called ‘listed’ in the list that your boss gonna target you first”;
- “Simply put, there’s a reason why there hasn’t been paternity leaves implemented until now... = Our boss is just gonna come out with another method to dodge arrows. Everyone welcome suggestions, but not something that will cost them a job”<sup>70</sup>.

5.5 A key problem remains the lack of mandatory paternity leave. This is again a reinforcement of the pre-determined roles for fathers and mothers at State level. While AWARE welcomes the increase of maternity leave from 12 to 16 weeks, it deplors the lack of paid paternity leave. At present, either parent can take up to six days of paid parental leave for a child under the age of seven, but paid maternity leave remains the right of a woman only. As such, AWARE questions what message this gives to both men and women as to the common responsibility of both parents to bring up their children. A study on parental leave policies in 21 countries<sup>71</sup> by the Centre for Economic Policy and Research states that “parental leave policies can have an important impact on gender equality, both in the workplace and with respect to sharing child care responsibilities”. The study stresses that poorly designed parental leave schemes such as those where there is maternity leave in place but no mandatory paternity leave benefit neither women nor men. Such policies are more likely to increase the mother’s childcare responsibilities and at the same time reduce her long-term earnings relative to the father. At the same time, men are deprived of the opportunity for more active involvement in bringing up their children. The net result is the reinforcement of gender inequality and the maintenance of gender stereotyped roles which continue to portray the husband as “head of the household”. Without the core provision of protection against discrimination in CEDAW’s Article 2 that can lead to Constitutional changes to recognise both sexes as equal citizens, prevailing ideologies such as “men being heads of households”.

5.6 One group of women particularly vulnerable to such gender stereotyping is foreign wives of Singapore men. While marriage rates overall have been dropping<sup>72</sup>, the number of marriages between Singapore citizens and foreigners has been rising. In fact, in 2008, marriages involving two Singaporean citizens accounted for only 59.2 percent of all marriages<sup>73</sup>. This trend is particularly

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<sup>70</sup> [http://sg.yfittopostblog.com/2010/05/21/aware-responds-not-blaming-men-on-low-fertility-rates/...](http://sg.yfittopostblog.com/2010/05/21/aware-responds-not-blaming-men-on-low-fertility-rates/) accessed 24 January 2011.

<sup>71</sup> ‘Parental Leave Policies in 21 Countries: Assessing Generosity and Gender Equality’, June 2009, [http://www.cepr.net/documents/publications/parental\\_2008\\_09.pdf](http://www.cepr.net/documents/publications/parental_2008_09.pdf) ...accessed 24 January 2011.

<sup>72</sup> [https://www.nptd.gov.sg/content/NPTD/news/jcr\\_content/par\\_content/download\\_2/file.res/Population%20in%20Brief%202010.pdf](https://www.nptd.gov.sg/content/NPTD/news/jcr_content/par_content/download_2/file.res/Population%20in%20Brief%202010.pdf)... accessed 24 January 2011.

<sup>73</sup> [https://www.nptd.gov.sg/content/NPTD/news/jcr\\_content/par\\_content/download\\_2/file.res/Population%20in%20Brief%202010.pdf](https://www.nptd.gov.sg/content/NPTD/news/jcr_content/par_content/download_2/file.res/Population%20in%20Brief%202010.pdf) ...accessed 24 January 2011.

marked in terms of older (over 40) male citizens marrying female non-citizens, many of them from rural communities in Vietnam or China. Interviewed in newspapers, the Singaporean men claim that they have been unable to find a suitable wife in Singapore. Their idea of a wife is of a “traditional” bride, subservient to the needs of the husband, who stays at home to perform duties such as household chores, care for elderly parents and children: “Singapore girls are very demanding. They want the 5 Cs and some of them are haughty”,<sup>74</sup>. In the words of one matchmaking agency, Singapore “men seek Vietnamese brides because they are homely”. And if it doesn’t work out, they can always just send them home again<sup>75</sup>. Foreign women from developing countries run the risk of being commoditized through these processes.

- 5.7 While such attitudes will take time to change, AWARE is concerned that the State does not do enough to assist these women and to secure their status here. Indeed, while the State is proactively promoting families and procreation, not every “wife” is viewed equally. Non-citizen wives have no automatic right to work which would give them independence and the means to support themselves financially. Their immigration status remains tied to the husband who must sponsor them in their application for permanent residence or citizenship. (See Article 6 para 6.27 for further discussion of this issue).

### **Giving Maternity Leave its Rightful Place**

- 5.8 As in other countries in both Asia and the West, there is mounting concern over the dwindling fertility rate in Singapore. For some years now, the State has encouraged married couples to have children with a range of incentives including a cash baby bonus and tax breaks. So far, such policies have failed to reverse the decline in fertility rates which today stand at 1.16<sup>76</sup>. Clearly there is no single reason for this decline, but many of the influences can be linked back to the workplace and struggles on affordability and care for the child(ren). In addition, AWARE believes that the State’s policies on maternity reinforce gender stereotyping and leave women feeling pressured to have children and to care for them in a long juggling act of home and work. It is not surprising then that many are opting not to have children at all.
- 5.9 In Singapore, women earn less than men. In 2009, women earned on average 27 percent less than men with SGD 3,247 per month, as opposed to SGD 4,436 for

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<sup>74</sup> ‘Clerk loses allowance after Viet bride backs out’, *The New Paper*, 26 May 2009. The 5 Cs refers to cash, credit card, condo, club and car.

<sup>75</sup> ‘The groom with white hair’, *The Sunday Times*, 21 June 2009; ‘Dumped, he felt duped’, *The Electric New Paper*, 25 May 2009; professional matchmaker Jansen Ong in the Al Jazeera documentary ‘Vietnamese Brides for Sale’ posted on YouTube.

<sup>76</sup> ‘Singapore fertility rate falls to record low’, *Channelnewsasia*, 17 January 2011.

men<sup>77</sup>. Women continue to lose out in both their careers and their social life because of their time outside the labour force giving birth and caring for young children. Men who take time out from the workforce to serve their two years of compulsory national service are rewarded with higher earnings or credits for time served<sup>78</sup>. While the legislation concerning national service is gender neutral, at present only male Singaporeans are required to complete it and females are excluded from this opportunity to serve. AWARE is disappointed that the State continues to exclude women from national service. There is a perception that the State is employing double standards – on the one hand, women are being given incentives to have children, yet at the same time, they do not benefit from a level playing field in terms of salary on their return to the work force, while men’s absence for national service is rewarded with higher salary levels on their return (see Article 11 para 11.35 for further discussion).

- 5.10 A further issue is the problem of dismissal of pregnant women. This is discussed in detail under Article 11, and is a further sign of the lack of a proper understanding of maternity as a social function, in this case due to companies’ unwillingness to pay maternity benefits. AWARE notes here that there is reservation on Article 11(1) which embodies core anti-discriminatory measures at the workplace. Stereotypes, discriminatory practices abound at the workplace, evident of the lack of adequate protective measures.

### **The Role of the Media**

- 5.11 The media play an important role in reinforcing or indeed breaking traditional stereotypical views of the roles of both men and women in Singapore. The State survey discussed in para 5.2 underlines this. Of the 2,200 male respondents, 63 percent of them stated that TV and films are an important influence or source of help for them on parenting, and gave a similar figure of 62 percent for books and magazines. This compares to the 40 percent of respondents who see associations of fathers as helpful and would suggest that associations such as Dads for Life are likely to be less successful than strong media messages in changing this stereotype of the equal role of men and women in parenting.
- 5.12 While AWARE welcomes the various TV programmes and media articles that celebrate women who have done well in business, politics or the entertainment world, it laments the lack of celebration of women in less prominent positions whose “voice” could be more influential for both women and men in similar situations in life. AWARE remains deeply disappointed with the constant stereotyping of men and women in locally produced soaps, game shows and DJs.

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<sup>77</sup> Singapore Yearbook of Manpower Statistics, 2010. [http://www.mom.gov.sg/Documents/statistics-publications/yearbook10/mrsd\\_2010Yearbook.pdf](http://www.mom.gov.sg/Documents/statistics-publications/yearbook10/mrsd_2010Yearbook.pdf). ...accessed 24 January 2011.

<sup>78</sup> Annual survey by five Singapore polytechnics into graduate employment by Singapore’s polytechnics, 2008. [http://www.tp.edu.sg/CCD\\_pressrelease.htm?id=43167&year=2008...](http://www.tp.edu.sg/CCD_pressrelease.htm?id=43167&year=2008...) accessed 24 January 2011.

## Foreign Women

- 5.13 There are some 190,000 foreign domestic workers (FDWs) in Singapore, which equates to one worker for every six households. Such workers play an important role in supporting the Singapore family through caring for elderly parents and children and taking care of household chores. In spite of the key support role they play, FDWs continue to be portrayed as mere products with unique selling points such as “No Day Off”. AWARE is concerned that the wider message to society in both advertisements and media reports on FDWs is that household work and caring for the elderly and children is a women’s role only, with little value attached.
- 5.14 AWARE notes the global debate on recognising household work for homemakers and deplores that even in these cases when women cross the seas to work in foreign lands, their work is not recognized and domestic workers are seen as “maids” with no mandated Day Off, to recuperate. The stereotypical view of seeing household work and care giving as “not real work” is extended, ironically, to people who apply for the job, advertised as work in the homes of people in Singapore. (See also discussion in Articles 6 and 11).
- 5.15 In line with the increase in marriages between Singapore men and foreign women discussed in para 5.6 and 5.7 is the number of matchmaking agencies targeting brides from Vietnam and other countries. A review of the online advertising by such agencies presents a worrying picture of the stereotyped roles such foreign brides are expected to play. Some of these descriptions include the following:
- “ever-growing number of bride-to-be Vietnamese village girls daily”
  - “a gentle, affectionate, beautiful, family-minded wife range from 18 years old onward”
  - “personal grooming, personal hygiene, train to do housework, cook Chinese dishes, to respect elderly”
  - “delivery of bride to your doorstep”
  - “after service and support”

These examples show how these women are mere products to be bought and sold<sup>79</sup>. In a more shocking example of women being treated as products, customers for “mail order brides” through Vietnam Brides International<sup>80</sup> were offered a SGD 167 per month instalment payment plan through credit card company Diners Club as well as a sliding scale of price according to where the brides were from<sup>81</sup>.

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<sup>79</sup> See Appendix 5.3. Adverts from the J&N Matchmaking agency and Life Partner Matchmaker.

<sup>80</sup> This is a matchmaking agency based in Singapore and specializing in finding brides from Vietnam.

<sup>81</sup> ‘Pay \$167 a month for credit card brides’, *Electronic New Paper*, 1 June 2009.



## Negative Self-image

- 5.16 AWARE continues to note the increasingly held perceptions of a negative body image amongst women in Singapore seen through greater numbers of aesthetic and cosmetic surgery procedures, as well as more women suffering from eating disorders. (See also Article 12 para 12.32-12.33 on aesthetic procedures).
- 5.17 A recent newspaper article<sup>82</sup> reported that the average Singapore woman spends about SGD 200 a month on beauty products and services, from haircuts to visits to aesthetics doctors. This makes her the biggest spender in the region. In comparison, women in Hong Kong spend SGD 189 a month while mainland Chinese women spend SGD 151.

## Eating Disorders

- 5.18 The slimming industry in Singapore is booming. Indeed adverts for slimming “solutions” are everywhere, from TV to newspapers, magazines and on the side of buses. It’s impossible to escape them. Academics have reported that popular Singaporean magazines aimed at women contain approximately eight slimming ads per issue<sup>83</sup>. AWARE’s own survey of three newspapers in just one week in January 2011 found a total of 23 advertisements<sup>84</sup>. The pervasiveness of such advertisements, together with the use of only thin models<sup>85</sup> all reinforce the view that the “perception of beauty in Singapore is still very conventional, slim is beautiful”<sup>86</sup>.
- 5.19 A 2007 study by the International Narcotics Control Board (INCB) found that Singapore ranked fifth globally in per capita consumption of diet drugs or anorectics<sup>87</sup>. “Anorectics are being used indiscriminately to feed the slimming obsession that affects some societies”, INCB President Philip Emafo said in a statement. “Effective intervention by local competent authorities is a must”. What used to be regarded as a “Western” problem has now become a problem for Singaporeans too. (See Article 12 para 12.26 for the clinical harm done to the body).

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<sup>82</sup> ‘How vain can you get?’, *The Straits Times*, 6 May 2011.

<sup>83</sup> *The Fat Studies Reader* by Esther Rothblum, Sondra Solovay, Marilyn Wann, page 128.

<sup>84</sup> See Appendix 5.4 for survey of *The Straits Times*, *Today* and *My Paper* from 10-16 January 2011. See also *Slim chance, fat hope: society’s obsession with thinness* by Catherine Swee Kian Tay.

<sup>85</sup> ‘No demand for plus-size models here’, *The New Paper*, 14 June 2010.

<sup>86</sup> Jacky Lee, casting director of Shiny Happy People agency quoted in *The New Paper*.

<sup>87</sup> <http://www.incb.org/pdf/e/press/2007/annual-report-press-kit-2006-en-5.pdf>. ...accessed 1 April 2011

- 5.20 In 2009, the Singapore General Hospital<sup>88</sup> reported seeing an average of 127 new cases a year of eating disorders, but only 10 to 20 sufferers are believed to seek treatment. This compares to just 34 cases in 2003. As in the West, the typical Singaporean sufferer is a female teenager between the ages of 15-24.
- 5.21 While AWARE welcomes the various academic studies into eating disorders including a 2010 study that attempts to analyse the efficacy of treatments for eating disorders in Singaporean young women<sup>89</sup>, it remains concerned about how the State is tackling the root causes of this problem. Indeed, the State's Trim and Fit (TAF) programme, started in 1992 to tackle the problem of overweight youngsters in schools is an example of how issues of body image need to be handled more sensitively. The programme involved separating overweight children from their classmates for compulsory exercise up to five times a week. While the State credited the programme with reducing the number of overweight school children, some parents expressed concerns about the psychological impact on children who were separated from their classmates in this way and the impact of such division on the child's self-esteem. Though the programme has been withdrawn, the impact of that programme can only be judged through study of the first group of children who are now in their late teens. There does not seem to be any programme in place to reach out to those who were affected. According to one past member of the programme "the problem with being specifically identified and categorised as a fat person at such a young age was that it generated a deep sense of embarrassment about the whole affair which almost always leads to a self-consciousness that one cannot shake off"<sup>90</sup>. Unfortunately, the reinforcement of negative body image continues into the workplace. At two local hospitals, the chief executive has told staff that they will not be promoted if they are obese or very skinny<sup>91</sup>. MP Halimah Yacob, co-chairperson for the Tripartite Alliance for Fair Employment Practices (TAFEP) expressed concern about such overt discrimination. AWARE too is concerned that this is further discrimination against women who form the largest group of healthcare workers<sup>92</sup>.

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<sup>88</sup> 'More seeking help for eating disorders here', by Melissa Pang, *The Straits Times*, 1 January 2011.

<sup>89</sup> 'Eating disorders mental health literacy in Singapore' by Anna Chen, Jonathan Mond and Rajeev Kumar. *Early Intervention in Psychiatry* 2010 4, 39-46.

<sup>90</sup> Quote taken from 'Not Just Surface Damage', a compilation of testimonials from eating disorder survivors and supporters written by Chang Pei Ying, a s part of her final year presentation at Temasek Polytechnic. <http://issuu.com/finte/docs/notjustsurfacedamage> ...accessed 24 January 2011.

<sup>91</sup> 'Keeping fit for healthcare staff at Alexandra, Khoo Teck Puat Hospitals', by Alicia Wong, *Channelnewsasia*, 19 June 2010.

<sup>92</sup> See Appendix 5.5. MOM's Report on Labour Force in Singapore 2010. Number of male and female health professionals and associates.

## Aesthetic Procedures

- 5.22 The beauty industry is booming in Singapore and is estimated to be worth some SGD 200 million a year<sup>93</sup>. There are now double the numbers of plastic surgeons in Singapore than in 2007, with about 40 full-time aesthetic clinics run by general practitioners, dermatologist or plastic surgeons<sup>94</sup>. As with the slimming industry, the pervasiveness of advertising for products and services to improve body image and conform to societal expectations of beauty is dramatic, in both print, TV and mobile media. A sample survey of the main national newspapers revealed seven display advertisements for aesthetic procedures in just one week in *The Straits Times*<sup>95</sup>. Two of the ads were for bust enhancement.
- 5.23 The popularity of the industry can be shown through not only the number of beauty clinics and spas but also through the number of doctors who now offer aesthetic medicine services. It is estimated that out of 35 registered plastic surgeons and more than 1,400 general practitioners in Singapore, some 1,000 practise aesthetic medicine<sup>96</sup>. Popular aesthetic procedures for women include breast enlargements, surgery to create double eyelids and Botox injections to lessen the appearance of wrinkles. AWARE is concerned that the advertising of aesthetic procedures through general practitioners is akin to telling women that such procedures are “good” for their health, indeed it is how they should look to be “normal”.
- 5.24 With so many outlets offering aesthetic procedures, many general practitioners and spas are offering cut-price rates, particularly in comparison to rates offered by cosmetic surgeons<sup>97</sup>. The affordability of such procedures means that aesthetic procedures are no longer only for rich celebrities. Today, they are within reach of most women and more worryingly, teenagers too. Woffles Wu, a renowned plastic surgeon, has seen a big increase in interest from the younger generation of women. “I see a big increase in the 16 to 25 age group... about a 30 to 50 percent increase,” he said in an interview<sup>98</sup>. *The Straits Times* confirmed this figure in a

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<sup>93</sup> *Health Policy Monitor* ‘Regulation of Aesthetic Medicine’ by Lim Meng Kin, survey no. 11, 2008. [http://hpm.org/en/Surveys/University\\_of\\_Singapore\\_-\\_Singapore/11/Regulation\\_of\\_aesthetic\\_medicine.html](http://hpm.org/en/Surveys/University_of_Singapore_-_Singapore/11/Regulation_of_aesthetic_medicine.html) ... accessed 24 January 2011.

<sup>94</sup> ‘How vain can you get?’, *The Straits Times*, 6 May 2011.

<sup>95</sup> From 1-7 January 2011.

<sup>96</sup> See Appendix 5.6. *Health Policy Monitor* ‘Regulation of Aesthetic Medicine’ by Lim Meng Kin, survey no. 11, 2008. [http://hpm.org/en/Surveys/University\\_of\\_Singapore\\_-\\_Singapore/11/Regulation\\_of\\_aesthetic\\_medicine.html](http://hpm.org/en/Surveys/University_of_Singapore_-_Singapore/11/Regulation_of_aesthetic_medicine.html) ... accessed 24 January 2011.

<sup>97</sup> Survey by *The Straits Times* found that GPs charge between \$80 and \$120 for a chemical peel and \$250 for treatment to permanently remove hair or improve skin conditions.

<sup>98</sup> ‘Singapore girls pay the price for plastic surgery’, by Melanie Lee, *AFP* 25 April 2006.

check with nine plastic surgeons and aesthetic doctors who said they have seen a 30 percent increase in clients below the age of 21 over the last five years<sup>99</sup>. In one case, an 11-year old was brought in by her parents to the Singapore Aesthetics Centre for laser hair removal. The doctor in charge explained that “because she was going into Secondary School and she had lots of hair on her legs... her parents decided that in order for her to blend in and to have less social stigma, they wanted her to have her hair permanently removed”<sup>100</sup>.

- 5.25 Worryingly, there have been a number of reported cases of general practitioners pretending to be more qualified in this field than they in fact are<sup>101</sup>. In response to such cases, the Singapore Medical Council (SMC) introduced guidelines governing doctors practising aesthetic medicine<sup>102</sup>. However the guidelines do not apply to non-medical practitioners which means that spas and beauty clinics are not covered. AWARE is concerned that this exposes women undertaking such treatments to increased risks to their health as beauticians are likely to have little if any medical training and are not subject to the same code of ethics as medical practitioners.
- 5.26 In 2010 alone, the Consumers Association of Singapore (CASE) received some 3,111 complaints about the beauty industry, up 51 percent on the 2009 figures. In fact, the beauty industry was the second largest source of disputes<sup>103</sup>. The Advertising Standards Authority of Singapore received 34 complaints against the beauty and slimming industry in the first eight months of 2010 and suspended seven advertisements for being misleading<sup>104</sup>.
- 5.27 Another area of concern is over advertising standards for aesthetic procedures. Under the 2008 Singapore Code of Advertising Practice for example, advertisers are not allowed to claim that any non-surgical procedure can enlarge busts without the following disclaimer “There is no scientific proof that any non-surgical treatment currently available can enlarge breasts”<sup>105</sup>. However,

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<sup>99</sup> ‘More teens go under the knife in Singapore’, by Fiona Low and Melissa Lin, *The Straits Times*, 30 January 2011.

<sup>100</sup> ‘More young people turning to aesthetic procedures’, by Claire Huang and Joanna Chan, *Channelnewsasia*, 1 January 2010.

<sup>101</sup> In one recent example in November 2009, Dr. Zubin Firdos Medora was censured by the Singapore Medical Council and fined \$10,000 for misrepresentation to a patient in claiming to be an accredited plastic surgeon.

<sup>102</sup> Goh CL et al. Report of Aesthetic Medicine Workgroup – Recommendations on the Regulation and Training of Aesthetic Medicine in Singapore, 2007 (updated October 2008).

<sup>103</sup> Consumers Association of Singapore case statistics for 2010 <http://www.case.org.sg/news.html...> accessed 11 February 2011.

<sup>104</sup> ‘Misleading beauty ads come under scrutiny’, by Gwendolyne Ng, *My Paper*, 28 September 2010.

<sup>105</sup> See Appendix 5.7. 2008 Singapore Code of Advertising Practice.

advertisers frequently ignore this. In a recent magazine advert for example, “scarless breast enhancement” was offered “with 1 injection, achieve a 1 cup-size enhancement in just 1 hour”. There was no disclaimer included in the advert. Instead the advertisement’s tag line to “Achieve the body you desire” was followed by “ISO 9001:2008 certified, Clinically-proven results”<sup>106</sup>. It also says that its body tightening with VelaShape is US FDA-approved for body tightening and cellulite reduction.

## **RECOMMENDATIONS**

### **Removing Reservations**

5.28 AWARE urges the government to remove reservations to Article 11 and to consider limiting reservations, if need be, on Articles 2 and 16 (see discussions on Articles 2, 11, 16). This is crucial as stereotyping women, limiting their roles within the family or at the workplace by national ideologies on role of men run counter to the core principles of CEDAW, Singapore’s Constitution as well as the National Pledge.

### **Flexible Work Arrangements**

5.29 To allow both men and women to share responsibility for the upbringing of their children, AWARE calls on the State to find new ways to promote the introduction of flexible working arrangements. These ways should embrace both men and women as being equally responsible for bringing up a family and caring for the elderly. The low number of employees to date on flexible working schemes suggests that current incentives to employers are not enough to change mindsets. AWARE recommends public education and media campaigns to sensitize both employers and employees of the benefits of such an approach. In addition, the Singapore Human Resources Institute and the Singapore National Employers Federation should provide training for all member firms about how to provide such flexible arrangements. Any new company setting up business should be required to demonstrate arrangements for flexi-work before being licensed. Finally, a very public celebration and financial reward for the best family-friendly firms will send a clear message to all on how employers should behave.

### **Shared Parental Leave**

5.30 Research has shown that it is important for men and women to have the option to share parental leave to care for their children (see para 5.5). Not only will this have immediate benefits for the children, it will also help break down gender stereotypes about who should work in the home and how this work should be valued. For this reason, AWARE calls upon the State to provide mandatory

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<sup>106</sup> See Appendix 5.8 Advert for the Singapore Lipo, Body & Face Centre.

paternity leave alongside existing maternity leave. Fathers should be required to take a minimum of two weeks off to be with their children, with the fourth month of statutory paid maternity leave converted into “parental leave” for either parent to take. This would give the couple flexibility to divide the remaining leave according to their individual needs and desires.

### **Equal Remuneration**

- 5.31 There is no reason for women to be paid less than men in like-for-like work. AWARE calls upon the State to send a clear message on this by prosecuting any employers who discriminate against women in this way. At the same time, the State should allow women to perform National Service – within a new definition that includes choices for community service<sup>107</sup> - in the same way that other countries do, so that women too can be seen to serve Singapore and can benefit from a level playing field in terms of wages following service.

### **Foreign Wives**

- 5.32 The increasing numbers of foreign brides marrying older Singaporean men requires immediate attention. While AWARE welcomes the State’s stricter guidelines in matchmaking advertisements, it calls on the State to enforce the guidelines with regard to the way the websites of the agencies market the women. Where necessary the State should prosecute the recalcitrant agencies.
- 5.33 AWARE is also concerned about the limited support offered to foreign women before they marry as well as once they are legally tied. AWARE recommends the setting up of mandatory information and counselling services. Such services would require mandatory attendance by all foreign spouses before a marriage could be registered. Information would include details of their rights together with addresses and information about where to seek support should they require it.
- 5.34 Once married, these foreign brides should be given an automatic right to work and should not be subject to the requirement of obtaining a work permit. This is the case in many developed countries and has also been introduced in Malaysia<sup>108</sup>. Such a right goes a long way to helping the new wife integrate into Singaporean society and to gain the financial means to support herself, one of the key requirements by the State for anyone seeking to settle in Singapore long term.
- 5.35 AWARE further calls on the State to introduce transparency in the process and a clear path to residency and citizenship for these wives. They should not be left for

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<sup>107</sup> See AWARE’s CEDAW Shadow Report 2007, pp.73 para 11.13 for AWARE’s argument about extending national service to women.

<sup>108</sup> In November 2008 for foreign wives on long-term social visit passes. <http://www.fragomen.com/newsresources/xprNewsDetailFrag.aspx?xpST=GlobalAlerts&news=3>. .. accessed 24 January 2011.

years on a long-term social visit pass, with no automatic right to work and therefore no financial means to support themselves and completely dependent on their husbands. The process must clearly include safeguards to prevent marriages of convenience, but once a suitable period of marriage and residence has been passed, the path to permanent residence and later citizenship should be clear. See further AWARE's position paper on foreign wives<sup>109</sup> (see also Article 4 para 4.9)

### **Eating Disorders**

- 5.36 AWARE calls on the State to put in place more programmes to introduce self-esteem programmes in schools and have clinicians speak on the ill effects of anorexia and bulimia (see also Article 12 para 12.42).
- 5.37 AWARE also calls for more severe penalties against private clinics that promote their business by playing with the psyche of young minds.

### **Aesthetic Medicine**

- 5.38 Clearly there is no single solution to improve the negative body image suffered by so many women and young girls in Singapore today. To correct such an ingrained problem will require a multilateral and long-term approach by both State and non-State actors. To begin with, the State should target the young. AWARE calls on the State to provide comprehensive training for all teachers, at primary and secondary levels, in reinforcing positive self-esteem and body image. The training could be modelled on AWARE's Beauty Redefined Workshop which aims to help teenagers "expand their definition of beauty; reveal how media contributes to our unhealthy body image; increase understanding of and consequences of having a negative body image; and teach students how to lead a healthy lifestyle, both physically through nutrition and exercise and mentally through loving oneself"<sup>110</sup>.
- 5.39 This programme should be equally rolled out in the media, alongside greater prominence for campaigns such as the 2006 Dove Campaign for Real Beauty by consumer product giant Unilever, The Love Yourself Campaign 2009 by a Singapore Poly student and Project Skin Deep 2009 stories by AWARE, which all aim to explode common misperceptions of beauty.
- 5.40 AWARE recommends that anyone practising aesthetic and cosmetic medicine should be required to join the Singapore Society of Aesthetic Medicine. At present, membership is voluntary and the Society has no power to punish practitioners for unprofessional or unethical behaviour except through loss of membership. AWARE would like to see membership extended to all practitioners,

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<sup>109</sup> Foreign Wives in Singapore, submitted by AWARE to the Prime Minister's office by Braema Mathiaparanam, Poonam Mirchandani and Sarah Chalmers, 1 October 2009.

<sup>110</sup> See AWARE website <http://www.aware.org.sg/ati/body-image-self-esteem/>



medical and non-medical, with the Society taking on a wider role in terms of training and sanctioning for unprofessionalism.

- 5.41 AWARE calls upon the State to impose stricter regulations with regard to safety and to extend these guidelines to non-medical practitioners such as beauty salons and spas. By leaving such practitioners unregulated, patients are being placed at increased risk. According to MP Halimah Yacob, chairperson of the Government Parliamentary Committee for Health “it does not make sense that only doctors be subject to these guideline while beauty salons are free to operate without any rules even for invasive procedures”<sup>111</sup>. To ensure compliance with the State’s safety guidelines, there should be regular checks by suitably qualified and Ministry of Health-approved inspectors.
- 5.42 AWARE also calls for tighter regulation of advertisements of aesthetic procedures and proper enforcement of these guidelines. Leaving lucrative industries such as the aesthetic beauty industry to self regulate is clearly ineffective. Equally, in the interests of the physical and psychological health of women in Singapore, the State should ensure that information on the scientific value of aesthetic products and procedures is made available to the public through advertising and the media.

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<sup>111</sup> ‘Doctors face tighter rules on aesthetic treatments’, *The Straits Times*, 25 July 2008.



## **ARTICLE 6**

## 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>112</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>113</sup>.
- 6.3 The TIP report<sup>114</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>115</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.

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<sup>112</sup> See Appendix 6.1 Women's Charter Section 141 and Section 142.

<sup>113</sup> <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>...accessed 10 March 2011.

<sup>114</sup> <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>...accessed 10 March 2011.

<sup>115</sup> 'Singapore rebuts allegations of human trafficking', *AsiaOne*, 3 July 2010.

- 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 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>116</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>117</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>118</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>119</sup> in August 2007. It has since come into force and

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<sup>116</sup> U.S Department of State ‘2010 Trafficking in Persons Report’, pp. 292.

<sup>117</sup> See Appendix 6.2. Penal Code Section 376A.

<sup>118</sup> See Appendix 6.3. Penal Code Section 376C.

<sup>119</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-)

UNTOC has identified trafficking in persons as a priority area too. Singapore's Former Police Commissioner, Mr Khoo Boon Hui<sup>120</sup>, was appointed at the Chief of Interpol in 2008. With 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

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[12&chapter=18&lang=en](#) ...accessed 15 March 2011.

<sup>120</sup> <http://www.interpol.int/Public/ICPO/PressReleases/PR2008/PR200855.asp> ... accessed 14 March 2011

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>121</sup>, two traffickers were prosecuted and 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>122</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>123</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>124</sup>. The agency allegedly trafficked five young Indian

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<sup>121</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.

<sup>122</sup> 'Man helped boy enter US illefully for \$5,500;Part of syndicate smuggling kids from China using S'pore passports', *The Straits Times*, 11 May 2011.

<sup>123</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 4 para 22.

<sup>124</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->

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>125</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 up working in seedy bars owing their handlers up to SGD 4,000<sup>126</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>127</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>128</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>129</sup>.
- 6.17 In 2008, the Philippines Embassy reported 136<sup>130</sup> trafficking cases, a number which varies substantially from the 28 reported cases in Singapore's Fourth

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66aea1b0bef3&MatchID1=4813&TeamID1=6&TeamID2=1&MatchType1=1&SeriesID1=1212&PrimaryID=4813&Headline= ... accessed 14 March 2011.

<sup>125</sup> 'Emerging Trend in Trafficking Tribal Women', *IPS News*, 7 October 2008.

<sup>126</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>127</sup> As defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Article 3.

<sup>128</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>129</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>130</sup> <http://gvnet.com/humantrafficking/Singapore-2.htm> an extract from US State Department Trafficking in Persons Report 2009... accessed 15 March 2011.

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>131</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 girls were forced into prostitution<sup>132</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>133</sup>. A Singapore paper<sup>134</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>135</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.

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<sup>131</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.

<sup>132</sup> See Appendix 6.4. ‘Sabahan youths ‘trapped’’, *Daily Express*, 14 July 2008.

<sup>133</sup> See Appendix 6.5. ‘Thais say they suffered in Singapore ‘jungle brothel’’, *Reuters*, 27 April 2009.

<sup>134</sup> ‘Thai ‘sex slaves’ smuggled to Singapore yearly’, *The New Paper*, 21 October 2008.

<sup>135</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.



- 6.21 Some FDWs have their documents held by employers or agencies as a means to control their movement<sup>136</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.
- 6.22 Singapore NGOs estimate that almost half of FDWs do not get a regular day off<sup>137</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>138</sup>.
- 6.23 Employers cite their fear of losing the security bond<sup>139</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>140</sup>, there appears to be a lack of enforcement<sup>141</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>142</sup>.

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<sup>136</sup> Ibid.

<sup>137</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>138</sup> Transient Workers Count Too (TWC2). <http://www.twc2.org.sg/site/>.

<sup>139</sup> Transient Workers Count Too (TWC2). <http://www.twc2.org.sg/site/>.

<sup>140</sup> See Appendix 6.6. Penal Code Section 340.

<sup>141</sup> 2011 Universal Periodic Review submitted by Solidarity for Migrant Workers.

<sup>142</sup> <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf>  
...accessed 15 March 2011.



- 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>143</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.
- 6.27 In one case, a Filipino woman married a Singaporean man, unaware that he was still officially married to another woman<sup>144</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>145</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>146</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.

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<sup>143</sup> AWARE's CEDAW Shadow Report 2007.

<sup>144</sup> As reported by Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

<sup>145</sup> 'Imported wife in Singapore left in a lurch', *The Straits Times*, 9 March 2009.

<sup>146</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.

## 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>147</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.
- 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>148</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>149</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.

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<sup>147</sup> ‘S’porean woman accused of human trafficking’, *The New Paper*, 21 December 2008.

<sup>148</sup> Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

<sup>149</sup> ‘No room for abused women at shelters’, by Braema Mathi, *The Straits Times*, 17 January 2008.

However he gave her a fake ticket which landed her in jail at the Immigration point at a train station. TWC2<sup>150</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>151</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 with 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.

## 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>152</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>153</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:

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<sup>150</sup> Transient Workers Count Too. <http://www.twc2.org.sg/site/>

<sup>151</sup> Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI).

<sup>152</sup> U.S Department of State '2010 Trafficking in Persons Report', pp. 292.

<sup>153</sup> See Appendix 6.7 for full text of the ASEAN Declaration.

*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.

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>154</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

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<sup>154</sup> Reported by the Philippines Embassy in an annual report dated 28 April, 2008 to the Department of Foreign Affairs (Philippines).

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 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.

## **ARTICLE 7**

## ARTICLE 7

### WOMEN IN POLITICAL AND PUBLIC LIFE

*State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right:*

*(b) To participate in the formulation of government policy and implementation thereof and to hold public office and perform all public functions at all levels of government;*

### AREAS OF CONCERN

#### Representation

- 7.1 Women make up 50.59 percent of the population<sup>155</sup>, represent 43.6 percent of the labour force<sup>156</sup> and constitute 51.4 percent of university graduates in Singapore<sup>157</sup>. However, in spite of impressive progress in recent years in terms of their presence in the workforce and academic qualifications, women continue to be underrepresented in public life, particularly in positions of leadership or decision-making within Parliament, the judiciary and public bodies.
- 7.2 AWARE congratulates the State on the marked improvement in female representation in Parliament seen at the last election in May 2006. Percentage representation improved from 16.3% in the previous Parliament to 20.2 percent, with 17 elected female Members of Parliament (MPs) out of a total of 84 seats. Additionally, there was also one female Non-Constituency MP and four females out of total of nine Nominated MPs<sup>158</sup>. As of March 2011, the Inter-Parliamentary Union (IPU) ranked Singapore 43 out of 186 countries<sup>159</sup>. However, in the most recent elections held in May 2011, AWARE is concerned that two female MPs

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<sup>155</sup> Extrapolated from data set out by the Singapore Department of Statistics in Table 3.4 of its 'Yearbook of Statistics, Singapore 2010' <http://www.singstat.gov.sg/pubn/reference.html#yos> ... accessed 2 April 2011.

<sup>156</sup> Extrapolated from the employment data set out by MOM in Table 29 of its 'Report on Labour Force in Singapore 2010' [http://www.mom.gov.sg/Publications/mrsd\\_singapore\\_workforce\\_2010.pdf](http://www.mom.gov.sg/Publications/mrsd_singapore_workforce_2010.pdf) ... accessed 2 April 2011.

<sup>157</sup> <http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/GraduatesfromUniversitiesbyGender.aspx> ... accessed 2 April 2011.

<sup>158</sup> <http://www.parliament.gov.sg/AboutUs/Org-MP-currentMP.htm> ... accessed 23 February 2011.

<sup>159</sup> <http://www.ipu.org/wmn-e/classif.htm> ... accessed 23 February 2011.

were asked to step down - one a Senior Minister of State and State representative of women voices, Mdm Yu-Foo Yee Shoon<sup>160</sup> and MP Madam Ho Geok Choo<sup>161</sup>. In the highly contested elections, a full woman minister Mdm Lim Hwee Hua also lost her position<sup>162</sup> along with MP Cynthia Phua<sup>163</sup>. Though overall we have more women representation in 2011 - 21.84 percent – this figure still falls far short of the 30-35 percent that the United Nations deems necessary for women to make an impact in policies<sup>164</sup>.

- 7.3 While welcoming the improvement in representation, AWARE remains disappointed by the low number of women in higher levels of government. This is in spite of calls by the CEDAW Committee to the State “to intensify its efforts towards strengthening women’s representation in leadership roles, including elected and appointed positions”<sup>165</sup>. In the past, there was only one female minister (Mrs Lim Hwee Hua, a Minister in the Prime Minister’s Office) who held no portfolio and was not in charge of any full ministry<sup>166</sup>, three ministers for state and one senior parliamentary secretary. While the state claims to follow a “principle of gender-neutral meritocracy”<sup>167</sup>, it seems surprising that there are no female representative at the ministerial level, bearing in mind the equal opportunities offered in terms of education and experience in public service. Other Asian countries, including India, Pakistan, Sri Lanka, Japan and Malaysia, with their strong cultural and religious values, have a strong history of women in high levels of government and have done better than Singapore in this regard. AWARE hopes that in the new cabinet line up that is to be announced, more women will be made full ministers as there are capable female candidates.
- 7.4 A review of the political parties’ manifestos in the recent elections showed that there were gender based objectives with regards to wanting to enhance facilities for caregiving of the young and the elderly and there was also an emphasis on offering more monetary benefits to help women stay in the workforce. While this gender-based focus is welcomed, AWARE also notes that only one party – Worker’s Party - made a call for equal opportunities legislation which would also

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<sup>160</sup> ‘GE: Yu-Foo Yee Shoon steps down’, *Channelnewsasia*, 9 April 2011.

<sup>161</sup> ‘GE: West Coast MP to step down’, *Channelnewsasia*, 2 April 2011.

<sup>162</sup> ‘Lim Hwee Hua will not contest next election’, *The Straits Times*, 11 May 2011.

<sup>163</sup> ‘Cynthia Phua: Ready to fight in Aljunied again’, translated from *Lianhe Wanbao*, 14 May 2011.

<sup>164</sup> UN’s 4th World Conference on Women in Beijing.

<sup>165</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.4 para 19.

<sup>166</sup> Mrs Lim was appointed with effect from 1<sup>st</sup> April 2009. See [http://www.cabinet.gov.sg/content/cabinet/appointments/mrs\\_lim\\_hwee\\_hua.html](http://www.cabinet.gov.sg/content/cabinet/appointments/mrs_lim_hwee_hua.html)

<sup>167</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007 pp.4 para 19.



look into issues of gender-based discrimination<sup>168</sup>.

- 7.5 Singapore ranks below other Asian countries such as Sri Lanka and the Philippines on the World Economic Forum's Global Gender Gap Index. In the latest report for 2010<sup>169</sup>, Singapore had improved its position to 56<sup>th</sup> place out of 134 countries. However, a close look at the figures reveals that while Singapore scored well on the economic participation measure, ranking 20<sup>th</sup>, it came in a poor 79<sup>th</sup> on political participation.
- 7.6 Women continue to be under-represented in policy-making roles in other spheres of public life. The central committee of the National Trades Union Congress (NTUC), for example, has only four female members out of 21 (19%)<sup>170</sup>, and this, despite the fact that women make up more than 43.6 percent of the work force. The picture is not much better on the Board of the People's Association with only one female member out of 14 members<sup>171</sup>; 28.5 percent (four females out of 14 board members) at the National Community Leadership Institute<sup>172</sup> and 22 percent (four females out of 18 members) at the National Youth Council<sup>173</sup> to name but a few. While AWARE recognises the work of organisations which have set up separate women sections to focus on issues affecting women, it is concerned that this should not be at the expense of including fewer women on the main policy-making boards. One example is the ruling People's Action Party (PAP), who has separate Women's Wing but includes only two women on a central executive committee of 18<sup>174</sup>.

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<sup>168</sup> See <http://www.ge.sg/stories/elections2/view/1081392/1/GE-PAP-unveils-manifesto> for People's Action Party's Manifesto 2011; <http://ge2011.yoursdp.org/solutions> for Singapore Democratic Party's Manifesto 2011; <http://thereformparty.net/voting-rp/election-manifesto/> for Reform Party's Manifesto 2011; <http://wp.sg/manifesto/> for Workers' Party Manifesto 2011; <http://www.scribd.com/doc/53562332/National-Solidarity-Party-Manifesto-2011> for National Solidarity Party's Manifesto 2011; <http://www.sgda.org.sg/> for Singapore Democratic Alliance's Manifesto 2011; <http://www.spp.org.sg/an-invitation-to-dialogue-ge-2011/> for Singapore People's Party's Manifesto 2011.

<sup>169</sup> [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2010.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2010.pdf) ... accessed 23 February 2011.

<sup>170</sup> 'An Inclusive NTUC Central Committee Voted In' by Jansen Yeo, *NTUC This Week* 27 November 2007.

<sup>171</sup> <http://www.pa.gov.sg/about-us/organisation-chart.html>... accessed 23 February 2011.

<sup>172</sup> [http://www.nacli.pa.gov.sg/index.php?option=com\\_content&view=article&id=7&Itemid=22](http://www.nacli.pa.gov.sg/index.php?option=com_content&view=article&id=7&Itemid=22)... accessed 23 February 2011.

<sup>173</sup> [http://www.nyc.pa.gov.sg/index.php?option=com\\_content&view=article&id=4&Itemid=10](http://www.nyc.pa.gov.sg/index.php?option=com_content&view=article&id=4&Itemid=10)... accessed 23 February 2011.

<sup>174</sup> 'Mah Bow Tan notable absentee in PAP's latest CEC,' *Channelnewsasia*, 16 December 2010.

- 7.7 In terms of the judiciary, women are reasonably well represented in the Subordinate Court Division with 45.2 percent female district judges<sup>175</sup>. Out of the seven senior district judges, only two are women. At Supreme Court level, however, only three out of 18 judges are women, or 16.6 percent<sup>176</sup>.
- 7.8 Women make up a large proportion of teachers (72.8%) in primary and secondary schools and junior colleges. However, compared to the number of teachers, a smaller proportion of women are principals (61.5 %) and vice-principals (64.6%)<sup>177</sup>. The numbers seem to imply that more male teachers advance further compared to their female counterparts. The mechanism for career advancement is not open to public scrutiny and sexual discrimination cannot be totally ruled out
- 7.9 AWARE welcomes the establishment by the Singapore Council of Women's Organisations (SCWO) of the Women's Register<sup>178</sup> a secure on-line database of women in leadership positions in the public, private and non-profit sectors. The database aims to find opportunities for women to speak in public, mentor, volunteer or find board positions. While a useful networking forum for women, in its current form the Register is not reaching a wide enough audience to publicize the successes of women or to influence the views of men.
- 7.10 Following the 2011 General Election, the PAP Women's Wing has announced six new focus areas: promoting work-life balance; being pro-active in policy discussion; tracking marriage and parenthood trends; reaching out to the poor; active ageing; and raising leadership representation of women<sup>179</sup>.

### **Marginalisation of Women's Issues**

- 7.11 The CEDAW Committee has praised the State for the setting up of an Inter-Ministry Committee (IMC) on CEDAW to coordinate policies within different ministries. However, it is concerned 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"<sup>180</sup> (see also Articles 1-4).

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<sup>175</sup> <http://app.subcourts.gov.sg/data/html/judges-staff.html>... accessed 23 February 2011.

<sup>176</sup> <http://app.supremecourt.gov.sg/default.aspx?pgID=40>... accessed 23 February 2011.

<sup>177</sup> See Appendix 7.1. Education Statistic Digest 2010.

<sup>178</sup> See Appendix 7.2. SCWO Women's Register.

<sup>179</sup> 'PAP Women's Wing unveils new focus area', by Cassandra Chew, *The Straits Times*, 24 April 2011.

<sup>180</sup> CEDAW Committee 39th Session Concluding Comments: Singapore 2007

## **RECOMMENDATIONS**

### **Representation**

- 7.12 AWARE urges the State to continue to ensure that more women enter political life by actively addressing the social barriers and prejudices that prevent women from participating in politics and educating the public about the important roles of women in politics. AWARE urges the ruling PAP to take the lead in this by continuing the existing good work through the Women's Wing, whilst at the same time improving the representation of women within its policy-making body, the central executive committee.
- 7.13 Outside Parliament, the State needs to re-examine why more women are not reaching the top jobs in public life despite the numbers of women present in lower-ranking positions and the equal opportunities in education that have been available for some time. AWARE urges the State to ensure that the legislation in place to prevent discrimination is being applied consistently and across the board. In cases of perceived discrimination, the State should be ready to open mechanisms for career advancement to public scrutiny. At the same time, AWARE urges the State to go further in promoting equal opportunities by establishing policies that encourage couples to share family obligations (childcare, care for the elderly, housework, etc.) so that women are not unnecessarily prejudiced in their career advancement by being the sole or lead house "manager".

### **Gender Sensitisation**

- 7.14 The Women's Register should be publicised widely, not just amongst women, but amongst men too. AWARE recommends that the women registered be used as role models for school and undergraduate students to help encourage young girls to aim high and to reinforce the message of gender equality amongst the male population from an early age.

### **Marginalisation of Women's Issues**

- 7.15 AWARE urges the Singapore Government to set up a fully functional women's policy unit, with the budget, staffing and political will to develop policies and programmes to improve the status and development of women in Singapore.

## **ARTICLE 9**

## ARTICLE 9

### NATIONALITY

1. *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
  2. *State Parties shall grant women equal rights with men with respect to the nationality of their children.*
- 9.1 The Singapore Government lifted the reservation to Article 9 in July 2007. This is an enlightening move and AWARE congratulates the State on this initiative.
- 9.2 AWARE applauds the government's decision to grant automatic Singapore nationality rights to children born - on after 15 May, 2004 - to non-Singaporean fathers and Singaporean mothers. This is an improvement as previously only children born to Singaporean fathers could acquire citizenship without application.

### AREAS OF CONCERN

#### Children Born Before 2004

- 9.3 While AWARE is happy with the changes it also urges the government to offer citizenship status to minors born before 15 May, 2004 and so be aligned with the local laws and the Convention on the Rights of the Child (CRC). Article 1 of the CRC defines a "child" "as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18". Singapore ratified CRC in 1995 and operates on three different legal ages:- 21 years to enter legal contract; 16 years to be sexually active and 18 years to be married<sup>181</sup>.
- 9.4 AWARE recommends that children born to Singaporeans with a foreign spouse be given citizenship rights at least up to the age of 16, if not 18. This means the Government can offer retrospectively, citizenship to all children born on or after 15 May, 1988 or 15 May, 1986. Citizenship provides children with access to free primary and secondary education, subsidised medical care and more affordable higher education.

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<sup>181</sup> <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSingapore.asp> ... accessed 14 March 2011.

## **Citizenship and Marriage**

- 9.5 AWARE is concerned about the protracted process of acquiring citizenship for foreign women<sup>182</sup> married to Singapore citizens. Many of the women married to lower educated and/or less skilled Singapore men are from developing countries. They depend on their husbands to sponsor their applications for citizenship. This process is long and often the women struggle to find employment or they face threats from their husbands. Such issues are some of the most challenging MPs face at their weekly Meet-the-People sessions. These issues have also come up in the media. (See also Article 5 para 5.7 and Article 6 para 6.26).
- 9.6 The Constitution of Singapore should be applied to foreign wives and due process be followed as prescribed in Citizenship by Registration of Article 123(2). This Article reads: - Subject to the provisions of this Constitution, any woman (**person**) who is married to a citizen of Singapore may, on making application therefore in the prescribed manner, be registered as citizen of Singapore if he/she satisfies the Government –
- (a) that he/she has resided continuously in Singapore for a period of not less than 2 years immediately preceding the date of the application;
  - (b) that he/she intends to reside permanently in Singapore; and
  - (c) that he/she is of good character.

## **RECOMMENDATIONS**

### **Extending Citizenship**

- 9.7 AWARE recommend the State review its limitation of citizenship status to minors born only after 15 May 2004. Citizenship should be extended to minors born in the year 2004 or before.

### **Citizenship and Marriage**

- 9.8 AWARE urges the State to follow the provisions of Article 123(2) and make the process of acquiring citizenship as transparent as possible.
- 9.9 AWARE urges the Government to offer citizenship to women who marry Singapore citizens in a shorter timeframe, make the process more transparent and support new couples with opportunities to understand the Singapore culture and pick up job-related skills.

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<sup>182</sup> See Appendix 4.1 for an extended discussion. ‘Social escalator needs oiling’ by Janie Heng, *The Straits Times*, 28 August 2008 and ‘Poor kids need aspiration; they must not be allowed to sink into apathy and stop striving’ by Rachael Chang, *The Straits Times*, 23 March 2011.

## **ARTICLE 11**

## ARTICLE 11

### EMPLOYMENT

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
  - (a) *The right to work as an inalienable right of all human beings;*
  - (b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
  - (c) *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
  - (d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
  - (e) *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
  - (f) *The right to protection of health and to safety in working conditions, including safeguarding of the function of reproduction.*
2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*
  - (a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
  - (b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
  - (c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*



*(d) To provide special protection to women in pregnancy in types of work proved to be harmful to them.*

- 11.1 The State has placed a reservation on Article 11(1).
- 11.2 AWARE'S discussion under this Article will deal with the reservation as a key concern before discussing other areas of concern.

## **AREAS OF CONCERN**

### **Reservations**

- 11.3 Under paragraph 30 of its Concluding Comments, the CEDAW Committee called for a withdrawal of the reservation to Article 11(1). AWARE seconds this and calls upon the State to withdraw the reservation and ratify Article 11 in its entirety without delay in order to provide full CEDAW protection in employment matters to all women in Singapore. Furthermore AWARE sees no necessity for these reservations to stay as even the government in its Fourth Periodic Report has articulated its desire for and its attempts to implement measures to ensure there is gender equality.

### **The State's Rationale for the Reservation**

- 11.4 The official reason given by the State for the reservation<sup>183</sup> to Article 11(1) was its duty to safeguard the welfare of women and their unborn children from certain hazardous occupations, namely from combat or combat-related duties in the Singapore armed forces.
- 11.5 AWARE respectfully rejects this rationale for the following reasons:

(a) Disproportionately wide. The blanket reservation is disproportionately wide in response to a specific objection. The State's rationale on protecting women and unborn children from hazardous occupations such as combat focuses on a small minority of women and ignores the vast majority of women who are in employment positions unrelated to the military that would benefit from the ratification of Article 11(1). Most of Article 11(1) has nothing to do with protecting women from hazardous occupations, for example, safeguarding their right to work per se, right to promotion, job security, vocational training,

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<sup>183</sup> From <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm...> accessed 15 March 2011: "Singapore interprets Article 11(1) in the light of the provisions of Article 4, paragraph 2 as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on work done by them where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Singapore and considers that legislation in respect of Article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation."

equal remuneration and social security, etc. These are fundamental safeguards to protect workers, All workers. It is therefore puzzling that the objection has been raised based on so-called protection of a narrow cross-section of women, for whom remedial measures and safeguards can be put in place to protect their well-being.

(b) No requirement for combat for women. There is no requirement in Singapore for women to be sent into combat. In fact, legislation requires only male Singaporeans to serve National Service and Second Minister for Defence Ng Eng Hen reiterated this as recently as March 2011, saying, “The Singapore Armed Forces will not draft women for national service because there is no operational needs to justify doing so”<sup>184</sup>. AWARE has another perspective on National Service and the mandatory enlistment of men into service. (See also discussions in para 11.35).

(c) Article 11(1)(f). This sub-section already requires the State to take measures to ensure “the right to the protection of health and to safety in working conditions, including safeguarding of the function of reproduction”. Therefore in ratifying this Article, the State will address its cited concern “to safeguard the welfare of women and their unborn children from certain hazardous occupations, namely from combat or combat-related duties in the Singapore armed forces”.

11.6 AWARE believes that it is time for the State to acknowledge that most of Article 11 is not supported by this rationale. By ratifying Article 11(1) in its entirety, the State will address its concerns of ensuring equality for women in the workforce while simultaneously safeguarding their health and function of reproduction.

### **Analysis of the Impact of the Reservation**

**Article 11(1)(a)** - The right to work as an inalienable right of all human beings.

11.7 A reservation to this suggests that the State is acknowledging that women do not have this basic right to work. This undermines the important notion of getting more women into the workforce and is contrary to fair and merit-based employment. It is also inconsistent with the State’s various pronouncements and policies that women do in fact have this right. See the State’s remarks in the Foreword to the Fourth Periodic Report, which outlines the approach of the Singapore government<sup>185</sup>.

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<sup>184</sup> ‘S’porean men in two minds about women serving NS’, *The Straits Times*, 4 March 2011.

<sup>185</sup> Minister of State, Mrs. Yu-Foo Yee Shoon, Ministry of Community Development, Youth and Sports in her Foreword statement says: “As stated in Article 12 of the Singapore Constitution, all Singaporean women enjoy equal rights as men”. See also page 27, Singapore’s Fourth Periodic Review whereby the State makes a point on the provisions under Article 12 of the Singapore Constitution that embodies the principle of equality of all persons before the law.

- 11.8 The State has commendably established and promoted the Tripartite Alliance for Fair Employment Practices (TAFEP)<sup>186</sup> which, in support of the principle of equality underpinning this sub-article, formulates guidelines for fair employment practices. AWARE submits that TAFEP would not be meaningful unless this sub-article relating to the basic right of a woman to work, is ratified.

**Article 11(1)(b)** - The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

- 11.9 TAFEP's website champions the spirit of Article 11(1)(b) as it states clearly that recruitment should be "on the basis of merit (such as skills, experience or ability to perform the job), regardless of age, race, gender, religion or family status"<sup>187</sup>. However, it is unclear the extent to which TAFEP applies such principles of fair employment practices which also includes foreign domestic and migrant workers or the extent that it lobbies for legislative changes for all workers. Nevertheless the TAFEP principles are clear in ensuring that there are guidelines for fair practices, which makes this reservation unnecessary.

**Article 11(1)(c)** - The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining including apprenticeships, advanced vocational training and recurrent training.

- 11.10 TAFEP's principles on fair employment practice<sup>188</sup> call for employers to "provide employees with equal opportunity to be considered for training and development based on their strengths and needs, to help them achieve their full potential".
- 11.11 AWARE notes that the State has arranged for the availability of a wide variety of training programmes to incentivise and provide skills retraining for workers to be competitive in today's fast changing workplace. They include training

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<sup>186</sup> TAFEP adopts a promotional and educational approach to raise awareness among employers in Singapore and share knowledge on fair employment practices. TAFEP's website indicates that it provides "resources and consultation on Fair Employment Practices" and that it also conducts "training sessions for those who are interested to know how to improve their employment practices". Commendably, the website offers free useful manuals for employers' reference in relation to various employment topics. Feedback channels are also available – namely, a telephone hotline and an email account open to receiving "Workplace Discrimination" feedback. Members of the public are also urged to report discriminatory job ads to TAFEP. Recently, TAFEP has increased its outreach through a slew of TV and print advertising in MRT stations and the papers. It has also inaugurated the TAFEP Exemplary Employer Award. It is, however, unascertainable as to how far the officers of TAFEP would go to assist victims of workplace discrimination (particularly expectant employees who have been unfairly treated) or if these channels are simply for the gathering of feedback on the compliance status of the employer-companies rather than the meaningful censure of the same.

<sup>187</sup> [http://www.fairemployment.sg/getting\\_started.asp?subid=2...](http://www.fairemployment.sg/getting_started.asp?subid=2...) accessed 15 March 2011.

<sup>188</sup> [http://www.fairemployment.sg/getting\\_started.asp?subid=2...](http://www.fairemployment.sg/getting_started.asp?subid=2...) accessed 15 March 2011.

programmes by the Singapore Workforce Development Agency<sup>189</sup> under the Workforce Skills Qualifications system; the Workforce Training Support scheme for older workers<sup>190</sup>; the Skills Program for Upgrading and Resilience<sup>191</sup>; and Workforce Skill UP<sup>192</sup>.

11.12 Once again, it appears strange for the State to have a reservation against this sub-article when it is already fulfilling the requirements. While the availability of such training programmes and schemes is not in doubt, AWARE nonetheless would like to see the State produce transparent sex – and age – disaggregated data to evaluate meaningfully how many women (including long-term visit pass holders and permanent residents) actually benefit from these training programmes, and how these are translated into effective promotions and job security. As such, the importance of acceding to this provision is particularly acute in the absence of anti-discrimination laws in Singapore.

**Article 11(1) (d)** - The right to equal remuneration, including benefits, and equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

11.13 As proof to its commitment to equal pay for equal work, in May 2002, the State ratified the key International Labour Organisation (ILO) Convention on Equal Remuneration<sup>193</sup>. Following that, 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 in November 2002 which declared that the principle of equal remuneration embodied in the Convention will be incorporated into all future collective agreements as and when the agreements are due for renewal. Paragraphs 11.1 and 11.2 of the State's Fourth Periodic Report to CEDAW also reiterate its recognition of this right.

11.14 Following such statements of commitment to equal remuneration, AWARE sees no justification in maintaining the reservation to Article 11(1)(d). AWARE also calls upon the State to take immediate action to correct existing gender imbalances and wage differentials as examined further in paragraph 11.24 to 11.36 of this report.

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<sup>189</sup> <http://app2.wda.gov.sg/web/Common/homepage.aspx...> accessed 15 March 2011.

<sup>190</sup> <http://www.mom.gov.sg/EMPLOYMENT-PRACTICES/EMPLOYMENT-RIGHTS-CONDITIONS/WORKFARE/Pages/workfare-training-support-scheme.aspx...> accessed 15 March 2011.

<sup>191</sup> See Appendix 11.1 on Skills Program for Upgrading and Resilience.

<sup>192</sup> See Appendix 11.2 on Workforce Skill Up.

<sup>193</sup> ILO Convention 100 on Equal Remuneration 1951.

**Article 11(1)(e)** - The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

- 11.15 The right to social security should not be construed as requiring an excessively expensive welfare state to be set up in Singapore. Social security is currently available in Singapore through the Central Provident Fund (CPF) system<sup>194</sup>, and cash transfers such as top-ups and the Public Assistance programmes.
- 11.16 The original intent of the CPF was to help workers save for their old age and for them to be less dependent on the State when they were no longer economically productive. However, now both the employer and employee make monthly contributions that can be withdrawn at the age of 55. The fund can also be utilized before the age of 55 to pay medical bills, finance homes, service insurance policies and invest in stock. Instead of the State directly providing financial assistance, the scheme was intended to encourage self-reliance and to build a sense of responsibility for parents to their children, children to their parents, and even siblings to each other. For example, members have the option of topping up their parents' and spouse's retirement accounts through cash deposits or transfer of savings from their accounts.
- 11.17 With the availability of some form of basic social security to cover retirement, sickness, invalidity and old age<sup>195</sup>, AWARE is of the view that the reservation should be withdrawn. Removing the reservation will also pave the way for greater development where more needs to be done, in view of Singapore's changing demographics. The older woman is fast becoming a vulnerable person. AWARE emphasises the need to meet the social security needs of older women, who on the whole earn less than men, live longer and have less financial security. (See Article 12 and paragraphs 11.37 to 11.40 of this report for further analysis.) AWARE urges the State to introduce alternative social security schemes to assist women<sup>196</sup>, and so fulfil its obligations under this sub-article.

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<sup>194</sup> Mr Gan Kim Yong, Minister for Manpower at the CPF Board's Celebrating 55! Seminar on 26th June 2010, calls the CPF a key pillar of Singapore's social security system: "Since 1955, CPF has been a key pillar of Singapore's social security system, helping Singaporeans save for their retirement, own homes, and afford good quality healthcare. Over the past 55 years, CPF has evolved from a simple savings scheme into the comprehensive social security system it is today." The CPF is a social security savings plan. The overall scope and benefits of the CPF broadly cover retirement, healthcare, home ownership, family protection and asset enhancement<sup>194</sup>. It is compulsory and individuals are unable to opt out.

<sup>195</sup> Admittedly there are also current queries as to whether there will be a sufficient balance left to workers for their old age after all the allowable deductions to the CPF funds are made.

<sup>196</sup> See Article 12 and Appendix 11.3 on WINGS.

- 11.18 Although there are no unemployment benefits dedicated to helping the unemployed, the State has various assistance packages that help the unemployed. To that extent, there is baseline social security for those unemployed who are needy. Many of these schemes under the ComCare Endowment Fund – the main vehicle for delivery of social benefits<sup>197</sup> – are for the needy and unemployed. They include ComCare EnAble, ComCare SelfReliance and ComCare Grow, each of which has a slew of programmes including the Public Assistance Scheme<sup>198</sup> and Special Grant<sup>199</sup>. The unemployed are also entitled to get assistance from government and non-government organisations on job training, counselling, course fee subsidization and job data bank services.
- 11.19 In addition, there are also schemes to help low-wage earners, including the Workfare Income Supplement (WIS) Scheme which was announced during the 2007 Budget Speech as a permanent scheme following the one-off Workfare Bonus Scheme. The objectives of WIS are to supplement the wages and CPF savings of older low-wage workers as well as to encourage them to stay employed<sup>200</sup>. There is also the Workfare – Skill Up<sup>201</sup> programme, which provides training to help attain literacy and workplace skills, and placement into jobs thereafter. The training programmes ensure that workers are re-skilling to remain employable.
- 11.20 AWARE is of the view that the foregoing programmes, including those targeting re-employment, illustrate that there is a form of social security in place, despite

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<http://app1.mcys.gov.sg/IssuesTopics/HelpingtheNeedy/ComCareHelpingtheNeedy/ComCareProgrammesSchemes.aspx> ...accessed 15 March 2011.

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[http://www.mcys.gov.sg/web/serv\\_E\\_PA.html](http://www.mcys.gov.sg/web/serv_E_PA.html) ...accessed 15 March 2011. Public Assistance is available to the unemployed in the form of monthly cash grants to help with basic living expenses, free medical assistance at government healthcare institutions and education assistance. To qualify, Singapore citizens who are unable to work owing to old age, illness, or unfavourable family circumstances, and have limited means of subsistence and little or no family support, and (from 1 July 2010) who receive a small monthly payout from the CPF Minimum Sum or CPF Life schemes, which is not sufficient for their needs, may apply for PA if they fulfil all other PA criteria.

<sup>199</sup>

Administered in parallel to the Public Assistance Scheme, this scheme is meant to assist Permanent Residents of Singapore. Recipients enjoy the same benefits as those on PA. It is available to Permanent Residents who are aged 60 and who have no means of support, are destitute, disabled, mentally ill or chronically sick and unfit to work.

<sup>200</sup>

[http://mycpf.cpf.gov.sg/Members/Gen-Info/WIS/WIS\\_Scheme.htm](http://mycpf.cpf.gov.sg/Members/Gen-Info/WIS/WIS_Scheme.htm) ...accessed 15 March 2011. With the latest enhancements, with effect from 1 January 2010, the maximum payout for WIS is now \$2,800 per year (up from \$2,400 previously) to encourage older low-wage workers to seek and to remain in employment. The maximum qualifying average monthly income is now \$1,700 (up from \$1,500 previously).

<sup>201</sup>

[http://www.e2i.com.sg/services/employers/workfare\\_skill\\_up/](http://www.e2i.com.sg/services/employers/workfare_skill_up/)... accessed 15 March 2011.

AWARE's concerns that not all residents may qualify for the programmes<sup>202</sup>. As there is an infrastructure to provide assistance, AWARE sees no need for a reservation on this sub-article. But, AWARE calls for continuous improvement of social security programmes and sex- and age-disaggregated data to illustrate the effectiveness of these programmes, especially those placing women in jobs and re-employing women.

- 11.21 The right to paid leave is set out in the Employment Act<sup>203</sup>. With regards to workers who do not fall within the Employment Act, statutory paid leave is not available and this is discussed further at paragraph 11.59 to 11.64 in this report including maternity, paternity and childcare leave benefits. Although statutory paid leave is not available to everyone including foreign domestic workers and contract workers<sup>204</sup> and still needs improvement, the fact that it is covered under the Employment Act and is available to all public sector employees (with the State being the biggest employer in Singapore) should justify the removal of the reservation to Article 11(1)(e) while the State works to improve coverage.

**Article 11(f) - Right to protection of health and to safety in working conditions, including safeguarding of the function of reproduction.**

- 11.22 The reservation to this sub-article should be withdrawn in its entirety. It is paradoxical that this reservation was entered on the basis of trying to safeguard the welfare of women and their unborn children from certain hazardous occupations, when in fact this very sub-article *requires* the safeguarding of health and safety in working conditions and the function of reproduction.
- 11.23 AWARE urges the State to withdraw its reservation to Article 11(1) completely. Article 4(2) of the Convention already clearly states that adoption by States Parties of special measures aimed at protecting maternity shall *not* be considered discriminatory. Thus if the State insisted on pressing its argument on the need to protect the safety of women in combat roles in the armed forces, this could be achieved within the framework of the Convention without the need to jeopardise the right to freedom from discrimination which women should enjoy in all other areas of employment.

### **Gender Imbalances in Labour and Employment**

- 11.24 AWARE recognises the efforts of the State in putting in place measures to promote fair employment practices. These include, as already discussed earlier, the setting up of TAFEP to provide advisory services and assist employers to

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<sup>202</sup> However, not all residents of Singapore may qualify for such programmes it, or it may simply not be enough for those unemployed in the lower income group.

<sup>203</sup> See Appendix 11.4. Employment Act Section 43(1)

<sup>204</sup> '52 Days Leave? Too good to be true', *The Straits Times*, 5 February 2011.

achieve fair employment practices<sup>205</sup>. There is also the Ministry of Community Development Youth and Sports' (MCYS) Family Life Ambassador programme, which aims to create family-friendly policies in the workplace and community. AWARE further acknowledges organisations such as the Centre for Fathering and the newly formed National Council on the Family, which are encouraging men to come on board to take up dual responsibilities at home and at work. However, the initiatives to support families are still in their tentative stages to effect fundamental changes in mindset, as ideologically, the prescribed approach is still to recognise “men as heads of household”<sup>206</sup>.

11.25 A review since the 2007 Shadow Report shows that trends remain the same. AWARE is disappointed that options for women are still restricted by the lack of gender-equitable measures – flexible work arrangements and sufficient social support services – to enable both husbands and wives to pursue family-life and careers with fewer hassles. Till today, as the rest of this discussion will show, women tend to either sacrifice their careers, and opportunities for self-development and achievement, or they are saddled with an onerous dual responsibility of work, care-giving duties and household chores. The prevailing expectation in Singapore society for some years is that women are needed in the workforce as a contributor to the income in the household. Men lack the opportunity to be involved in or are still spared from, an equal sharing of the family-life as much is left to the private arrangements on the home front. At the State level, there is still not enough of an encouragement in the way of deep incentives and policies to right the imbalance between men and women as they cope with work-life issues.

### Labour Participation

11.26 MOM reported that overall, 66.2 percent of the resident population aged 15 and over participated in the labour market (i.e. were employed) in 2010<sup>207</sup>. For male labour force participation rate it was 76.5 percent while for females it was 56.5 percent<sup>208</sup>. With an educated women workforce, it is rather disturbing that the take-up rate of women in employment is rather dismal compared to advanced countries like Sweden, which compares well with Singapore in terms of literacy among women. In addition, the participation rate of women in the labour force in

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<sup>205</sup> TAFEP [http://www.fairemployment.sg/getting\\_started.asp?subid=2](http://www.fairemployment.sg/getting_started.asp?subid=2) ...accessed 15 March 2011. See also fn above.

<sup>206</sup> See Appendix 5.2. Quote on Men as Head of Households.

<sup>207</sup> This figure appeared in paragraph 1.2 of MOM's 'Report on Labour Force in Singapore, 2010' [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd\\_2010LabourForce.pdf](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf)... accessed 15 March 2011.

<sup>208</sup> See Appendix 11.5. MOM Report on Labour Force in Singapore 2010. Percentage of male and female labour force participation rate.



2007 was 56 percent, which shows only a 0.5 percent improvement rate over a four-year period.

11.27 Some data on the economically inactive include those aged between 25 and 54 (85%) and aged between 55 and 64 (62%). Both these groups cited family responsibilities as their main reason for being out of the labour force<sup>209</sup>. It is hard to see how the “healthy development of families” can be achieved when women have to struggle between work and family in such a strenuous fashion. An AWARE research<sup>210</sup> of a fairly well male/female-balanced respondent base showed that:

- the wife (60%) rather than the husband (4%) spent more time with their child(ren) (36% indicated "same"); and
- the wife (61%) rather than the husband (6%) took most responsibility for housework (33% indicated "same");

These statistics bear out the same trend of the labour participation rate by age and gender chart<sup>211</sup>. The rate of female participation rises steeply and steadily from age 15 onwards until midway in the age band of 25-30, where it drops and does not increase again with age. In sharp contrast, male labour force participation rises steadily and steeply but where female participation starts to fall at 25-30, male participation creeps up even more here and remains relatively constant all the way till the age band of 50-54 or 55-59, before starting to decline steadily. Women who leave the workforce do not re-enter as full-time workers.

### Unemployment Rates among Women

11.28 The national unemployment rate (non-seasonally adjusted) as of June 2010 was 4.1 percent<sup>212</sup>. It is harder for women to land jobs and AWARE is of the view that men find work more easily than women as there is a prevailing sub-text of seeing men as breadwinners (see Article 5 para 5.2). It is noted that for economically active persons between the ages of 25-64, 95.8 percent of these men were employed while only 74.4 percent of women were employed<sup>213</sup>. This disparity in

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<sup>209</sup> This figure appears in paragraph 4.4 of MOM’s ‘Report on Labour Force in Singapore, 2010’ [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd\\_2010LabourForce.pdf...](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf...) accessed 15 March 2011.

<sup>210</sup> AWARE Survey on ‘Parenting Leave in Singapore’, conducted at childcare centres across Singapore from Oct 2010 - Jan 2011 and with 1,000 respondents who are working Singaporeans and PRs with at least one child aged 7 years and below.

<sup>211</sup> See Appendix 11.6. MOM Report on Labour Force in Singapore 2010. Chart on gender labour participation.

<sup>212</sup> See Appendix 11.7. MOM Report on Labour Force in Singapore 2010. National unemployment rate.

<sup>213</sup> See Appendix 11.8. MOM Report on Labour Force in Singapore 2010. Percentage of women who

employment rates between men and women was also part of the MOM report which compared the employment rates of Singapore, Japan, Hong Kong, Taiwan, South Korea, the United Kingdom, the United States, France, Germany, the Netherlands and Sweden. The report said that: “the employment rate among females in Singapore generally lagged those in developed countries such as Sweden, the Netherlands, the United Kingdom and the United States”<sup>214</sup>. Women are impacted through this lower employability as compared to men.

### **Nature of employment (‘Employment Status’)**

11.29 Men make up 56.4 percent of the employed workforce and women 43.6 percent<sup>215</sup>. Theoretically, the figures across all industries and occupations should be the same or relatively comparable. However, AWARE notes that women still occupy the majority of clerical positions, making up 78.9 percent of all clerical workers, 47.7 percent of associate professionals and technicians, and 54.2 percent of cleaners, labourers and related workers<sup>216</sup>. These are clearly positions which command less income and prestige. Though in numbers women seem to be catching up with men, a closer look at the types of jobs women take on still shows the same kind of disparity that was highlighted in the 2007 AWARE Shadow Report<sup>217</sup>. The CEDAW Committee too had made recommendations in the Concluding Comments on the same point on both the vertical and horizontal segregation with regard to women in the workforce<sup>218</sup>. The State’s report does not directly address this issue other than to cite the role of TAFEP (see this report para 11.8), for which there is no clear public track record on how it has carried out its role.

11.30 Conversely, for the “higher-level” industries/occupations, instead of forming the ideal/balanced 46.1 percent of such personnel, women constitute only 36.9 percent of managers and administrators, 24.13 percent of working proprietors and 41.2 percent of professionals<sup>219</sup> (see also Article 13 para 13.3). The data showed

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are employed.

<sup>214</sup> See Appendix 11.9. MOM Report on Labour Force in Singapore 2009. Employment rate among women in Singapore as compared to other countries.

<sup>215</sup> See Appendix 11.10. MOM Report on Labour Force in Singapore 2010. Table 29 employment rate as of June 2010.

<sup>216</sup> See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

<sup>217</sup> See AWARE Shadow Report, 2007, pp. 69 para 11.4.

<sup>218</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 5 para 30.

<sup>219</sup> See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

that most employers (74.7%) and self-employed (71.2%) were men. But only a quarter of employers were women, of whom two-thirds were contributing family workers. Most women – 63 percent<sup>220</sup> - are “contributing family workers”<sup>221</sup>.

11.31 To sum up this section, the statistics outlined above highlight that women:

- (a) are less economically active than men;
- (b) have a lower employment rate than men even when they are seeking or are in employment;
- (c) are generally of lower employment status (i.e. more employees and contributing family workers rather than managers) than men;
- (d) obtain lower salaries than men even after accounting for age and qualification; and
- (e) are funnelled into less prestigious occupations/industries than men.

11.32 AWARE strongly believes that the State should step up its efforts to provide adequate social support to empower women to enter and remain in the workforce (as men are able to do) and to achieve parity with men in the workforce on a meaningful basis by the elimination of the above indications of qualitative (as well as quantitative) inequalities in the realm of labour and employment.

11.33 Removing the reservations to Article 11, as discussed earlier, will also pave the way to put in place anti-discriminatory laws to complement the work of TAFEP.

### **Wage Differentials**

11.34 Wage differentials according to gender continue to exist. The average median gross monthly income of resident full-time female employees in Singapore is SGD 2,500, whereas the equivalent figure for men is SGD 2,920<sup>222</sup>. This cannot simply be attributed to lower academic qualifications on the part of female employees - the data shows that men across seven types of similar qualifications as women, earn significantly more than women<sup>223</sup> (see Article 13 para 13.3). Whether it is by age-specific or qualification-specific indicators, the data shows that the median monthly income for men is higher than for women<sup>224</sup>. AWARE

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<sup>220</sup> See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

<sup>221</sup> This is defined in the MOM’s “Report on Labour Force in Singapore, 2010” to be referring to “persons who assist in the operation of family business without receiving regular wages or salaries”.

<sup>222</sup> See Appendix 11.12. MOM Report on Labour Force in Singapore 2010. Wage differentials. Table 20.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

believes that the gender-based wage inequalities persist because of the kind of jobs that women and men take on. As discussed in para 11.30 more women still hold rank and file jobs while men feature as employers with higher earning capacities. Because of cultural conditioning, men continue to be seen as heads of households (see also Article 5 para 5.1) and so stand a better chance of landing a better job.

- 11.35 In addition to conditioning, men under the Enlistment Act<sup>225</sup>, undergo two years of full-time National Service training at the age of 18, which carries an entitlement of salary increments, higher starting salaries and/or tangible benefits upon completion of the training<sup>226</sup>. This is recognition for service given to the country and experience gained by the men. The National Service discussion has been raised a few times. AWARE has advocated broadening the definition of “National Service” to include community service, paramedical services and support programmes for anti-terrorism services. It has also been argued that with today’s technology, military training is increasingly geared towards intelligence and has become a knowledge-based operations of a new order that offers many new opportunities for men and women alike. With a falling TFR (Total Fertility Ratio) men alone cannot fill the ranks – women will be needed. There are many new forms of service to the nation, including the military - for women and men who wish to opt for such a pathway.
- 11.36 There is a lack of data to clarify the rationale for the wage differential between the sexes (even aside from increments accruing to men solely on the grounds of their having served National Service). The type of data that would assist in investigating the root cause/s of the wage differential between men and women in Singapore generally should include sex-disaggregated data based on qualification (field of study/work experience), age group, occupation, hours worked and wage (excluding National Service increments). Such data would enable a clearer analysis of the trends and causes at work as well as providing clarity and an answer to questions such as whether the wage differentials exist due to direct gender discrimination and/or arise from existing gender-dominated industries/occupations. This will lead to enhanced capability to remedy the underlying socio-structural deficiencies causing such wage differentials. The CEDAW Committee has made such a recommendation to the State in its Concluding Comments<sup>227</sup>, asking for sex-disaggregated data in all sectors and to

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<sup>225</sup> Available at <http://statutes.agc.gov.sg/>

<sup>226</sup> MINDEF website, *Supporting our NS Men: An employers’ guideline*. Available at <http://www.mindef.gov.sg/imindef/resources/e-books.html?PageNumber=2> ... accessed 5 April 2010. See also statistics on employment rates and gross monthly salary for fresh graduates and post-National Service graduates produced by Temasek Polytechnic: <http://www.tp.edu.sg/ges09.pdf> ... accessed 5 April 2010. It was stated on page 2 thereof that, “The average gross monthly salaries remained competitive at \$1,776 for fresh graduates and \$2,130 for post-NS graduates in full-time permanent employment.”

<sup>227</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.4 para 18.

make such data publicly available.

### Employment of Older Women

- 11.37 The proportion of older women who are economically active in Singapore remains significantly lower than that for men. The employment rate of older (aged 55-64) male residents is at a record high of 75 percent, while the employment rate of older female residents, in comparison, is a mere 43.4 percent<sup>228</sup>. AWARE is of the view that much more can be done by the State to aid older women in light of their contributions to the family and the difficulty for them to regain a foothold in the workforce if and after they have withdrawn from it for what may amount to years or even decades, to take care of their children and family.
- 11.38 There have been calls for State-funded retirement pensions to help workers. The State has rejected these calls and while emphasising the unsustainability of such an idea with falling birth rates and an ageing population<sup>229</sup> it has championed the robustness of the CPF system in meeting retirement needs. But if many women are not working as they grow older they will have less in their savings (see also Article 12). The State feedback unit, Reach, has proposed<sup>230</sup> (a) a retirement grant for low income workers over 65 to supplement their inadequate retirement savings; and (b) that older workers who have been laid off can borrow money from their CPF savings, to be repaid when the worker finds another job. AWARE hopes that these recommendations will be seriously studied, implemented and monitored.
- 11.39 The State is well aware that efforts to help older women enter the workforce could be complemented by suitable skills upgrading and work preparation programmes<sup>231</sup>. However, the State has again fallen short in stepping up efforts

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<sup>228</sup> This is mentioned on pp. 15 of MOM's 'Report on Labour Force in Singapore, 2010' [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd\\_2010LabourForce.pdf...](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf...) accessed 15 March 2011.

<sup>229</sup> See the letter from the MOM, 'State-funded pension means higher taxes', *The Straits Times*, 28 September 2006.

<sup>230</sup> There is concern over the widening income gap, the increase in casual labour and the elderly growing old alone. Although the CPF scheme attempts to avoid destitution, this is still an issue among the needy. <http://www.reach.gov.sg/portals/0/MediaRelease/REACH%20Media%20Release%20on%20PSW%20Recommendations%20-%20web.pdf...> accessed 15 March 2011.

<sup>231</sup> The government had noted in the MOM July 2008 Focus Paper on Older People In and Out of Employment, that the "Majority of older economically inactive women have limited or no labour market experience, suggesting that efforts to help them enter the workforce could be complemented by suitable skills upgrading and work preparation programmes...." [http://www.mom.gov.sg/publish/etc/medialib/mom\\_library/mrsd/ms.Par.90720.File.tmp/mrsd\\_Focus\\_on\\_older\\_people\\_in\\_out\\_employ.pdf](http://www.mom.gov.sg/publish/etc/medialib/mom_library/mrsd/ms.Par.90720.File.tmp/mrsd_Focus_on_older_people_in_out_employ.pdf) ... accessed 15 March 2011.

sufficiently in this area in order to boost employment of older women. The ADVANTAGE!<sup>232</sup> scheme was launched by the State to provide funds to organisations to encourage re-employment of the aged. However, the take-up rate of employers/companies, the participation rate of older women and the efficacy and success of this scheme remain woefully under-assessed and under-documented/reported. Indeed, with respect to job-related structured training or education, MOM noted in its 2010 labour report that “[y]ounger residents continued to participate more actively in training than those older. Nearly four in ten economically active residents in their 20s (37%) and 30s (36%) underwent training compared with two in ten (19%) of those aged 50 to 64”<sup>233</sup>. This also implies that older women may not be receiving the said training. MOM needs to promote its training programmes more effectively to ensure that older workers can be better skilled to enhance their earning power.

- 11.40 The target set, according to Minister for Manpower Gan Kim Yong, for employment rate for older workers aged 55-64 is 65 percent by 2015<sup>234</sup>. Actions to encourage higher employment rate for older workers include the ADVANTAGE! Scheme, The Programme for Re-employment Practices: A Roadmap for Employers (PREPARE) and the “4R” (Recruitment, Retention, Re-employment and Re-career) Programme to “provide general guidance to companies on re-employment and how to better manage an older workforce”<sup>235</sup>. As with other policies put in place by MOM, the impact on older women is uncertain or undocumented. AWARE asks for adequate data to be shared with stakeholders.

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[http://www.mom.gov.sg/publish/etc/medialib/mom\\_library/Workplace\\_Standards/files2.Par.86545.File.tmp/Final%20Report%20of%20Tricom%20on%20Older%20Workers%20\(Executive%20Summary\).pdf](http://www.mom.gov.sg/publish/etc/medialib/mom_library/Workplace_Standards/files2.Par.86545.File.tmp/Final%20Report%20of%20Tricom%20on%20Older%20Workers%20(Executive%20Summary).pdf) ...accessed 27th March 2010. The ADVANTAGE! Scheme supports companies' efforts on three broad fronts: (1) recruiting more older workers, (2) retaining older workers, with (3) a greater emphasis on facilitating the re-employment of workers beyond age 62. This includes giving funding support to help companies implement HR policies and systems for the recruitment, retention and re-employment of older workers.

233 As stated by MOM at para 1.11 of its 'Report on Labour Force in Singapore, 2010' [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd\\_2010LabourForce.pdf](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf)... accessed 15 March 2011.

234 Para 18 of Committee of Supply (Speech 2) by Mr Gan Kim Yong, Minister for Manpower, 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=316> ... accessed 13 March 2011.

235 Para. 20 of Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

## Pregnant Mothers

- 11.41 While the Government has made due progress in increasing paid maternity leave to four months or 16 weeks under the recent changes to employment laws (first announced in August 2008 at the National Day Rally) to cultivate a pro-family environment in Singapore, pregnant employees in the workforce unfortunately still face discrimination and unfair treatment. It has been reported<sup>236</sup> that in the first nine months of 2009, there had been 119 “pregnancy-related” complaints lodged with MOM (soon after the enhanced maternity leave policy changes). This is an increase from 95 for the whole of 2008. For the entire year (of 2009) following the newly-increased duration of maternity leave entitlement, MOM received 147 cases of wrongful dismissal complaints filed by pregnant women<sup>237</sup>. In 2010, the numbers came down to 84. Clearly, more has to be done at ground level to ensure that employers do not continue to sidestep or get away with offending the relevant laws. AWARE highlights that in the State’s Fourth Periodic Report there is no direct address of this issue other than to reiterate the role of TAFEP. In the Concluding Comments there was a request for the State to evaluate the provisions of TAFEP to deal with indirect discrimination<sup>238</sup>.
- 11.42 In fact the National Institute of Education (NIE) has even issued directives<sup>239</sup> that clearly tell its teacher-trainees who receive allowances and serve their practicum in the schools, that they can only take up to 4 weeks of maternity leave, which, if they are doing their practicum would then mean that they have to go on a no-pay basis.
- 11.43 AWARE applauds TAFEP<sup>240</sup> for all its efforts. But it remains unascertainable how TAFEP officers deal with workplace discrimination – particularly expectant employees who have been unfairly treated – and how the staff advocate non-discrimination at the workplace. Most notably, it is unclear if MOM would be roped in to check on and enforce compliance by the employer-companies to ensure meaningful censure and recourse for aggrieved employees/applicants. In October 2008, Mr Gan Kim Yong, then Acting Minister for Manpower, made a speech at a parliamentary sitting, also commented that:

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<sup>236</sup> Para. 20 of Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318> ... accessed 12 March 2011.

<sup>237</sup> See Appendix 11.13. ‘Pregnant? You’re Fired’ by Radha Basu, *The Sunday Times*, 8 November 2009.

<sup>238</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp5. para 30.

<sup>239</sup> See Appendix 11.14 for NIE directives.

<sup>240</sup> See footnote 186 in this Article.



“We should not believe that legislation is the panacea to all discrimination-related problems – because it is not. The real solution is to change employers' mindsets so that they understand the benefits of and to adopt fair employment practices, and create a family-friendly work environment. This is the reason why the Tripartite Alliance on Fair Employment Practices (or TAFEP) has been set up in May 2006”<sup>241</sup>.

AWARE notes that the State’s Fourth Periodic Report does not offer any clarity on the efficacy of TAFEP.

- 11.44 AWARE also points out the weak prosecutions in cases of unfair dismissals of pregnant women also show that the punitive measures are not substantive. If an employer were found to be in breach of the applicable laws on maternity leave and benefits, it would only be liable for a fine up to SGD 5,000 or up to six months’ imprisonment or both. Even for a recurrent offence, the punishment is a fine not exceeding SGD 10,000 or imprisonment for a term not exceeding one year, or both<sup>242</sup>. This penalty may be ineffective as a deterrent, as it suggests that an errant employer bent on removing his female staff can get away by paying a relatively small fine at the least, which is likely to be less than the cost of paying maternity benefits<sup>243</sup>.

### Sexual Harassment in the Workplace

- 11.45 The lack of any specific legal definition and prohibition of sexual harassment in the workplace continues to be an area of concern. This was also commented upon by the CEDAW Committee in its Concluding Comments (para 30). AWARE conducted some research (2008) in which 54 percent of the 500 respondents said they had experienced some form of sexual harassment<sup>244</sup>. Another 25 percent of respondents said they knew of others who had also experienced some form of sexual harassment<sup>245</sup>. Most of the respondents who had faced sexual harassment at work were below 35 years old<sup>246</sup>. Women and men said they have been sexually harassed at work<sup>247</sup>, and experienced it many times. The figures show that sexual

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<sup>241</sup> [http://www.mom.gov.sg/publish/momportal/en/press\\_room/mom\\_speeches/2008/20081021-CDCA.html](http://www.mom.gov.sg/publish/momportal/en/press_room/mom_speeches/2008/20081021-CDCA.html) ...accessed 3 April 2010.

<sup>242</sup> See Appendix 11.15. Employment Act Section 112.

<sup>243</sup> ‘Close loophole to help pregnant employees’, *The Straits Times*, 20 June 2006.

<sup>244</sup> AWARE, ‘Research Study on Workplace Sexual Harassment 2008’, 2008, pp. 18. AWARE’s study approached 92 companies to share their policies and / or practices, if any, that addressed sexual harassment but only received 7 positive responses<sup>244</sup>.

<sup>245</sup> *Ibid*, pp. 20.

<sup>246</sup> *Ibid*, pp. 19.

<sup>247</sup> 8.3% of women respondents and 42% of male respondents indicated having been sexually



harassment exists in Singapore, affecting both women and men and raising some concern for the level of tolerance towards sexual harassment in the workplace<sup>248</sup>. The figures also reaffirm the general worldwide trend of more women being targeted than men, and as a form of discrimination against women there is also concern on its impact on women's rights to employment and a safe working environment.

- 11.46 The State's Fourth Periodic Report indicates a "range of laws that guard against various forms of sexual harassment"<sup>249</sup> exist. However, without specific legislation, sexual harassment in the workplace remains unrecognized as a distinct legal wrong. Claims made under criminal or civil law 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<sup>250</sup>.
- 11.47 As for seeking redress directly from management or other organisations, AWARE's study revealed that 66.6 percent of respondents were not aware of any sexual harassment policies in their workplace<sup>251</sup>. Although 50.4 percent indicated that they were aware of a department or resource person they could approach, it remains unclear whether there is any specific mechanism that deals specifically with sexual harassment<sup>252</sup>. Some – 12.5 percent – expressed reservations in seeking redress as they felt that they would lose their jobs. Some of the cases registered with AWARE's helpline also underscore this problem as victims remain uncertain of their rights or where to turn to for help<sup>253</sup>.
- 11.48 MP Halimah Yacob, who is also with the union, in response to AWARE's survey results said the statistics were higher than she expected and called for companies to put in place appropriate policies and systems<sup>254</sup>. However, without a more

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harassed at work. Out of that, 34% of women respondents and 19.2% of male respondents had been harassed several times - AWARE, "Research Study on Workplace Sexual Harassment 2008", 2008, p. 18.

<sup>248</sup> In its report AWARE cited its limitations on the respondent size as the research could only be conducted with companies that were willing to participate. Since the report in 2010, AWARE has gone on to design a workshop and conducted workshops for 734 participants with 20 companies and institutions. To date very few civil service organisations have asked for the course.

<sup>249</sup> Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008, pp.90 para 11.4.

<sup>250</sup> Ibid, Section Three, pp. 34-45.

<sup>251</sup> AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, pp. 18.

<sup>252</sup> Ibid.

<sup>253</sup> AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, AWARE helpline cases on pp. 7, 8, 14, 18, 24, 26 and 30.

<sup>254</sup> 'Sexual harassment widespread at the workplace', *The Straits Times*, 9 July 2008.

coordinated and concerted effort by the State to set the standard and create a no-tolerance climate for sexual harassment, employers are left to their own devices and level of social responsibility. The MOM for purposes of the study confirmed in writing that there are currently no plans to develop guidelines for workplace sexual harassment in Singapore<sup>255</sup>. On 25 August, 2008, the Minister in charge of the Civil Service, Teo Chee Hean, in response to a question in Parliament affirmed that existing measures were adequate to deal with sexual harassment in the workplace but that the Public Service Division will do more to raise awareness of the issue and available mechanisms of redress within the Public Service<sup>256</sup>. While this commitment from the State to create greater awareness is much lauded, the State's Fourth Periodic Report does not elaborate on the conduct and impact of these awareness-raising efforts. AWARE further urges that such efforts need to be extended to the other sectors as well.

- 11.49 There is an urgent need to break the silence around sexual harassment at work and ensure victims who come forward are not stigmatised. AWARE has been receiving more calls for help against sexual harassment at work.

## Support Structures and Services

### Workforce Participation and Flexible Work Arrangements

- 11.50 The State has long identified the causal connection between the lower employment rate among women and the absence of an established framework of flexible work arrangements. Data on economically inactive women residents aged 15 and above who have worked before reveal that of all the reasons given for leaving their previous jobs, the second highest reason is "housework/ care of children, elderly or sick relatives"<sup>257</sup> (see also para 11.27 in this Article.) This data also reveals the extent of the problem, as the number one reason for women degree-holders leaving their jobs<sup>258</sup> is because of the caregiving role.

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<sup>255</sup> AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, pp. 29. Six companies and one public sector organization shared their policies/ practices. These were Singapore Airlines Limited, IBM, McKinsey & Company (Asia), The Body Shop, Shell, PricewaterhouseCoopers (PwC) and International Enterprise Singapore (IE).

<sup>256</sup> Singapore Parliamentary debates. Official Report of the Eleventh Parliament. Part III of First Session, v.84, 25 August 2008. Available at: [http://www.parliament.gov.sg/parlweb/get\\_highlighted\\_content.jsp?docID=408115&hlLevel=Terms&links=TEO,CHEE,HEAN&hlWords=%20%20&hlTitle=&queryOption=1&ref=http://www.parliament.gov.sg:80/reports/public/hansard/full/20080825/20080825\\_HR.html#1...](http://www.parliament.gov.sg/parlweb/get_highlighted_content.jsp?docID=408115&hlLevel=Terms&links=TEO,CHEE,HEAN&hlWords=%20%20&hlTitle=&queryOption=1&ref=http://www.parliament.gov.sg:80/reports/public/hansard/full/20080825/20080825_HR.html#1...) accessed 15 March 2011.

<sup>257</sup> Ministry of Manpower, 'Report on Labour Force in Singapore, 2010', Table 85, pp.138. The main reason cited for women leaving their jobs was 'completion of contract/ job'.

<sup>258</sup> Ibid.

- 11.51 In spite of the recognition of the importance of flexible work arrangements to increase workforce participation by women with children, many women continue to feel that their employment options are limited once they have children. “If there were more part-time jobs or jobs with flexible hours, we women would have better options. Our careers would not have to end after giving birth and we would not have to miss our children’s milestones”<sup>259</sup>. In addition, in the AWARE survey 61 percent of respondent-parents were in favour of employers providing flexible options at work, e.g. having longer maternity leave at lower pay<sup>260</sup>.
- 11.52 The State’s report identifies several initiatives both within the private and civil service to promote work-life strategies with employees. These include programmes like the Employer Alliance, Work-Life Works! Fund, and the Work-Life Advocate programme<sup>261</sup>. However there is a need for information on results and the effectiveness of these programmes/ schemes in improving the work-life of women.
- 11.53 Mr Hawazi, in his Committee of Supply speech<sup>262</sup> this year, acknowledged that “there were 270,400 economically inactive residents in the prime working age of 25 to 54, of which 87 percent were women”<sup>263</sup> in 2010. He pledged that in 2011, MOM will “re-examine the obstacles faced by economically inactive residents when returning to work, so as to put in place measures that cater to their needs”. Mr Hawazi cited two initiatives by the government to encourage flexible work arrangements.
- 11.54 The first is the Work-Life Works! Fund, or the WoW! Fund, a “one-time grant given to businesses to encourage employers to introduce Work-Life strategies at the workplace. The WoW! Fund helps to defray costs incurred by organisations while introducing Work-Life measures. An approved project can be funded up to 80 percent of costs subject to a maximum of SGD 20,000” and any organisation may apply for this grant<sup>264</sup>. According to Mr Hawazi, this fund has benefited over 760 companies, mostly SMEs, since it was launched in 2004<sup>265</sup>. While this seems

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<sup>259</sup> ‘Baby Girl’s Ours – For Only Two Nights A Week’, *Today*, 20 June 2006.

<sup>260</sup> AWARE Survey on ‘Parenting Leave in Singapore’ February 2011.

<sup>261</sup> Singapore’s Fourth Periodic Report to CEDAW 2008, pp.77-79 para 11.58-11.63.

<sup>262</sup> Committee of Supply (Speech 4) para 27 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318> ... accessed 12 March 2011.

<sup>263</sup> Ibid.

<sup>264</sup> <http://www.mom.gov.sg/employment-practices/work-life-harmony/wow-fund/Pages/wow-fund.aspx> ... accessed 15 March 2011.

<sup>265</sup> Committee of Supply (Speech 4) para 30 by Mr Hawazi Daipi, Senior Parliamentary Secretary

like an encouraging sign, it is unclear if MOM has followed up on these 760 companies to examine if the employees indeed enjoy the work-life integration strategies in the workplace. As a result, AWARE says it is hard to be convinced of the benefits of this scheme.

- 11.55 The second initiative Mr Hawazi highlighted was the Flexi-Works! Scheme, which MOM introduced together with WDA and its tripartite partners in 2007. The Flexi-Works! Scheme “is to facilitate the recruitment of employees (aged 30 and above) on part-time/flexible work arrangement. This is targeted at helping companies attract the economically inactive back to work”<sup>266</sup>. As of December 2010, “250 companies have committed to recruit 6,000 workers on flexible work arrangements under the scheme”<sup>267</sup>. Although it cannot be attributed to this scheme alone, the percentage of establishments offering flexible work arrangements increased from 3.6 percent in 2007 to 6.3 percent in 2010<sup>268</sup>. AWARE finds this an encouraging sign and hopes that this trend of alternative work arrangements can further increase to the effect of further improving the situation.
- 11.56 Despite the State’s efforts to support a family-friendly environment, many multinational corporations and local companies are still not embracing flexi-work arrangements. Only 35 percent of private-sector employees were offered at least one form of flexible work schedule in 2010<sup>269</sup>. These included staggered hours (6.5%), flexitime (6.3%), teleworking (2.8%), homeworking (1.9%) and job sharing (0.6%)<sup>270</sup>. However, among this 35 percent, a substantial 29 percent are actually part-time staff (included in the definition of “flexible work arrangements”) rather than full-time employees being offered flexible work arrangements which could help women employees cope with the double burden of career and family needs<sup>271</sup>. AWARE also notes that MOM’s Women Returning to

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(Health and Manpower), 9 March 2011, Parliament,  
<http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318...> accessed 12 March 2011.

<sup>266</sup> <http://www.ntuc.org.sg/flexiworks/> ...accessed 15 March 2011.

<sup>267</sup> Committee of Supply (Speech 4) para 31 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament,  
<http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318...> accessed 12 March 2011.

<sup>268</sup> Chart 6, Conditions of Employment 2010 [http://www.mom.gov.sg/Publications/mrsd\\_coe2010.pdf](http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf) ...accessed 15 March 2011.

<sup>269</sup> MOM, ‘Employment Conditions, 2010’, pp.1 Available at  
[http://www.mom.gov.sg/Publications/mrsd\\_coe2010.pdf](http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf) ... accessed 15 March 2011.

<sup>270</sup> Ibid.

<sup>271</sup> Ibid.

Work<sup>272</sup> report showed that a lower proportion of women rejoined the workforce (52%) as compared to other developed countries in Asia.

- 11.57 There are, however, some commendable developments notwithstanding the rather sparse figures above. AWARE recognizes the Tripartite Committee on Work-Life Strategy, which promotes work-life initiatives. The Committee received over 200 applications for the third Work-Life Excellence Awards in 2010, an increase of 50 percent from 2008, indicating the growing interest in work-life initiatives among employers. Seventy successful employers, including 13 SMEs, were recognized for their innovative and effective work-life strategies<sup>273</sup>.
- 11.58 In addition, the Employer Alliance, a group of companies led by Ms. Claire Chiang aiming to make work-life integration part of Singapore's corporate landscape, saw its membership increase significantly from 766 to 916 in 2010. Over the years, the Employer Alliance has promoted best practices, conducted research and assisted employers in implementing work-life initiatives. AWARE hopes that employers (and that the government encourages companies to) make full use of such resources and initiatives<sup>274</sup>.

### **Paid Family Care, Maternity and Paternity Leave**

- 11.59 The Ministry of Manpower defines family care leave as paid leave granted to employees for taking care of their children/spouse/elderly parents/other sick family members. It excludes maternity or paternity leave. In 2010<sup>275</sup>, 19 percent of establishments offered childcare sick leave. This is an improvement compared to 8.3 percent in 2008. Similarly, parental care/parental sick leave was offered by 10.6 percent of the establishments compared to 5.9 percent in 2008. This increase is encouraging but there remain issues over implementation. Despite specific legal entitlements to family care leave, private companies also have to be supportive of granting parents more leave to spend time with their children before the legislative initiatives would be truly effective on the ground level.

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<sup>272</sup> [http://www.mom.gov.sg/Publications/mrsd\\_women\\_returning\\_to\\_work.pdf](http://www.mom.gov.sg/Publications/mrsd_women_returning_to_work.pdf) ... accessed 15 March 2011.

<sup>273</sup> Committee of Supply (Speech 4) para 28 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

<sup>274</sup> Committee of Supply (Speech 4) para 29 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

<sup>275</sup> These figures appear in Chart 4 of MOM's 'Employment Conditions, 2010'. [http://www.mom.gov.sg/Publications/mrsd\\_coe2010.pdf](http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf)... accessed 15 March 2011.

“The question is, are we really given enough time off to take care of the family, to keep us together? ...I’m glad MCYS stresses financial support, but if private companies – and the Government – are not supportive of granting parents more leave to spend time with their children, the whole idea of keeping families together with such initiatives would be yet another scheme that runs a short sprint resulting in a waste of money and resources”<sup>276</sup>.

11.60 AWARE acknowledges the State’s measures on marriage and parenthood in relation to paid maternity leave and applauds the increase in paid maternity leave to 16 weeks<sup>277</sup>. However its limited and discriminatory application raises some concern<sup>278</sup>:

- (a) the paid maternity leave of 16 weeks appears to apply only to “citizen births”, denying non-citizen women the recognition of maternity as a social function<sup>279</sup>;
- (b) single women officers who do not marry the fathers of their Singaporean child remain ineligible; and
- (c) there is little enforcement – companies like Singapore Airlines continue to require pregnant female flight attendants to resign. Crew members receive no maternity benefits although they may later re-apply as ground staff. The move by Singapore Airlines to offer an ex-gratia payout of two months’ salary is a marginal improvement of the situation but does not change the nature of the discriminatory policy in place<sup>280</sup>
- (d) without corresponding changes to paternity leave, the increase in maternity leave serves to (i) create further differences between women and men in how they are socialised into parenthood, (ii) further entrench child-raising as women’s work, (iii) potentially create greater discrimination against women of child-bearing age in the employment market

11.61 AWARE calls for the full implementation of the CEDAW Concluding Comments on ensuring “paid family, maternity and paternity leave is guaranteed to all employees in the public and private sectors”<sup>281</sup>.

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<sup>276</sup> Ms. Mariam Maes in her letter to the Today newspaper’s forum. Her letter was published on Thursday 21 May, 2009, under the heading, ‘Private companies should play their part’.

<sup>277</sup> Singapore’s Fourth Periodic Report to the UN CEDAW Committee 2008, pp.79 para 11.64.

<sup>278</sup> <http://www.mom.gov.sg/employment-practices/employment-rights-conditions/leave-and-holiday/Pages/maternity-leave.aspx> ...accessed 15 March 2011. This identifies ‘Coverage under different scenarios’ for different categories of women in Singapore.

<sup>279</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007 pp.6 para 30.

<sup>280</sup> AWARE, ‘SQ Pregnancy Payout: AWARE’s Response’, 15 October 2010. Available at [http://www.aware.org.sg/2010/10/sq-pregnancy-payout-awares-response/...](http://www.aware.org.sg/2010/10/sq-pregnancy-payout-awares-response/) accessed on 11th March 2011.

<sup>281</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007 pp.6 para 30.

- 11.62 While the majority of companies (96%) provide paid maternity leave, likely owing to the legal requirements, only 47.9 percent of companies provided paid paternity leave in 2010, down from 53.3 percent in 2009<sup>282</sup>. This drop is disheartening, especially against the backdrop of improved maternity leave, and gives the wrong message to both men and women. AWARE urges the State to be active in promoting paternity care leave, to reinforce the message that childcare should be a shared responsibility between men and women which will enhance the quality of family life of Singaporeans.
- 11.63 AWARE recognizes that the legislature has paved the path towards encouraging fathers to play a larger role in childcare duties by instituting changes (first announced in August 2008 at the National Day Rally) to cultivate a pro-family environment in Singapore. Among other things, they make employers legally obliged to provide up to six days of infant care leave per year per parent for each child under two years of age, if the same is requested by the employee. This is, however, unpaid leave.
- 11.64 In a recent survey initiated by AWARE, two-thirds of the 1,100 respondents asked for a two-week paternity leave to be mandated and costs to be shared between employer and employee. Other findings include:
- 93% of respondents believed that paternity leave would enable fathers to be more involved in parenting (93%);
  - 79.7% of respondents felt that paternity leave should be at least 6 days (with 44.2% opting for more than 11 days);
  - 57% agreed that the last month of maternity leave should be converted to parental leave that can be taken by the father or the mother (19% disagreed; 24% somewhat agreed);

When it is available, paternity leave is utilised by most (ie. 75% of respondent) fathers. Two-thirds also wanted the six-days child-care leave to be changed into dependant's leave, in view of many beginning to care for the older generation<sup>283</sup>. More than 1,000 Singaporeans also responded to an online poll conducted by The Straits Times, giving a mixed response to five policy changes recommended by AWARE on paternity leave recently. AWARE is of the view that a firmer legal position<sup>284</sup> (and the corresponding message being conveyed to employers and

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<sup>282</sup> These figures appear in pp.7 Chart 4 of MOM's 'Employment Conditions, 2010', [http://www.mom.gov.sg/Publications/mrsd\\_coe2010.pdf](http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf) ...accessed 15 March 2011.

<sup>283</sup> 'AWARE'S Paternity Scheme: Singapore Divided', *The Straits Times* 11 February 2011; see also <http://www.aware.org.sg/2011/02/paternity-leave-should-be-made-mandatory/>... accessed 12 March 2010.

<sup>284</sup> Moreover, employees who are parents of children born out of wedlock or of non-Singaporean children would not be entitled to the infant care leave.



employees alike) could have been taken by making such infant care leave paid instead of unpaid<sup>285</sup>.

### Care Centres for the Elderly and Young Children

11.65 With an ageing population and the lack of supporting resources and services, family members, primarily women and single mothers, will face even more demands on their time as caregivers. To free up their time and energy for employment outside the home or to enable them to handle both more effectively, there should be more care centres for both the elderly and children.

11.66 Statistics show that the number of seniors (aged 65 and above) will increase from 8.4 percent in 2005 to 18.7 percent in 2030<sup>286</sup>. The first batch of Baby Boomers will hit 65 by 2012<sup>287</sup>. There is therefore a need to care for the increasing number of aged people, by providing more convenient and better-quality elderly care centres to help family members, primarily women, to cope with the double burden of work and family obligations. The TOUCH caregivers' portal indicates that there are 109 elder day care centres in Singapore at the moment<sup>288</sup>. AWARE is not privy to more detailed and publicly available studies or statistics that are updated, on the total capacity and adequacy of all elder care facilities in Singapore.

11.67 In terms of childcare facilities, the 2010 Singapore Social Statistics<sup>289</sup> shows that there were 785 child care centres with total capacity of 67,980. It is clear that there are insufficient spaces for infant care. It is well known that there are long waiting lists for infant care space and that parents are enrolling their yet-to-be-born babies to ensure a space<sup>290</sup>. Infant care is also expensive, ranging from SGD 1,000 to SGD 1,500 per child. If we assume that child care centres are for children aged three to six, and given the numbers of births each year at about 40,000, theoretically, we may need 120,000 places<sup>291</sup> for three cohorts of children.

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<sup>285</sup> AWARE, 'Paternity leave should be made mandatory', 9 February 2011. Available at <http://www.aware.org.sg/wp-content/uploads/Parenting-Leave-Singapore-mediarelease-9-Feb-2011.pdf> ...accessed 15 March 2011.

<sup>286</sup> MCYS [Online], Report on Ageing Population, 2005.

<sup>287</sup> Ibid.

<sup>288</sup> As indicated in <http://www.caregivers.org.sg/Tips.html> and <http://www.reload.aic.sg/AIC/ESN/Default.aspx> ...accessed 26 February 2011.

<sup>289</sup> <http://app1.mcys.gov.sg/Portals/0/Files/SPRD/Social%20Stats%202010.pdf>... accessed 8 February 2011.

<sup>290</sup> 'More infant care space, but no vacancies', *The Straits Times*, 28 February 2010.

<sup>291</sup> Three years of children for an annual cohort of babies at 40,000 births.



- 11.68 However, it is noted that even with the current capacity of 67,980, the 2010 data shows an enrolment of 57,870 children, or a space surplus of 15 percent. There may be a host of reasons for this. One of the pertinent reasons could be that, despite the subsidies, the cost of childcare centres is beyond the reach of some families. Studies show that parents with the median income of SGD 2,700 spend between 10 and 30 percent of their income on childcare. Childcare centres cost from SGD 550 to over SGD 1,000 a month, before government childcare subsidies of up to SGD 300<sup>292</sup>.
- 11.69 With the increasing number of childcare centres in Singapore, there are inadequate qualified childcare givers. The Pre-school Qualification Accreditation Committee (PQAC) was set up in January 2001 to oversee the standards and quality of pre-school teacher training for both kindergarten and child care sectors in Singapore and is jointly steered by the Ministry of Education (MOE) and the MCYS<sup>293</sup>. Despite the PQAC having been established for a decade now, there appears to be only 14 PQAC-accredited agencies that offer pre-school training courses in Singapore as at November 2010<sup>294</sup>. NIE offers tertiary level training in Early Child Education. However this training is available only at the post-graduate level. Access to this course is also limited to individuals with teaching qualifications. The stringent nature of this course's entry requirements restricts access to the vast majority who might be interested in seeking professional qualifications in this sector<sup>295</sup>.

### Women Not Protected by Legislation

- 11.70 AWARE is encouraged by some of the recent changes to the Employment Act, which came into effect in January 2009, notably the extension of coverage of the Act to confidential staff<sup>296</sup>. However the following persons remain excluded from the protection of the Employment Act<sup>297</sup>:

- Domestic workers;

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<sup>292</sup> AWARE, 'Bringing a Women's Perspective to the Singapore Budget: A submission by AWARE to Singapore's policy makers', February 2011. Available at <http://www.aware.org.sg/2011/02/a-womens-perspective-on-the-budget/...> accessed 11 March 2011.

<sup>293</sup> <http://www.moe.gov.sg/education/preschool/teachers/...> accessed 3 April 2010.

<sup>294</sup> Word file titled 'List of PQAC-accredited courses conducted by respective training agencies', listed on MOE's website: <http://www.moe.gov.sg/education/preschool/teachers/...> accessed 6 March 2011.

<sup>295</sup> Available at <http://www.nie.edu.sg/studynie/higher-degree-programmes/master%E2%80%99s-coursework/master-education/master-education-early-childh...> accessed 26 February 2011.

<sup>296</sup> See Appendix 1-4.2 Changes to the Employment Act.

<sup>297</sup> Available at <http://statutes.agc.gov.sg/>.

- Persons employed in a managerial or executive position<sup>298</sup> (unless such persons earn less than SGD 2,500 per month);
- Persons employed by statutory boards in Singapore.

11.71 MOM reports that professionals, managers, executives and technicians (PMETs) constitute 52 percent of the resident workforce<sup>299</sup>. The public sector is also a major employer of Singaporeans<sup>300</sup>. Clearly, a substantial proportion of the working population is not covered by the Employment Act.

11.72 AWARE acknowledges the State's step forward in having amended the law since 2009, so that managers or executives earning less than SGD 2,500 monthly would be somewhat covered by the Act. However, only select provisions pertaining to payment of salary and complaints and investigations into primarily salary-related offences would be available to these lower-earning managers and executives. AWARE is of the view that given legal costs, even managers and executives earning more than SGD 2,500 per month would be better protected with legislation extended to them rather than having to litigate or seek expensive legal advice to ensure adequate contractual protection of their employment rights or retrospectively seek legal advice on the same.

11.73 As for the exclusion of managers and executives earning more than SGD 2,500 monthly from the Employment Act, the State's rationale is that this group of workers is in a better position to negotiate their own terms of employment. AWARE contends that these workers are disadvantaged nonetheless for the following reasons:

- (a) those excluded from the Employment Act are most often not protected by unions since union laws generally do not permit such persons from being represented by trade unions;
- (b) many young personnel are given designations such as executives or managers (terms which are used rather indiscriminately by local employers as a matter of practice) but may not necessarily be able to negotiate their own terms of employment; and
- (c) the cap of SGD 2,500 is extremely oppressive in comparison with the cost of obtaining legal advice or representation in Singapore.

Those in this group who do not earn enough to be able to afford legal advice

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<sup>298</sup> This is the case unless the persons employed in managerial or executive positions earn less than S\$2,500 per month; and even then, coverage under the Employment Act to such employees is further restricted to only certain provisions thereof.

<sup>299</sup> This figure appears in paragraph 2.5 of MOM's 'Report on Labour Force in Singapore, 2010' [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd\\_2010LabourForce.pdf...](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf...) accessed 15 March 2011.

<sup>300</sup> The public sector is proclaimed to be the largest employer in Singapore [http://www.contactsingapore.sg/industries/public\\_sector](http://www.contactsingapore.sg/industries/public_sector) ...accessed 15 March 2011.

therefore suffer from significant inability to safeguard their employment rights.

- 11.74 Even for workers represented by trade unions, the representation of the interests of women in such trade unions must be examined - of the 500,000 workers represented in the trade unions affiliated to the NTUC as at September 2007, 48 percent were women<sup>301</sup>. However, only 4 out of 21 members appointed to the NTUC Central Committee (for the term 2007 to 2011) were women<sup>302</sup>. The disproportion between the membership and the representative leadership of women in the NTUC is clearly very marked.

### Foreign Domestic Workers

- 11.75 In 2010, around 190,000 migrant women worked as Foreign Domestic Workers (FDWs) in Singapore, which makes about one FDW in every five households and nearly 4 percent of Singapore's total population<sup>303</sup>. AWARE is encouraged by the positive measures of the State in prosecuting abusive employers and recovering wages<sup>304</sup> and acknowledges the efforts of the State to bring some governance into this industry through mediation processes and availability of educational materials for employer and worker education in different languages<sup>305</sup>. MOM's actions are commendable: In 2010, "interviews with over 900 FDWs indicate that they are highly satisfied with working in Singapore, with a mean satisfaction level of 8.7 out of 10. Seven in 10 FDWs intend to continue working in Singapore after their contracts expire. Almost 90 percent of FDWs were also aware of their employment rights and obligations"<sup>306</sup>.
- 11.76 However, AWARE remains concerned that FDWs are inadequately protected by legislation, as they are excluded from the ambit of the Employment Act, notwithstanding the various guidelines issued to employers and regulations governing employment agencies<sup>307</sup>. The State argues that it is not "practical to

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<sup>301</sup> Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 pp. 4 at para 7.21.

<sup>302</sup> Ibid.

<sup>303</sup> 'Maid for work-life balance? Think again' by Theresa Devasahayam and Leong Chan Hoong, *The Straits Times*, 23 April 2010.

<sup>304</sup> Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

<sup>305</sup> Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 paras 11.28 to 11.41

<sup>306</sup> Committee of Supply (Speech 3) para 49 by Mr Lee Yi Shyan, Minister of State for Trade & Industry and Manpower, 9 March 2011, 5 PM, Parliament <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=317...> accessed 12 March 2011.

<sup>307</sup> Singapore's Fourth Periodic report to CEDAW 2008, pp. 71 para 11.45 to 11. 51.

regulate specific aspects of domestic work” under the Employment Act as FDWs “work in a home environment and domestic arrangements vary in different households”<sup>308</sup>. The State also argues that legislation is not needed in this area and that market forces should determine wages and other conditions for foreign maids<sup>309</sup>.

- 11.77 There is however much concern that the isolated workplace for FDWs within private homes increase their vulnerability and cases of domestic workers working 365 days a year without a single day off would not be illegal<sup>310</sup>. The Employment of Foreign Manpower Act (EFMA) referred to in the State’s Report does not appear to be strictly enforced<sup>311</sup>. Despite the EFMA and Passports Act forbidding an employer from holding onto a worker’s identity documents, “nine out of ten domestic workers who seek assistance from HOME (a Singapore NGO providing assistance to migrant workers) are without identification documents”<sup>312</sup>.
- 11.78 FDWs are also excluded from the Work Injury Compensation Act which would cover and compensate for workplace injuries and occupational illnesses. “Even though domestic workers are covered by compulsory medical insurance in the event of an accident, the extent of the coverage and the benefits are less favourable than that of other low-paid manual workers covered by the Work Injury Compensation Act”<sup>313</sup>.
- 11.79 Paragraph 11.47 of the State’s Fourth Periodic Report to CEDAW states that FDWs are encouraged to enter into contracts with their employers to protect them and that this is sufficient legal protection for them. AWARE rejects this position and argues that FDWs do not have sufficient bargaining power to negotiate their own terms and conditions of employment, and are in need of protection just like any other worker. Moreover many are already in debt over the placement fees. By excluding FDWs from the ambit of employment protection, the State is

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<sup>308</sup> Ibid, para 11.47.

<sup>309</sup> Hansard; 18 March 2004; Ministry of Manpower; Foreign Domestic Workers Guidelines by Dr. Ng Eng Hen.

<sup>310</sup> Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011; see also submission by COSINGO – A coalition of Singapore NGOs – to the Universal Periodic Review; para 24; <http://maruah.org/2010/11/01/coalition-of-singapore-ngos-cosingo-submission-to-universal-periodic-review/>;... accessed 12 March 2010.

<sup>311</sup> Ibid, para 24.

<sup>312</sup> Ibid, para 24.

<sup>313</sup> Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

- discriminatory against FDWs and their work.
- 11.80 Although a new form of standard contract<sup>314</sup> was introduced by the Association of Employment Agencies<sup>315</sup> and CaseTrust in September 2006, clearly, the aim of the standard contract is to appease suppliers' and consumers' inconvenience and disputes when hiring foreign domestic workers rather than to protect the welfare of FDWs. This is borne out by the fact that the standard form employment contract, for instance, is designed "to help smoothen employer/employee relationships from the onset, by minimizing any ambiguities on the employment terms"<sup>316</sup>. For instance, "the contract will include the stipulation of the minimum of one day-off entitlement for the Foreign Domestic Workers (FDWs)". The tenor seems to be one of meeting minimum standards rather than truly looking out for the welfare of these FDWs as employees in a foreign land, as women, and as human beings.
- 11.81 AWARE argues that while curtailing disputes between employers and agencies is a useful function, it can severely limit the protection for FDWs, as there are too many arbitrary terms, such as the number of days off, that are left to be agreed on between employer and FDW. The number of rest hours and privacy issues are also not clearly spelt out. AWARE supports TWC2's (a migrant advocacy group) critique of the standard contract. FDWs are financially dependent on their employers to repay debts and to provide for their families. Because they work in a home environment, it becomes even more important for them to be protected via legislation.
- 11.82 While AWARE is heartened by the State's report on the enforcement of the Employment Agencies Act through the revocation and non-renewal of agency licences<sup>317</sup>, it remains concerned about the high cost borne by FDWs in paying agency fees. Although the Employment Agencies Act provides for a one-off payment of agency fees that is not more than 10 percent of the worker's first month's wage, the reality is that "migrant domestic workers pay between SGD 2,000-2,400, which is six to eight months' worth of their salaries as placement fees to agents"<sup>318</sup>. This could be increased by at least two months if the FDW

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<sup>314</sup> Available at <http://www.aeas.org.sg/ca.html> ...accessed 5 April 2010.

<sup>315</sup> The two associations are the Association of Employment Agencies (AEAS) and CaseTrust. The standard contract has too many arbitrary terms for days off, hours of rest and privacy for it to be standard.

<sup>316</sup> Press Statement by AEA(S) and Case trust, 2006. Available at <http://www.case.org.sg/downloads/casetrust/060714%20-%20Press%20Release%20by%20Accreditation%20Bodies.pdf>. ... accessed 5 March 2010.

<sup>317</sup> Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 pp.75 para 11.51.

<sup>318</sup> Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para 35. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

requests a change of employer<sup>319</sup>. The lack of governance and transparency makes the situation ripe for exploitation by the unscrupulous.

- 11.83 The State also garners about SGD 33 million a month<sup>320</sup> from the levies that employers pay for employing FDWs. Calls have been made for a portion of that money to be used to enhance training for re-integration, to set up support schemes for FDWs and to pay for their own insurance<sup>321</sup>, but they have been turned down. AWARE joins the NGOs and human rights groups in asking for a portion of that levy to be ploughed back to protect FDWs, especially when they fall ill, or channelled into a small fund for them to use when they go home. (See further discussions on this issue under Article 6 and Article 16). These FDWs are women abroad for employment purposes and apart from recognizing their economic contributions to Singapore, the State should further effectuate such recognition in the form of adequate legal and regulatory protection for these FDWs.

### Casual and Contract Workers

- 11.84 The number of resident employees on term contracts in 2010 decreased to 186,300 or 11.5 percent of the workforce. In 2009, there were 197,200 such workers or 12.7 percent. These workers are usually low-skilled, middle-aged workers who are hired on short-term agreements. In some instances they earn as little as SGD 500, which is an unsustainable income in Singapore. Others have been known to earn SGD 1, 200 a month. Such workers are also the first to go during a recession<sup>322</sup> or a company upheaval. What is worrying is the lack of sex-disaggregated data on the workers and the kind of protection offered to them. AWARE is concerned how women are impacted at this lower end daily rated job and if they compete with men on a daily basis to gain access to such jobs.
- 11.85 AWARE is concerned that contract workers are not covered under the Employment Act. Most employers also choose not to make CPF contributions to their employees, even though it is against the law<sup>323</sup>. As reported in the news, an interviewed contract worker, Mrs Yeow, faced the following plight – “It’s no good

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<sup>319</sup> Ibid.

<sup>320</sup> Based on the product of the lower FDW levy of \$170 per month and the estimated 196,000 FDWs in Singapore in 2011.  
<http://www.mom.gov.sg/newsroom/Pages/PressRepliesDetail.aspx?listid=172> ... accessed 15 March 2011.

<sup>321</sup> Hansard, 15 March 2003. Ministry of Manpower questioned by Nominated Member of Parliament, Ms. Braema Mathiapparanam.

<sup>322</sup> ‘Contract workers are the first to go’, *The Straits Times*, 6 January 2009.

<sup>323</sup> ‘NTUC going full steam to get contract workers on CPF; It is convincing firms supplying them and employing them to ensure workers get CPF’, *The Straits Times*, 28 February 2007.



being a contract worker. I get no benefits, no bonus and when the recession comes, I'm the first to go"<sup>324</sup>.

11.86 In 2010, the NTUC's Unit for Contract and Casual Worker (UCCW)<sup>325</sup> managed to help 17,000 workers receive CPF and assisted 700 workers to be on the Workfare Training Support Scheme<sup>326</sup>. The Workfare Training Support (or WTS) Scheme<sup>327</sup> was introduced in July 2010 as a complement to the Workfare Income Supplement (WIS). WTS encourages older, low-wage workers to upgrade their skills through training so that they can improve their employability, upgrade to better jobs and earn more. Mr Hawazi in his Committee of Supply speech this year was enthusiastic about the WTS, citing promising figures<sup>328</sup> and stating that "we think that it is working". As there is no statistical breakdown of the impact on women, AWARE is unable to comment on the benefits this scheme may accrue to women. However, broadly speaking, while Mr Hawazi and MOM may think that this scheme is working, the figures celebrated by Mr Hawazi show primarily only how many have taken up the training. There is no objective productivity measure to show that training has, indeed, benefited the people. As with the ADVANTAGE! scheme, the efficacy and success of the scheme seems to be underreported, although it should be also noted that the WTS Scheme was only introduced in July 2010 and the effects may not be measurable as yet.

11.87 While training schemes are indeed laudable, it should not be forgotten that quite urgently, workers themselves need more cash in hand. Many shun CPF or would rather not be on the scheme, so they can take home their full pay<sup>329</sup> to pay for utilities, rentals or just maintain themselves. Today the median income in

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<sup>324</sup> <http://www.asiaone.com/Business/Office/Learn/Job%2BHunting/Story/A1Story20090105-112425.html> ...accessed 15 March 2011.

<sup>325</sup> <http://www.tripartism.sg/News.aspx?id=36> ...accessed 9 March 2011. The Unit for Contract and Casual Worker (UCCW) was set up by National Trades Union Congress (NTUC) to enhance the lives of low-wage, vulnerable workers in Singapore.

<sup>326</sup> <http://www.mom.gov.sg/EMPLOYMENT-PRACTICES/EMPLOYMENT-RIGHTS-CONDITIONS/WORKFARE/Pages/workfare-training-support-scheme.aspx> ...accessed 10 March 2011. This scheme helps workers upgrade their skills in order to get better paying jobs.

<sup>327</sup> <http://app2.wda.gov.sg/web/Contents/Contents.aspx?Id=299> ...accessed 15 March 2011.

<sup>328</sup> Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 09 March 2011, Parliament: "[a]s of February 2011, more than 34,000 workers have benefited from the scheme. Specifically, over 11,000 workers and 1,300 employers have benefited from the WTS-Employer Grant. More than 24,000 workers received the Training Commitment Award. A total of 5,000 workers have also signed up for Workfare-Skill Up. Of the 2,800 workers who have already benefited and or attended the Skill Up motivational workshops, 1 in 5 continued on to literacy training. So we think that it is working."

<sup>329</sup> 'Low wage + No CPF = Zero nest egg?; More than 120,000 low-wage workers in Singapore are not paid CPF. What can be done to help them receive the benefits of this compulsory social security scheme? What is stopping them from getting it now?', *The Straits Times*, 21 April 2007.

Singapore has risen to SGD 2,710<sup>330</sup> and Singapore ranks 11 in the World's Most Expensive Big Cities<sup>331</sup>. How are women, with little education, able to secure some financial security for old age and to meet day-to-day living expenses?

## RECOMMENDATIONS

### Reservations

- 11.88 AWARE urges the State to withdraw its reservations to CEDAW Article 11(1) as many of the practices already in place show that the government has achieved some success in opening many opportunities for women and also has programmes that can address to a certain level the discriminatory practices against women.
- 11.89 AWARE states that the rationale for the reservation is akin to using a blunt policy to address a specific problem in Article 11.1(f).
- 11.90 AWARE reiterates that for a 46-year-old nation of well-educated women and men, it is time to introduce anti-discriminatory laws which can happen once the reservations are lifted.

### Gender Imbalances in Labour and Employment

- 11.91 AWARE urges the State to:
- (a) take serious note that the lack of adequate institutional support continues to hamper the contribution of women to the economy and also their personal realization of their career goals simply because the duties of family-building and care-giving are not being fairly apportioned between wives and husbands and this is not being made any easier by the inadequacy of institutional support/facilities;
  - (b) investigate whether social support services (by employers and by the State) are sufficient and effective, and whether family-friendly policies are being applied in the private sector in order to support working mothers;
  - (c) boost the labour participation of women by helping corporations implement effectively family-friendly practices including flexible work arrangements;
  - (d) investigate gender imbalances based on occupational status and take affirmative action to increase the number of female employers and self-employed;
  - (e) investigate and address female issues based on age group, as this will further help in addressing female issues more effectively and also improving the declining female participation rate across the age group categories;

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<sup>330</sup> 'Median Monthly Income Goes Up', *Today*, 1 December 2010.

<sup>331</sup> [http://www.citymayors.com/features/cost\\_survey.html](http://www.citymayors.com/features/cost_survey.html)... accessed 10 March 2011.



- (f) examine why one-gender-dominated industries continue to exist and acquire information on gender-dominated industries, with further statistics to examine the ratio of women to men applying to a job, based on the industry and their qualifications and acceptance rates, to examine if employers in particular industries show preferences based on gender or qualifications, or whether this is due to there being more of one gender applying for such jobs than the other; and
- (g) explore sex-related data based on qualifications (field of study/work experience), age group, occupation, working status, hours worked and wage (excluding National Service increments) together with other data that will help identify the cause of wage differentials between genders.

### **Supporting Social Services for Women**

- 11.92 AWARE urges the State to help women and men find a better balance between work and family life with more fine-tuned policies and fiscal incentives. This reconciliation between familial and professional responsibilities for men and women needs to be promoted and become a foundational approach across all policies within the State.
- 11.93 It is imperative that the State makes paternity leave mandatory, promote part-time work for either mothers or fathers, introduce care-giving incentives and transform the last month of the maternity leave into parental leave.
- 11.94 It is also important to recognise the multi-faceted nature of caregiving and mandate six days of dependency leave so that women and men can look after their elderly and less abled members in the family.
- 11.95 In order to support working parents and ensure better quality care centres, AWARE proposes that the State takes steps to effect the following:
- (a) Increase the number of elderly care centres and develop women-only care centres for Muslim and other communities in Singapore.
  - (b) Investigate mothers' and fathers' perceptions of daycare centres and explore areas to be improved.
  - (c) Raise standards and guidelines for care centres. The State should ensure that the supervisory/advisory board is sufficiently empowered and in fact does effectively monitor, evaluate and assess care centres to ensure enforcement of regulations.
  - (d) Create a mechanism to ensure that caregivers undertake recognized courses and undergo certified training related to early childhood. The State should also work with universities to provide courses that cover sufficient training and knowledge for caregivers.
  - (e) Offer subsidies for older persons to be trained in childcare and infant care work. This will increase the capacity of childcare services available to working mothers and also provide employment to older workers.

### **Employment of Older Women**

11.96 The State should encourage organisations to re-train and hire older women. Such actions could be advocated by providing more funding in addition to planning, facilitating and monitoring the training and hiring process, as well as investigating reasons why employers are discouraged from hiring older women. The State should closely monitor the ADVANTAGE! Scheme and ensure that its take-up rate by both employers and older women participants is satisfactory.

### **Dismissal of Pregnant Women**

11.97 AWARE proposes that strong scrutinizing and enforcement action be taken in respect of compliance with the relevant laws. There is an urgent need to change the mindsets and practices of employers, who do not appear to be acting consistently and in the spirit of the recent (and commendable) legislative changes.

11.98 AWARE urges severe punitive measures against those who discriminate against women's reproductive roles either at the point of recruitment, employment or in termination.

11.99 AWARE urges greater employer-sensitisation through programmes and incentives.

### **Paid Family Care, Maternity and Paternity Leave**

11.100 AWARE urges the State to review existing parental leave policies in employment settings to complement or replace, in part, maternity leave. This will allow couples to decide on paternal or maternal leave or both in a way that best suits their situation. It may also be useful to make the newly-introduced infant care leave paid leave rather than unpaid. This approach could furthermore possibly encourage more couples in Singapore to have children.

11.101 AWARE would like to see paternity leave being mandated.

### **Sexual Harassment in the Workplace**

11.102 AWARE calls for an action plan by the State for:

- (a) The enactment of specific legislation and the introduction of appropriate mechanisms on sexual harassment in the workplace;
- (b) More research on the occurrence and impact of sexual harassment on specific groups such as migrant domestic workers as well as students in education institutions, and
- (c) The initiation of public education campaigns to raise awareness on the issue.

### **Employees Not Covered by Local Legislation**

- 11.103 AWARE asks for workers who are not covered by the Employment Act that the State be more assertive in allowing working groups to help companies and employers in different sectors set up and implement guidelines from the Code of Responsible Employment Conduct. The State would then be able to use the Code as a reference point in settling disputes.
- 11.104 The State should also encourage employers to provide all workers with the benefits otherwise set out by statute even though these employees are not covered by the Employment Act.
- 11.105 To avoid discrimination in areas of employment, it is nonetheless important (especially in the absence of equal employment opportunity legislation in Singapore) that the reservation to Article 11 be withdrawn and the Constitution be amended to add “gender” and “marital status” in its anti-discrimination clause. This would be consistent with the aims of the Code of Responsible Conduct and various pronouncements of the State.

### **Foreign Domestic Workers**

- 11.106 AWARE advocates legislation to protect foreign domestic workers and/or to include FDWs as part of the scope of protected persons in the Employment Act<sup>332</sup> and/or the CEDAW Convention.
- 11.107 The State furthermore needs to recognize the work of the FDWs as a proper vocation and invest more directly in training, insurance schemes and funds for the workers.
- 11.108 There also needs to be greater regulation in the agency industry so that exploitation is stopped at that level – significantly, the issue of FDWs needs to be recognized as complex and requiring the setting up of a multi-stakeholder dialogue that is trans-boundary in nature.
- 11.109 AWARE calls upon the State to work towards complying with the General Recommendations 26 on where the protection of female foreign workers is clearly spelt out.

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<sup>332</sup> Available at <http://statutes.agc.gov.sg/>

## **ARTICLE 12**

## ARTICLE 12

### HEALTH

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*
  2. *Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*
- 12.1 AWARE commends the State on the many initiatives to improve the healthcare system and the increased life expectancy of Singaporeans<sup>333</sup> as noted in Singapore's Fourth Periodic Report<sup>334</sup>. There is low infant mortality at 2.2 per 1,000 live births<sup>335</sup> and a low maternal mortality rate of 4 per 100,000 live births<sup>336</sup> with a documented rate of 8 in 2007 and 2008 respectively and none in 2009<sup>337</sup>.
- 12.2 AWARE also notes that Singapore manages its healthcare financing through a few fundamental schemes. The 3M (Medisave, Medishield, Medifund) healthcare financing model in Singapore is supplemented by the 3Es – ElderSave, ElderShield and ElderFund<sup>338</sup>. The State's share of total healthcare expenditure has successfully shifted to the private sector from 50 percent in 1965 to 25 percent in 2000<sup>339</sup>. This has been achieved through corporatizing public hospitals by

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<sup>333</sup> A life expectancy of 81.4 years at birth with women outliving men by 4.7 years at 83.7 years estimated by the Ministry of Health for year 2009; Ministry of Health, "Population and Vital Statistics", n.d., <http://www.moh.gov.sg/mohcorp/statistics.aspx?id=5524...> accessed 21 February 2011.

<sup>334</sup> Singapore's Fourth Periodic Report to UN CEDAW Committee 2008, pp. 81.

<sup>335</sup> Ministry of Health, 'Population and Vital Statistics', <http://www.moh.gov.sg/mohcorp/statistics.aspx?id=5524...> accessed 21 February 2011.

<sup>336</sup> 'WHO Meeting sets a target of reducing maternal deaths by 30%', [http://www.wpro.who.int/media\\_centre/press\\_releases/pr\\_20000602.htm...](http://www.wpro.who.int/media_centre/press_releases/pr_20000602.htm...) accessed 21 February 2011.

<sup>337</sup> Ministry of Health, 'Population and Vital Statistics', <http://www.moh.gov.sg/mohcorp/statistics.aspx?id=5524...> accessed 21 February 2011.

<sup>338</sup> 'Growing the 3Es as Singapore's Population Ages', *The Sunday Times*, 7 June 2009.

<sup>339</sup> Lim Meng-Kim, 'Shifting the burden of health care finance: a case study of public-private partnership in Singapore', *Health Policy*, 69 (2004): 83-92.

- maintaining the public-private mix where the government retains control over the running of the institution but there is an increasing trend towards financing by private sources<sup>340</sup>. In 2008, Singapore spent about SGD 10.2 billion (3.9%) of its GDP on healthcare, out of which the State expended SGD 2.7 billion or 1 percent of GDP on health services<sup>341</sup>. The proportion of healthcare financing has been estimated at employer benefits (35%), out-of-pocket (25%), State subsidies (25%), Medisave (8%), Medishield (2%) and private insurance (5%)<sup>342</sup>. On the one hand, this can seem a good way to manage healthcare costs – a multi-party sharing of costs. But there is concern how women and men cope with the 25 percent out-of-pocket expenses if they do not have enough money or just enough (see para 12.10).
- 12.3 To cope with the increasing demands on healthcare from Singaporeans and foreigners, more hospital beds have been provided and more professionals are being recruited<sup>343</sup>.
- 12.4 The State is geared towards seamless integration of care between the acute hospitals, step-down facilities and long-term care facilities.
- 12.5 A budget of SGD 123 million was committed to support the National Mental Health Policy and Blueprint in 2007 to expand treatment options at the Institute of Mental Health and to facilitate early detection and treatment in the community<sup>344</sup>. This enables building resilience to mental illness, early detection, reducing stigma, community support, adequate mental health workers and the research and development of a monitoring and evaluation system<sup>345</sup>. Of the SGD 123 million,

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<sup>340</sup> Chongsuvivatwong, Virasakdi, Phua, Kai Hong, Yap, Mui Teng, Pocock, Nicola S., Hashim, Jamal H., Chhem Rethy, Wilopo, Siswanto Agus & Lopez, Alan D., 'Health and Health-care Systems in Southeast Asia: Diversity and Transitions', *TheLancet.com*, 29 January 2011, <http://www.spp.nus.edu.sg/docs/publication/20110129-Lancet.pdf> ...accessed 21 February, 2011.

<sup>341</sup> Ministry of Health, 'Healthcare System 2008' <http://www.moh.gov.sg/mohcorp/hcssystem.aspx...> accessed 21 February 2011.

<sup>342</sup> Phua K. H., 'Population Ageing: Implications for Health and Long Term Care Financing' (Presentation Notes) ...accessed 14 March 2011.

<sup>343</sup> For example, the State has set aside \$1.5 billion to recruit 7,700 more healthcare professionals, including doctors and nurses. More beds, clinics and staff will be added to the current system with Khoo Teck Puat and Jurong General Hospitals. Speech by Minister of Health, "From Moment to Moment", 9 March 2010, <http://www.straitstimes.com/STI/STIMEDIA/pdf/20100309/MOH.pdf> ...accessed 22 February 2011.

<sup>344</sup> Speech by Minister of Health, 'From Moment to Moment', 9 March, 2010, <http://www.straitstimes.com/STI/STIMEDIA/pdf/20100309/MOH.pdf> ...accessed 22 February 2011.

<sup>345</sup> Chong, Siow-Ann, 'Mental Health in Singapore: A Quiet Revolution?', *Ann Acad Med*, 2007, v36, No. 10, pp. 797-6, <http://www.annals.edu.sg/pdf/36VolNo10Oct2007/V36N10p795.pdf>... accessed 22 February 2011.

- SGD 88 million was to improve mental health services from 2007 to 2011 and SGD 35 million to support mental health education and train community partners<sup>346</sup>. Another SGD 17 million was added to the coffers for every year thereafter<sup>347</sup>.
- 12.6 The Ministry of Health (MOH) plans to increase the capacity for dementia patients to 500 by 2013, 300 for psychiatric patients by 2012 and to increase the nursing home capacity from 9,200 to 14,000 in the next decade<sup>348</sup>. These are to be run by voluntary welfare organisations or the private sector to supplement the purpose-built dementia nursing home (Apex Harmony Lodge) and three nursing homes for psychiatric care (Tai Pei Social Service, Sunlove Home and Surya Home) which currently provide 590 beds as of September 2008<sup>349</sup>.
- 12.7 The Health Promotion Board (HPB) also offers preventive health education that caters to women. This is a good beginning though some of the information content on illnesses has to become more women-specific<sup>350</sup>.

## AREAS OF CONCERN

### Healthcare Costs

- 12.8 Medisave, a subset of the Central Provident Fund (CPF), was introduced in 1984. Collectively, there is SGD 45 billion in Medisave. By the age of 50, the average balance in the Medisave of a salaried employee would exceed SGD 27,000<sup>351</sup>. However, the Ministry of Health website, as at end of 2009, also shows an average Medisave savings of less than SGD 15,700<sup>352</sup>. The varying data is difficult to interpret. Suffice to realise that even with state subsidies on hospital

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<sup>346</sup> National Council of Social Services, Rapport, November 2009-February 2010, p. 20. <http://www.ncss.org.sg/documents/RapportNov09Feb10.pdf> ...accessed 21 February 2011.

<sup>347</sup> 'The Scourge Within' by Radha Basu, *The Straits Times*, 27 September 2008. See also SAMH's 40<sup>th</sup> Anniversary book, *Reaching Minds Touching Hearts*, p. 15.

<sup>348</sup> 'MOH expands facilities for elderly with mental & psychiatric illnesses', *Channelnewsasia*, 20 May 2009.

<sup>349</sup> 'Homing in on Mental Health: More Resources in Dementia and Psychiatric Care for Ageing Population', *Today*, 21 May 2009.

<sup>350</sup> <http://www.hpb.gov.sg/healthscreening/article.aspx?id=9490> ... accessed 8 April 2011

<sup>351</sup> Speech by Minister of Health, 'All Can Afford Healthcare', 9 March 2010, <http://www.straitstimes.com/STI/STIMEDIA/pdf/20100309/MOHSpeech.pdf> ...accessed 21 February 2011.

<sup>352</sup> Ministry of Health, 'Healthcare Affordability', 2009, <http://www.moh.gov.sg/mohcorp/statistics.aspx?id=5974> ...accessed 21 February 2011.

- bills, the average bill size for a Class C<sup>353</sup> ward is around SGD 1,410<sup>354</sup>. An average person can manage such a medical bill for short-term illnesses on the Medisave savings that she or he has, but will be hard-pushed if there is a severe illness. Another example of reviewing the hospital cost is to look at the Class C bill size at the 50th percentile where the cost for day surgery to remove a lump from a breast ranges from SGD 613 to SGD 1,254. Similarly, the cost of a colonoscopy ranges from SGD 278 to SGD 528. The treatment of lung cancer meanwhile, ranges from SGD 362 to SGD 952. The length of the hospital stay is between 2 and 3 days<sup>355</sup> in these cases.
- 12.9 To increase affordability the Ministry of Health, with effect from 1 July 2010, has increased the minimum sum that has to be set aside. It is now SGD 39,500 and SGD 34,500 at or after age 55, respectively<sup>356</sup>. A 2005 academic study showed that only 6.9 percent of the elderly women have Medisave compared with 30.1 percent of their male counterparts and 65 percent of elderly women depend on their children's Medisave compared with 43.8 percent of elderly men<sup>357</sup>. AWARE is concerned how women will cope with medical bills as the catch-up is evident – women already have less in their Medisave and yet about 45 percent of the women are not present in the workforce as active employees earning salaries to have strong Medisave savings. This will affect their Medisave savings that are needed for their healthcare. There is no sex- and age-disaggregated data on the Medisave savings of women and men.
- 12.10 Using mathematical simulation of the Present Value of lifetime Healthcare Expenses (PVHE) at the benchmark medical growth rate of 4 percent, Chia and Tsui<sup>358</sup> estimated that the average elderly person living in a 3-room flat requires between SGD 24,557 and SGD 24,676 for females and between SGD 24,110 and SGD 24,198 for males, to manage their healthcare. For those living in 5-room flats the figures are between SGD 38,245 and SGD 38,523 for females and between SGD 24,614 and SGD 24, 727 for males. This means that elderly women need to set aside more medical savings than her male counterparts. But the average Singaporean does not have enough medical savings with an average Medisave of SGD 15,700. For example, an elderly woman living in a 5-room

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<sup>353</sup> For Class C wards the State funds up to 80% of hospital bills.

<sup>354</sup> Ibid.

<sup>355</sup> Ministry of Health 'Hospital bill size'  
<http://www.moh.gov.sg/mohcorp/billsize.aspx>. ... accessed 9 March 2011.

<sup>356</sup> Ministry of Health, 'Medisave Contributions', 2010,  
<http://www.moh.gov.sg/mohcorp/hcfinancing.aspx?id=322> ... accessed 21 February 2011.

<sup>357</sup> Chia N-C, Tsui A K C. 'Medical Savings Accounts in Singapore: How Much is Adequate?' *Journal of Health Economics*. 24 (2005), 855-857.

<sup>358</sup> Ibid.



flat<sup>359</sup> will not have enough medical savings at the minimum sum of SGD 34,500 at or after age 55<sup>360</sup>.

- 12.11 In 2000, WHO ranked Singapore sixth out of 191 countries in terms of effectiveness of its health care system but 101 where fairness of financing was concerned. This measurement is based on the fraction of a household's capacity to spend that goes on health care<sup>361</sup>. This poor ranking is because Singapore relies heavily on out-of-pocket fees and the burden is heaviest on older women who have minimal savings<sup>362</sup>. As stated in Para 12.2, the estimated proportion of healthcare financing is divided between Medisave (8%), Medishield (2%), employer benefits (35%), out-of-pocket (25%), government subsidies (25%) and private insurance (5%)<sup>363</sup>. Medifund is only provided when patients are unable to settle their hospital bills despite these subsidies. It is clear then that State-instituted schemes only represent 10 percent of total healthcare expenditure. Medishield cover will also cease once an elderly person turns 85 years old and there is no protection for the remainder of their life. Even more worrying, in 2009 100,000 women in Singapore do not have Medishield coverage. Therefore, they risk having to shoulder costly medical bills<sup>364</sup>.

### Women Growing Older

- 12.12 While older men and women in Singapore have similar prevalence for common chronic diseases such as hypertension and diabetes, older women also have higher incidence of certain disabling diseases such as arthritis. There are about twice as many semi-ambulant (2.02) and non-ambulant females (1.99) as there are semi-ambulant/non ambulant males. This should be contrasted with the ratio of ambulant females and ambulant males (1.20). Thus, although women live longer they also have to live with a greater level of disability and functional dependence for a longer period of their lives<sup>365</sup>. In an interview, Dr. Mary Ann Tsao, President of the Tsao Foundation, noted that each patient at the Hua Mei Seniors Clinic

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<sup>359</sup> Ibid.

<sup>360</sup> Ministry of Health, 'Medisave Contributions', 2010, <http://www.moh.gov.sg/mohcorp/hcfinancing.aspx?id=322> ...accessed 21 February 2011.

<sup>361</sup> Soin, Kanwaljit, 'The Forgotten Generation: The Lost Potential of Older Women'; address delivered at the AWARE's Women Forum, 2011. Information used with permission from author.

<sup>362</sup> Ibid.

<sup>363</sup> Phua, K. H., 'Population Ageing: Implications for Health and Long Term Care Financing' (Presentation Notes) ...accessed 14 March 2011.

<sup>364</sup> '100,000 Women Lack MediShield', *The Straits Times*, 26 July 2009.

<sup>365</sup> See Appendix 12.1. AWARE - TSAO, 'Beyond Youth: Women Growing Older and Poorer'.

spends between 30 to 45 minutes with doctors as medical problems come in multiples<sup>366</sup>. AWARE is concerned about the support care services for women growing older as well as how the older women are coping with paying hospital bills.

- 12.13 By 2009, the number of elderly people in Singapore had grown to 330,100, with females outnumbering males. The sex ratio among residents aged 65 and over was 795 males per 1000 females<sup>367</sup>. In contrast, the sex ratio for the resident population as a whole stands at 974 males per 1000 females, thus reflecting gender differences in mortality<sup>368</sup>. Indeed, life expectancy in 2010 is 83.7 years for females and 79 years for males<sup>369</sup>. Hence, to a large extent, the socio-economic and health issues of the elderly are the issues of older women.
- 12.14 The changing affluent lifestyles and habits of Singaporeans have led to an increase in chronic diseases. In a research project conducted in 2009 involving 2,808 elderly residents, of which 63 percent were women, it was found that nine out of 10 elderly residents reported having at least one chronic health condition. 43 percent have at least three medical conditions such as hypertension, diabetes, arthritis and other musculoskeletal disorders or significant depressive symptoms, and 3.5 percent of them have reported a history for treatment of mental illness<sup>370</sup>. The high rate of chronic health conditions of the elderly means they make the greatest demand on the healthcare system<sup>371</sup>.
- 12.15 The Singapore Burden of Disease Study 2004 found that ischaemic heart disease and stroke, which is generally thought to afflict men rather than women, form the top two causes of premature mortality in women at 15.9 percent years of life lost (YLL<sup>372</sup>) and 11.7 percent respectively on the diseases. These two diseases are

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<sup>366</sup> 'In an Ageing Society, GP is the Lynchpin of Medical Care', *The Straits Times*, 21 November 2008.

<sup>367</sup> State of the Elderly in Singapore Release 1 Trends in Population Ageing, Profile in Singapore's Elderly Population 2008/2009 MCYS.

<sup>368</sup> Department of Singapore Statistic. Sex ratio for resident population 2010 <http://www.singstat.gov.sg/stats/keyind.html> ... accessed 15 March 2011.

<sup>369</sup> See Appendix 12.2. Department of Singapore Statistic, demographic indicators 2010.

<sup>370</sup> 'Chronic Diseases, Functional Status and Quality of Life among the Elderly in Singapore' Ng Tze Pin & Yong Loo Lin 29th May 2009.

<sup>371</sup> Ibid.

<sup>372</sup> Years of potential life lost (YPLL) or potential years of life lost (PYLL), is an estimate of the average years a person would have lived if he or she had not died prematurely.<sup>[1]</sup> It is, therefore, a measure of premature mortality. As a method, it is an alternative to death rates that gives more weight to deaths that occur among younger people. Another alternative is to consider the effects of both disability and premature death using disability adjusted life years. [www.who.int/healthinfo/global\\_burden\\_disease/.../en](http://www.who.int/healthinfo/global_burden_disease/.../en)

- also ranked first and second for males at 21.4 percent and 8.9 percent YLL<sup>373</sup>. The Singapore Heart Foundation (SHF) notes that cardiovascular disease is the leading cause of death in women and those at risk include menopausal women, pregnant women and those on contraceptive pills<sup>374</sup>. From 2004 to 2008, there were 47,579 cancer cases diagnosed amongst the resident population<sup>375</sup>. Of these, 51.5 percent (24,498) were females. The top three cancers affecting females are breast cancer (29.2%), colorectal cancer (14.6%) and lung cancer (8%). AWARE is also concerned with a recent newspaper article<sup>376</sup> that shows younger women being afflicted with Osteoporosis which is a lifelong disabling illness. This is a cause for concern as it was reported that 20 percent of adults in their 20s-30s suffer from this disease.
- 12.16 However, outreach remains a problem despite women's vulnerability to these diseases. In its 2009 "Go Red for Women (GRFW) Heart Health Awareness Survey", SHF found that many women were not aware of the issues surrounding women and heart disease. Only 9 percent of respondents named heart disease as a leading cause of death while 35 percent felt that they were at low risk of heart disease for their age, 20 percent did not know if they were at risk or not, and 32 percent did not know women were more likely to die from heart disease after menopause than before. However, the respondents were aware of behaviour modification to prevent or reduce risk of heart disease and strokes as more than 80 percent identified exercise as a preventive measure followed by reducing stress (64%) and lowering cholesterol (62%)<sup>377</sup>. A check with the websites of the HPB or the SHF reveals little in terms of preventive or testing educational materials dedicated to women.
- 12.17 Yet the provision and financing of Singapore's healthcare system in regards to the elderly leaves much to be desired. The 3M (Medisave, Medishield, Medifund) are not a major source of payment for health<sup>378</sup>. The fact that only 330,000 females

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<sup>373</sup> Phua H. P., Chua A. V. L., Ma S., Heng D., Chew S. K., 'Singapore's Burden of Disease and Injury 2004', *Singapore Med J* 2009; 50(5):468-478.

<sup>374</sup> Singapore Heart Foundation, 'Women At Risk', <http://www.myheart.org.sg/factors-you-cannot-change/gender/women-at-risk/> ...accessed 22 February 2011.

<sup>375</sup> See Appendix 12.3. Trends in Cancer Incidence in Singapore 2004-2008.

<sup>376</sup> 'The lovely bones: Osteoporosis can hit young adults, so start building up bone health as early as possible – during childhood and adolescence' by Eveline Gan, *Today*, 3 May 2011.

<sup>377</sup> Singapore Heart Foundation, 'Heart Health Awareness Among Singaporean Women Still Low: 2009 Go Red for Women Survey', 4 February 2010, [http://www.myheart.org.sg/media/Press%20Releases/Press%20Release\\_GRFW%202009%20Survey%204%20Feb%202010.pdf](http://www.myheart.org.sg/media/Press%20Releases/Press%20Release_GRFW%202009%20Survey%204%20Feb%202010.pdf) ...accessed 22 February 2011.

<sup>378</sup> Phua K. H., 'Population Ageing: Implications for Health and Long Term Care Financing' (Presentation Notes).

compared with 420,000 males are covered by Eldersshield<sup>379</sup> suggests that elderly women are especially at risk of not having the means to pay for healthcare and related services. With 82.3 percent and 94.8 percent of women aged between 65 and over 70 are economically inactive, elderly women are forced to pay medical bills from their own pockets. Healthcare social policy dictates that the burden of care be shouldered by the individual and the family as children are the most important source of financial support for the elderly<sup>380</sup>.

- 12.18 The most vulnerable elderly women are who live in 1- to 3-room public housing flats and there is evidence that they may have foregone medical care as they spend less than their male counterparts in the same category and also against other women who live in bigger flats<sup>381</sup>.

<b>Annual Medical Expenditure of Elderly</b> ( n = survey size)				
	<b>1-, 2- &amp; 3-room HDB</b>		<b>4- &amp; 5-room HDB</b>	
<b>Age</b>	<b>Male (n)</b>	<b>Female (n)</b>	<b>Male (n)</b>	<b>Female (n)</b>
<b>66-70</b>	\$813 (78)	601 (74)	714 (75)	1537 (87)
<b>71-75</b>	\$1392 (48)	716 (48)	1824 (39)	1159 (84)
<b>76-80</b>	\$1592 (36)	1440 (83)	1130 (29)	1327 (58)
<b>81-85</b>	\$1789 (76)	903 (76)	1263 (73)	1458 (79)

Healthcare social policy dictates personal responsibility and family support to co-pay for services and treatment. However, risk pooling within the family is not sustainable in the long term especially with inflation and increasing medical costs, healthcare burden being shifted from public to private funding, increased consumption with age and longevity, and increasingly smaller nuclear families with a sub-replacement rate of 1.22 in 2009 and trending downwards to a recent low of 1.16<sup>382</sup>. Drawing from the progeny’s medical savings account is not ideal as this essentially means spending off the future as they need to provide for themselves and their children.

<sup>379</sup> Singapore’s Fourth Periodic Report to UN CEDAW Committee 2008, pp. 87 para 12. 30.

<sup>380</sup> State of the Elderly in Singapore Release 2 Employment and Incomes and Assets 2008/2009 MCYS.

<sup>381</sup> Chia N.-C., Tsui A. K. C. ‘Medical Savings Accounts in Singapore: How Much is Adequate?’, pp. 855-857.

<sup>382</sup> ‘Singapore’s Fertility Rate Hits Record Low of 1.16’ by Li Xue Wing, *The Straits Times*, 18 January 2011.

- 12.19 The Minister for Health has also acknowledged the distress faced by caregivers especially in cases where elderly relatives have dementia. He said there were 62 nursing homes serving 2 percent of our elderly population, which in his view was not excessive or grossly inadequate as Singapore was still a young society and family bonding was still strong<sup>383</sup>. In the 2010 the MOH Operating Expenditure Budget of SGD 3.54 billion, of which 66 percent was devoted to services programme, meant subvention costs for restructured hospitals, community hospitals, and polyclinics and to VWOs running homes and services<sup>384</sup>.
- 12.20 Studies show that women tend to be the main caregivers of children with special needs, the elderly in the family, and their own children. It is estimated that a third of those aged 65 and above depend on a caregiver to look after their daily needs<sup>385</sup>. This means that there could be around 100,000 caregivers of the elderly<sup>386</sup>. Given that the number of elderly in Singapore is estimated to be at 870,000 by 2030, thousands more will find themselves thrust into the role of a caregiver. More often than not, these caregivers will tend to be single (unmarried) females<sup>387</sup> who are vulnerable in terms of long-term financial security and familial support. This role can be especially challenging as they will have to juggle work life and the situation at home, which can lead to physical and mental stress<sup>388</sup>. Single caregivers can feel isolated and very emotional as they feel that they are “on their own”<sup>389</sup>.
- 12.21 AWARE would like to see more effective steps being taken to lighten the load on caregivers. This can include paid leave to be given to single caregivers<sup>390</sup> as well as tax relief if they choose to hire a maid<sup>391</sup> to help them care for the elderly. Dependable quality support is also needed as women should not be bearing the caregiving role alone.

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<sup>383</sup> Refer to ‘Bringing a Women's Perspective to the Singapore Budget’ A Submission by AWARE to Singapore's Policy-Makers, February 2011.

<sup>384</sup> Ibid.

<sup>385</sup> ‘Care for the carers of the old; As S’pore ages, there is a pressing need to cater to stressed-out caregivers’ by Radha Basu, *The Straits Times* 3 November 2009.

<sup>386</sup> Ibid.

<sup>387</sup> ‘Caregiving for older person in Singapore: Trends, Issues and Policies’ in *Social Service Journal*, NCSS & SSTI, v.21 Feb 2007-March 2007, pp.3.

<sup>388</sup> Kalyani Mehta *Family Caregiving for Older Persons in Singapore*’ ppt slides, 2005.

<sup>389</sup> Kalyani Mehta *Caregiving for Aging Parents: Experiences of unmarried daughters and sons in Singapore*’ ppt slides n.d.

<sup>390</sup> ‘Single, low-income caregivers need more support’ by Ng Jing Yng, *Today*, 9 February 2011.

<sup>391</sup> ‘MPs say foreign maids are no longer a luxury’, *The Straits Times*, 1 March 2011.

## Mental Illness

- 12.22 Women's mental health encompasses a wide range of conditions including their role as caregivers. The role of a caregiver can be very stressful especially when they have to care for elderly people suffering from Alzheimer's disease and dementia. Using disability-adjusted life years (DALYs) to quantify total disease burden, Chua, Ma and Chew concluded that anxiety, depression, Alzheimer's disease and other dementias are among the major sources of the total morbidity burden in Singapore<sup>392</sup>. The lifetime prevalence of depression among adults is 5.6 percent and that of dementia among the elderly is 5.2 percent<sup>393</sup>.
- 12.23 A local study of 3,023 persons (1,502 females and 1,521 males) aged between 13 to 64 years old living in high-rise apartments found that the prevalence of minor psychiatric morbidity in this sample was 15.7 percent, and that females were between one to one and half times more vulnerable than males<sup>394</sup>.
- 12.24 Another study found that the prevalence of psychiatric disorders amongst the elderly was 10 percent (2.3% dementia, 5.7% depression, 1.5% neurosis, and 0.5% paranoid disorder). With a rapidly ageing population, the projected number of people with dementia is expected to more than triple from 7,000 in the year 2000 to 24,000 in the year 2030<sup>395</sup>. Another report estimated that there are currently 25,000 senior citizens with serious mental illness of whom 10 percent are institutionalized<sup>396</sup>.
- 12.25 Suicide statistics documented 401 deaths in 2009 (267 males, 134 females)<sup>397</sup> but

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<sup>392</sup> Phua, H. P., Chua, A. V. L., Ma, S., Heng, D. & Chew, S. K. 'Singapore's Burden of Disease and Injury', 2004. Singapore Med J. 2009;50(5) <http://smj.sma.org.sg/5005/5005a2.pdf> ...accessed 22 February 2011.

<sup>393</sup> Chong, Siow-Ann, 'Mental Health in Singapore: A Quiet Revolution?', Ann Acad Med, 2007, V36, No. 10, pp. 797-6, <http://www.annals.edu.sg/pdf/36VolNo10Oct2007/V36N10p795.pdf>... accessed 22 February 2011.

<sup>394</sup> Ko, S. M, Kua, E. H., Ng, T. P., & Fones, C. S. L. 'Life Events and Minor Psychiatric Morbidity in a Community Survey', Stress and Health, V 17, No. 1, January 2001, pp. 41-46(6), <http://www.ingentaconnect.com/content/jws/smi/2001/00000017/00000001/art00869?crawler=true> ...accessed 22 February 2011.

<sup>395</sup> Kua, Joshua, 'Community Psychogeriatric Services in Singapore - the Missing Piece in the Jigsaw Puzzle', Hong Kong Journal of Psychiatry, June 2004, [http://findarticles.com/p/articles/mi\\_6882/is\\_2\\_14/ai\\_n28246936/](http://findarticles.com/p/articles/mi_6882/is_2_14/ai_n28246936/)...accessed 22 February 2011.

<sup>396</sup> 'Homing in on Mental Health: More Resources in Dementia and Psychiatric Care for Ageing Population', Today, 21 May 2009.

<sup>397</sup> Samaritans of Singapore, 'Suicide Statistics in Singapore: 1991 - 2009', <http://www.samaritans.org.sg/Suicide%20Prevention%20tab/Suicide%20Statistics%20in%20Singapore%20-%201991%20to%202009.pdf>... accessed 22 February 2011.

more women attempted suicide in the ratio of 2.3 females to one male<sup>398</sup>. The Singapore Burden of Disease Study 2004 estimated that self-inflicted injuries resulted in 4.1 percent YLL in women and is ranked among the top 10 causes of premature mortality burden as compared with 5.0 percent for men<sup>399</sup>. What has not been so apparent is the root cause and reasons for such self-harm.

## Eating Disorders

12.26 A retrospective study done by the Institute of Mental Health on eating disorders<sup>400</sup> from 1994 to 2002, revealed 126 cases of anorexia with the following profile: female (91.3%), single (92.9%), by ethnicity (Chinese 84.1%, Indian 7.9%, Malay 4.8%) and by occupation (students 73.8%, professionals and para-professionals 8.7%)<sup>401</sup>. The Eating Disorders Clinic at the Singapore General Hospital sees about 10 cases every month, with 127 new cases in 2009, up from just 34 in 2003<sup>402</sup>. Dr. Lee Ee Lian, senior consultant psychiatrist and director of the Singapore General Hospital (SGH) eating disorders programme, estimates that eating disorders in females is 10 times that of males and that females in adolescence and their 20s are particularly vulnerable<sup>403</sup>. A wider group of females affected by eating disorders range from pre-teens to working adults in their thirties<sup>404</sup>.

12.27 In another research, the Eating Disorder Examination Questionnaire (EDE-Q)<sup>405</sup>

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<sup>398</sup> Kok, Lee-Peng, 'Race, Religion and Female Suicide Attempters in Singapore', SpringerLink - Social Psychiatry and Psychiatry Epidemiology V 23, No. 4 (1988) 236-239, <http://www.springerlink.com/content/q7177219061829u2/>... accessed 22 February 2011.

<sup>399</sup> Phua H. P, Chua, A. V. L., Ma, S., Heng, D. & Chew, S. K., 'Singapore's Burden of Disease and Injury 2004', Singapore Med J 2009; 50(5):468-478.

<sup>400</sup> Eating disorders, including anorexia, in which a sufferer severely restricts food intake, and bulimia nervosa, which involves bingeing and purging are increasing.

<sup>401</sup> Lee, H. Y., Lee, E. L., Pathy, P., Chan, Y. H., 'Anorexia Nervosa in Singapore: An Eight-year Retrospective Study', Singapore Med J 2005; 46(6) : 275-28, <http://www.sma.org.sg/smj/4606/4606a1.pdf> ... accessed February 22 2011. See Table 1, pp. 2, Patient characteristics, birth rank, source of referral and social.

<sup>402</sup> See Appendix 12.4. 'More People Seeking Help for Eating Disorders Here', by Melissa Pang, *The Straits Times*, 1 January 2011.

<sup>403</sup> 'Too Thin Teens' by Dawn Tan and Bryna Sim, *The Sunday Times*, 12 August 2007.

<sup>404</sup> See Appendix 12.4. 'More People Seeking Help for Eating Disorders Here'.

<sup>405</sup> Kristine H. Luce and Janis H. Crowther. 'The Reliability of the Eating Disorder Examination: Self-report Questionnaire Version (EDE-Q)' International Journal of Eating Disorders April 1999 v25, 349-351.

The EDE-Q is a 41-item measurement adapted from the Eating Disorder Examination, a clinical interview assessing key behavioral features and associated psychopathology of eating disorders.



was used to compare the eating disorder psychopathology of young adult women in Australia and Singapore. While research revealed that overall levels of eating disorder psychopathology, as measured by the EDE-Q global score, were very similar, analysis at the item level indicated that Singaporean women were more fearful of losing control over their eating, more fearful of gaining weight or becoming fat, and more anxious at the prospect of regularly weighing themselves than Australian women. Singaporean women were also more likely to report binge eating and laxative misuse, whereas excessive exercise was more common among Australian women<sup>406</sup>.

- 12.28 Various physical ailments are a direct consequence of eating disorders. While anorexia may cause constipation, increased sensitivity to infections, stomach ache, very low pulse, anaemia, kidney damage, cardiovascular disorders and shortage of skeletal calcium, self-induced vomiting may cause dental damage, shortage of minerals and enlarged salivary glands. Use of laxatives may harm the stomach's normal functions. Stomach ulcers and dangerous heart rhythm problems are rarer side effects<sup>407</sup>. This means that the person is prone to illnesses because of the eating disorders.
- 12.29 Current state policies in schools include the Holistic Health Framework (HHF) implemented in schools, which replaced the previously renounced TAF programme. It encompasses the physical, mental and social health of students and not just measures of weight and fitness<sup>408</sup>. However, AWARE is concerned that more needs to be done. See also Article 5 where women and young girls were affected by media images. One of the best noted forms of prevention, as noted by Dr Ang Yong Guan of Ang Yong Guan Psychiatry, is to help children build a healthy self-esteem from a young age<sup>409</sup>. More intensive work needs to be done to help girls and young women build up their self-esteem.
- 12.30 In a survey done on 255 young adult women from three university campuses in Singapore, respondents were asked to rate the intervention method that would be most beneficial to one with an eating disorder. The results revealed that primary care practitioners, (female) friends and family members, and psychologists were the people considered most likely to be helpful. Obtaining advice about diet or

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<sup>406</sup> Jonathan M. Mond, Anna Chen and Rajeev Kumar 'Eating-disordered Behaviour in Australian and Singapore Women: A Comparative Study'. *International Journal of Eating Disorders* v43, 717-723.

<sup>407</sup> Effects on Bulimia/Anorexia, Dangers, Risks, <http://web4health.info/gr/ed-other-negative-effects.htm>... accessed 28 March 2011. A website on the health consequences of eating disorders.

<sup>408</sup> Ministry of Education. "Holistic Health Framework", <http://www.moe.gov.sg/education/programmes/holistic-health-framework/>... accessed 28 March 2011.

<sup>409</sup> See Appendix 12.4. 'More seeking help for eating disorders here'.



nutrition, counselling, cognitive-behavioural therapy<sup>410</sup> and talking to a friend or a family member were the activities considered most likely to be helpful while going to hospitals for treatment were rated quite low<sup>411</sup>. Thus, while the number of young women who are suffering from eating disorder behaviours have increased tremendously, there has been no corresponding response from the State to deal with the prevalence of eating disorders.

- 12.31 Currently, there is only one support group available for those suffering from eating disorders. This support group is called the Support for Eating Disorders Singapore<sup>412</sup>. The group meet at the LIFE centre at SGH for a dedicated treatment programme for the management of eating disorders such as anorexia nervosa, bulimia nervosa and binge-eating disorder every first Thursday of the month<sup>413</sup>. The Ministry of Education (MOE) has also made some, albeit limited, provisions for schools in Singapore to appoint counselling personnel such as teacher counsellors (TC) who are trained in counselling for emergency, behavioural and emotional problems that adolescents go through.

### Aesthetic Surgery

- 12.32 One of the most prevailing concerns in the practice of aesthetic surgery is the lack of professionalism. In a report done in the United Kingdom by the National Confidential Enquiry into Patient Outcome and Death 2010 on Cosmetic Surgery, it was noted that 56 percent of operation theatres were not fully equipped while more than 65 percent of patients were accepted for cosmetic surgery without any form of psychological evaluation<sup>414</sup>. This study raises similar concerns to the situation in Singapore.
- 12.33 Although organisations such as the Society of Aesthetic Medicine (SAM) exist in Singapore to regulate and control the entry of new surgeons in the aesthetic field<sup>415</sup> and to maintain some form of perimeter in the operations of cosmetic

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<sup>410</sup> Jonathan M. Mond, Anna Chen and Rajeew Kumar 'Eating-disordered Behaviour in Australian and Singapore Women: A Comparative Study'. *International Journal of Eating Disorders* v43, 717-723.

<sup>411</sup> Ibid.

<sup>412</sup> Singapore Association for Mental Health, <http://www.samhealth.org.sg/>... accessed 28 March 2011.

<sup>413</sup> Singapore General Hospital, 'Eating Disorders', <http://www.sgh.com.sg/Clinical-Departments-Centers/LIFE-Centre/services/Pages/eating-disorders.aspx>... accessed 28 March 2011.

<sup>414</sup> National Confidential Enquiry into Patient Outcome and Death 2010 report on 'Cosmetic Surgery : On the Face of It' [http://www.ncepod.org.uk/2010report2/downloads/CS\\_report.pdf](http://www.ncepod.org.uk/2010report2/downloads/CS_report.pdf) ... accessed 28 March 2011.

<sup>415</sup> 'New Medical Society Forms Amid Concerns Over Plastic Surgery', *Channelnewsasia*, 14 March 2008.

treatments, such organisations are limited in number and scope. Furthermore, due to the wide number of practices available in the market from makeshift clinics in homes that charge as low as SGD 200 for Botox injections to a plastic surgeon who would charge at least ten times more for the same treatment<sup>416</sup>, it has become rather difficult to control the industry of aesthetic surgery. This problem is heightened by the existing strong black market in Singapore for backroom Botox injections and other similar treatments<sup>417</sup>.

## RECOMMENDATIONS

- 12.34 AWARE urges the State to increase its portion of healthcare expenditure so that out-of-pocket expenses are less heavy especially for older people.
- 12.35 AWARE also asks the State to provide Singaporeans over 85 years old with Medishield cover for life.
- 12.36 AWARE asks for the criteria for Medifund to be made more transparent, with a breakdown by sex and age and its impact on women. The Ministry should also be more transparent and consistent in the computation of data so that the affordability pattern on bill sizes for women and men can be studied.
- 12.37 AWARE asks for greater public health prevention programmes with good outreach targeted at women, in particular diseases such as cardiovascular diseases, stroke, mental disorders, diabetes mellitus and neurological and sense disorders.
- 12.38 AWARE urges the Ministry of Health to offer deeper subsidies on health screening packages and ensure there is wider outreach of such useful programmes.
- 12.39 There is an urgent need for the establishment of comprehensive, accessible, and affordable psycho-geriatric services that are integrated with other healthcare and related services for the elderly. AWARE feels that this process of integration needs to be gender-specific and be implemented at a faster pace so that women caregivers can have better support services duties.
- 12.40 AWARE requests that the State extends specialist training on mental disorders to all caregivers, including those in the caregiving professions such as healthcare, social services, teachers and domestic workers.

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<sup>416</sup> See Appendix 12.5. 'Backroom Beauty Operators in Singapore', *Yahoo Online News*, 16 July 2010.

<sup>417</sup> Ibid.

- 12.41 The State should conduct research to identify the root causes for the emotional and mental disorders afflicting all strata of society from children, youths, adults and the elderly and to implement proactive preventive measures.
- 12.42 The State needs to recruit more professionals to intervene and support those with eating disorders in schools and tertiary education centres. In addition more concerted efforts are needed to deal with eating disorders in girls and women. More talks on self-esteem and health promotion need to be given at schools and with the help of Non-government Organisations (NGO) to reach out to women.
- 12.43 Hospitals should initiate and monitor support and self-help groups for eating disorders. These groups should include family members because family support is crucial in such cases.
- 12.44 The State should set up a multi-agency taskforce to study Singapore's caregiving needs and formulate policies and programmes that will better meet these needs. With Singapore's ageing population, this is an area of growing concern to many. The State should also increase the subsidies for women and men who care for dependent relatives (i.e. the physically disabled or mentally ill children and siblings, elderly parents or grandparents), and peg the eligibility criteria to the prevailing median income. Without these measures women are predisposed to suffer from depression and mental breakdowns.

## **ARTICLE 13**

## ARTICLE 13

### ECONOMIC AND SOCIAL BENEFITS

*States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- (a) *The right to family benefits;*
- (b) *The right to bank loans, mortgages and other forms of financial credit;*
- (c) *The right to participate in recreational activities, sports and all aspects of cultural life.*

- 13.1 Singapore's economy grew by a record 14.5 percent, recovering faster than other economies following the financial crisis of 2008<sup>418</sup>. The government handled the crisis effectively and made good use of their “crisis measures” such as Job Credits, SPUR and loan guarantees under the Special Risk-Sharing Initiative (SRI). These programmes helped employers hold on to their workers by introducing measures to upgrade their skills and quickly matched workers who had lost their jobs to new employees<sup>419</sup>. For 2011, economists are expecting Singapore's economy to expand by 5.7 percent and forecasting Consumer Price Index (CPI) inflation to come in at 4 percent - the highest level since 2008<sup>420</sup>.
- 13.2 AWARE agrees with the views expressed in Singapore's Fourth Periodic Report that there are schemes to help workers remain relevant for the workforce. However, AWARE asserts that not all the economic support is available to all and not all schemes are easy to access through well-effected outreach programmes.

## AREAS OF CONCERN

### Access to Financial Security

- 13.3 Singapore's labour force is growing. In June 2010, the total labour force rose by 3.5 percent to 3.14 million<sup>421</sup>. In 2010, 71.7 percent of women aged 25-54 were working compared with 92.4 percent for men in the same age group<sup>422</sup>. The

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<sup>418</sup> Budget Speech 2011.

<sup>419</sup> Ibid.

<sup>420</sup> ‘Economists Eexpect S'pore's Eeconomy to Eexpand 5.7% for 2011’, *Channelnewsasia*, 9 March 2011.

<sup>421</sup> Report on Labour Force in Singapore 2010, Ministry of Manpower pp. 1.

<sup>422</sup> Ibid.

employment rate for older residents aged 55 to 64 years old also increased to 59 percent as older women joined the workforce. The unemployment rate decreased from 5.9 percent in 2009 to 3.2 percent in 2010, with females accounting for 4.4 percent<sup>423</sup>. While these figures look promising for the younger women, it must be mentioned that the labour force participation rate for women is 56.5 percent. (See Article 11 para 11.26). Most of them also occupy rank and file positions (82%)<sup>424</sup>. This means then that 43 percent of women in fulltime employment are earning less than SGD 2,000 per month<sup>425</sup>. Fewer men (36%) are in this category. In addition only 3.9 percent of the female workforce earns SGD 10,000 or more whereas 8.0 percent of males do so<sup>426</sup>. There are some 242,000 economically inactive women aged between 25 to 54, 80 percent of whom do not have at least upper secondary education<sup>427</sup>. In short women workers on the whole will have less savings and less money for medical bills as they grow older. The government introduced Jobs Credits whereby employers received up to SGD 300 per worker to retain the services of an older worker<sup>428</sup>. AWARE hopes to see a similar scheme to bring back women into the workforce or to retain a parent with better flexible work arrangements. AWARE bemoans the lack of consistent sex- and age-disaggregated data on employability of women so that we can all see how women are affected<sup>429</sup>.

- 13.4 The Central Provident Fund (CPF) scheme is a cornerstone in ensuring that people have access to savings to pay for their homes, education and medical bills. But many among the lower-income groups, older workers and women who are not in active employment (see Article 11 para 11.28), will not have enough in their CPF as social security. The government has introduced the Workfare Income Supplement (WIS) scheme<sup>430</sup> whereby workers, depending on their age and the

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<sup>423</sup> See Appendix 13.1. Report on Labour Force in Singapore 2010.

<sup>424</sup> [http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2009/mrsd\\_2009LabourForce.pdf](http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2009/mrsd_2009LabourForce.pdf); Table 28 as reported in Bringing a Women's Perspective to the Singapore Budget – A Submission by AWARE to Singapore's Policy Makers; February 2011 pp. 13.

<sup>425</sup> See Appendix 13.2 Report on Labour Force in Singapore; June 2010. Table 64 and also as reported in Bringing a Women's Perspective to the Singapore Budget – A Submission by AWARE to Singapore's Policy Makers; February 2011 pp. 14.

<sup>426</sup> Ibid

<sup>427</sup> 'What's being done for workers at the bottom', *The Straits Times*, 13 January 2011.

<sup>428</sup> 'Budget at a Glance', *The Straits Times*, 22 February 2010.

<sup>429</sup> See also 'Bringing a Women's Perspective to the Singapore Budget – A Submission by AWARE to Singapore's Policy Makers', February 2011, pp.2.

<sup>430</sup> The WIS Scheme rewards work by providing more income and CPF savings to older low-wage

- job-type, receive minimum sums of SGD 700 to a maximum of SGD 2,800 in cash and CPF. In 2011, the 400,000 low-wage workers on the WIS scheme can also expect a one-off Special Bonus that will be given entirely in cash. Those who are self-employed or informal workers will however receive half of their bonus in cash and half in their Medisave accounts<sup>431</sup>. Despite the various schemes it is not known how many women benefit from such schemes and to what extent outreach programmes successfully bring them into the fold to enhance their financial security.
- 13.5 With regard to CPF, AWARE is concerned that workers aged above 35 years old who earn total wages of SGD1,500 or less per month are excluded from the increase in the employers' CPF contribution rate (see also Article 11 para 11.85). Currently a Singaporean's CPF contribution declines with age. To illustrate, AWARE is using a male example that was reported in the newspapers. This case can easily be applied to women too. In this example, Mr Rosli earns SGD1,240 and has to pay his SGD181 monthly mortgage repayment through CPF. At 51 years old, his contribution is SGD 161.20. By the time he is 61 years old, his contribution will be SGD 43.40. He is thus unable to service his loan, unless his salary increases to SGD 5,171 when he is 61 years old<sup>432</sup>. While this lack of provision affects men and women equally, the outcome with regard to women is more severe as women are already earning less and live longer with less. There are no women-centred measures to redress this imbalance.
- 13.6 There is a growing concern over families who have chalked up arrears over payments in housing and as a result live in less than ideal conditions with relatives, at shelters or at the beaches (till they are rounded up by the authorities)<sup>433</sup>. Case workers dealing with these families have shared in closed

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workers when they work and stay employed. <http://www.worfare.sg/>  
... accessed 13 March 2011.

<sup>431</sup> 'Workfare Income Supplement scheme 'strikes good balance', *Today*, 21 February, 2011. This bonus will amount to 50% more in Workfare payments for work done last year and 25% more for work done this year and the next.

<sup>432</sup> [Using CPF to Pay for Your Flat as You Grow Older – Possible?](http://theonlinecitizen.com/2011/03/using-cpf-to-pay-for-your-flat-as-you-grow-older-possible/), *The Online Citizen*, 5 March 2011. <http://theonlinecitizen.com/2011/03/using-cpf-to-pay-for-your-flat-as-you-grow-older-possible/>... accessed 13 March, 2011.

<sup>433</sup> See FN 80 in Universal Periodic Report by MARUAH; [www.maurah.org](http://www.maurah.org); <http://www.hdb.gov.sg/fi10/fi10323p.nsf/w/RentDirectHDBEligibility?OpenDocument>, ... accessed on 30 October 2010.  
In particular, persons who had previously owned a public flat and sold it in the preceding 30 months for any reason, are as a rule ineligible for public rental flats. Some Singaporeans who sold their flats to raise funds (for instance, to pay off debts) have subsequently become homeless, as they are unable to afford a new flat and are not eligible for rental housing: see for instance *The Straits Times*, "Meet Singapore's nomad families" (Jun 24, 2008), and *Asia Calling*, "Singapore Homelessness", 24 Apr 2010  
[http://www.asiacalling.org/index.php?option=com\\_content&view=article&id=1335:singapore-homelessness&catid=105:others&Itemid=388&lang=en](http://www.asiacalling.org/index.php?option=com_content&view=article&id=1335:singapore-homelessness&catid=105:others&Itemid=388&lang=en) ... accessed 30 October 2010).

door discussions how the women are vulnerable under these circumstances as they become more vulnerable to physical abuse from their depressed husbands. Some mothers feel acutely the need to send their children to school, to feed them and to give them shelter. In one instance the children were molested by a relative as this family lived in the living room of their relative's home. AWARE is concerned that the stringent housing policy with the 30-month wait period for the next public housing flat puts such down-and-out families at risk. AWARE calls for cheaper housing options and temporary shelters for such families till they can re-chart their lives.

- 13.7 By the last quarter of 2010 there were a total of 2,929<sup>434</sup> people on Public Assistance. It is unclear how many were females. There were only two indications – 24 abandoned/distressed wives and orphans and two widows with children. There were more women (5,152) than men (4,603) living in nursing/old folks' homes<sup>435</sup>. It is not known if they had any access to financial assistance. Many are helped through a Many-Helping-Hands approach which means that there must be good outreach and efficacy on the ground, using criteria that is clear and uniform in intent. AWARE is concerned how financial assistance is given on the ground whilst also acknowledging that there are many well-intentioned schemes to help those in need.

### Support for Families

- 13.8 AWARE notes that in the Ministry of Community Development Youth and Sports (MCYS) Budget of 2010, almost 44 percent - or about SGD 790 million - of the operating expenditure budget of SGD 1.83 billion (2010 estimates)<sup>436</sup> was for Family Development Programmes. These include the Enhanced Marriage and Parenting Package which covers the Baby Bonus schemes, government-paid Maternity Leave Scheme, government-paid Childcare Leave Scheme, Childcare and Infant care subsidies, childcare and Infant Care Subsidies and Recurrent grants for anchor non-profit childcare operators. Together with the tax credits offered to parents for their children, the total Marriage and Parenting package is a very generous one that will cost the government some SGD1.6 billion or 0.6 percent of the GDP<sup>437</sup>. This package was designed to boost the Total Fertility Rate (TFR), but it does not appear to have achieved the desired TFR.
- 13.9 It needs to be said that these schemes are mother-centric to the exclusion of fathers who still do not get a mandated paternity leave (see also Article 11 para

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<sup>434</sup> Monthly Digest of Statistics, Singapore; February 2011, Section 17.3.

<sup>435</sup> Monthly Digest of Statistics; February 2011, Section 17.4.

<sup>436</sup> Ministry of Community Development Youth and Sports, Committee of Supplies Debate 2010.

<sup>437</sup> 'Bringing a Women's Perspective to the Singapore Budget' – A Submission by AWARE to Singapore's Policy Makers February 2011, pp. 13.



11.62).The provisions of four-months maternity leave and the lack of paternity leave only reinforces the stereotypical role of women (see also Article 5 para 5.5) as caregivers and does not augment the role that a woman can play in Singapore's society.

13.10 In addition there is an overall lack of good support structures by way of infant and child-care centres as well as day-care centres for an ageing population. Women opt to care for children or employ a foreign domestic worker (see Article 5 para 5.13) to care for dependents.

13.11 Without adequate protection for foreign domestic workers, women in Singapore are part of the national framework to revisualise a woman's role to be in the home – another person's home. Now that is one step backwards as it implies that if a woman is from a poor background then her potential role is to become a domestic worker in another country. These are poor policy choices from a woman's perspective even if they seem to be solutions to support the working woman in Singapore.

13.12 The single unwed mother does not get all the benefits that a married woman gets. She has less paid maternity leave and fewer subsidies. In the civil service she gets no paid maternity leave at all. A single woman or man who employs a foreign domestic worker does not get the tax relief on the levy she pays for the services of the worker. A foreign wife married to a Singaporean from a lower-income group, ironically, struggles harder to find work and be given citizenship status (see Article 6 para 6.26). These are policies that add to the pressure and financial strain on these women who are trying to live independent lives. The single unwed mother is still seen as poor collateral for a housing loan and she struggles to get a unit on her own with access to subsidies only on a case-by-case basis.

## **RECOMMENDATIONS**

13.13 AWARE asks for a multi-agency taskforce to study Singapore's caregiving needs and formulate policies and programmes that will better meet these needs. With Singapore's ageing population, this is an area of growing concern to many.

13.14 AWARE would like to see a review of the eligibility criteria for financial assistance, taking into account the median income as the standard yardstick for all assistance schemes.

13.15 AWARE asks that the State sees Civil Society Organisations (CSO) as a stakeholder in enabling to improve lives for women. The State should share data that will help researchers and CSOs to identify the needs of women in society.

13.16 AWARE calls for a concerted effort to provide homeless families with temporary long-term shelters or cheap housing alternatives, thus reducing the risk that

women and children face when living in cramped quarters with relatives and friends or out in the open.

- 13.17 The government needs to give a clearer delineation of budget allocations by the communities that need caregiving assistance, with a breakdown of these communities by sex, age, ethnicity and citizenship.
- 13.18 AWARE urges the government to invest in more and better centres to care for infants, children and youths. These centres need to be adequately staffed, so appropriate recruitment and training programmes should be initiated and better wage structures be put in place.
- 13.19 AWARE asks that more incentives should be made available to employers so that they can offer flexible work arrangements and parental leave to employees. Paid paternity leave of two weeks and a one month parental leave should be made mandatory.
- 13.20 The government is urged to stop its discriminatory practices against unwed mothers. Unwed mothers should be extended the same motherhood and childcare benefits as married mothers.
- 13.21 The government needs to increase the subsidies for families caring for dependents so that women do not feel overburdened and under-financed in the process.
- 13.22 The government should convert the mandated 6 days of paid childcare leave into dependent's leave that any employed person can claim.
- 13.23 The government should review the efficacy of the Many-Helping-Hands approach in meeting the needs of those in distress and consider extending cash transfers to them for longer periods so they have more time to find their feet.
- 13.24 The government needs to make a concerted effort to retain women in the workforce by eliminating discrimination against women at the workplace. These include increasing incentives to employers, putting in place an efficient outreach programme and eliminating any form of sexual harassment.

## **ARTICLE 16**

## ARTICLE 16

### MARRIAGE AND FAMILY LIFE

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*
  - (a) *The same right to enter into marriage;*
  - (b) *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
  - (c) *The same rights and responsibilities during marriage and at its dissolution;*
  - (d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
  - (e) *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
  - (f) *The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
  - (g) *The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
  - (h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*
2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory*

- 16.1 AWARE commends the government and welcomes its efforts since the 3<sup>rd</sup> Periodic Report in 2004 and its oral presentation in New York in July/August 2007, to decrease discrimination against women in marriage or family relations. In particular AWARE welcomes the amendments made<sup>438</sup> in the Central Provident

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<sup>438</sup> Division of CPF-Related Assets in Matrimonial Proceedings Part IIIA of the Central Provident Fund Act (Cap 36).

Fund (CPF) Act, which came into effect in October 2007, which have made it easier for divorced couples to divide their matrimonial assets equitably. From October 2007, a former spouse no longer has to wait for her husband to turn 55 years of age, when he is eligible to withdraw his CPF monies, before receiving a share of the former spouse's CPF monies. The immediate transfer of CPF monies to the former spouse's CPF account can now be done.

16.2 AWARE is heartened by the amendments to the Penal Code 2008<sup>439</sup> which have removed blanket immunity for married partners who rape their spouses. It is now an offence between married partners if there is a non-consensual sexual relationship or act. This amendment applies to cases of estranged married partners; when there are ongoing divorce proceedings; where parties are living separately; or where there is an injunction or Personal Protection Order against the husband.

16.3 The Government has shown support to mothers by increasing maternity leave to 16 weeks, from 12 weeks. AWARE endorses this decision and discusses its detailed concerns about potential discrimination against women in the workforce in Article 11.

16.4 The 2008 Marriage & Parenthood Package provides enhanced leave options to parents to attend to infants and children less than 12 years of age. There have been tax incentives including a Parenthood Tax Rebate of SGD 5,000 for 1<sup>st</sup> child, SGD 10,000 for 2<sup>nd</sup> child, SGD 20,000 for 3<sup>rd</sup> and 4<sup>th</sup> children<sup>440</sup>. In addition there are increases in relief for children to SGD 4,000 (from SGD 2,000) per child or SGD 5,500 per child under for a disabled child<sup>441</sup>; for working mothers' child relief up to 15 percent (for 1<sup>st</sup> child) of their earned income, 20 percent (for 2<sup>nd</sup> child), and 25 percent (for 3<sup>rd</sup> and subsequent child)<sup>442</sup>.

(a) In the January 2010 Budget the Government announced that wives who are taxpayers and breadwinners can now claim spouse relief of SGD \$2,000, similar to the current tax relief for husbands, thus helping families where the wife is the main source of income.

(b) The Government announced that it will increase income dependent-related reliefs by SGD 2,000 to SGD 4,000. This means the relief becomes

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<sup>439</sup> 'Second Reading Speech of The Penal Code (Amendment) Bill, by Senior Minister of State A/P Ho Peng Kee, on 22 October 2007.' Ministry of Home Affairs, 22 October 2007.

<sup>440</sup> 'IRAS: Parenthood Tax Rebate', [http://www.iras.gov.sg/irasHome/page04\\_ektid1528.aspx](http://www.iras.gov.sg/irasHome/page04_ektid1528.aspx) ...accessed 13 February 2011.

<sup>441</sup> 'IRAS: Qualifying/handicapped Child Relief', <http://www.iras.gov.sg/irasHome/page04.aspx?id=214> ...accessed 13 February 2011.

<sup>442</sup> 'IRAS: Working Mother's Child Relief', <http://www.iras.gov.sg/irasHome/page04.aspx?id=220> ...accessed 13 February 2011.

SGD 7,000 (from SGD 5,000) if staying with parents, grandparents and great-grandparents; SGD 4,500 (from SGD 3,500) if not; SGD 11,000 (from SGD 8,000) if staying with handicapped dependents, SGD 8,000.00 (from SGD 6,500) if not. AWARE applauds these moves to grant tax relief to working wives with dependent family<sup>443</sup>.

- 16.5 The amendments to Administration of Muslim Law Act (AMLA) which came into effect in March 2009 make it more convenient for effective enforcement of Syariah court orders at the civil courts. The amendment makes it easier for Muslims to effect Syariah court orders in the civil court system [(a) as Syariah Court Orders are deemed to be orders issued by civil court for enforcement purposes, thus eliminating the need to register Syariah court orders in civil court first, (b) orders on alimony and 3 months maintenance post divorce for Muslim wives can be enforced in Family Court as such orders are deemed to be maintenance orders issued by Family Court and (c) breaches of Syariah Court orders can be mediated in family Court]. In addition, the minimum age of marriages for Muslim had been increased to 18 years from 16 years<sup>444</sup>.
- 16.6 AWARE applauds the appointment of the first female Registrar in Syariah court since 2007, Madam Animah Gani. It also commends the appointment of three female members to the Appeal Board of the Syariah court with effect from Jan 2008.<sup>445</sup>
- 16.7 To counter concerns over decreasing financial support<sup>446</sup> by adult children for their parents, Courts will be allowed to issue Attachment of Earnings Orders to employers so that maintenance payments for parents can be deducted directly from the salaries of adult children. AWARE supports the use of video links between Family Service Centres<sup>447</sup> and the courts to assess cases when there is a failure to pay maintenance.
- 16.8 In 2011, the Women's Charter (WC) was amended to strengthen the enforcement of maintenance orders to help women receive financial support from their husbands or ex-husbands more effectively<sup>448</sup>. The amendments include requiring

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<sup>443</sup> 'IRAS: Parent/handicapped Parent Relief', [http://www.iras.gov.sg/irasHome/page04\\_ektid212.aspx](http://www.iras.gov.sg/irasHome/page04_ektid212.aspx) ...accessed 13 February 2011.

<sup>444</sup> Government Gazette Bills Supplement No: 24 of 2008.

<sup>445</sup> Statement by Mrs Yu-Foo Yee Shoon Minister-of-State of the Ministry of Community Development, Youth and Sports and Leader of the Singapore Delegation to the 39th Session of UN CEDAW New York, 1 August 2007 [app1.mcys.gov.sg/Portals/0/Files/MOS%20Opening%20speech.doc...](http://app1.mcys.gov.sg/Portals/0/Files/MOS%20Opening%20speech.doc...) accessed 13 February 2011.

<sup>446</sup> Maintenance of Parents' (Amendment) Bill 2010.

<sup>447</sup> Family Service Centres deal with social issues of the family and is manned by social workers.

<sup>448</sup> See Appendix 16.1. Women's Charter Part VI.

defaulters to undergo financial counselling, the placing of funds in a bank guarantee against future defaults and imposing of community-based sentences. Defaulters are required to declare their maintenance debts when registering a second or subsequent marriage. Claimants can report maintenance debts to the credit bureau which are reflected in the credit standing of a defaulter. The amendments also introduced a requirement for parents who are divorcing to undergo counselling. AWARE also applauds the collaboration between the Government and the Singapore Council of Women's Organisations for the research and recommendations on improving the enforcement of maintenance orders. The proposals to set up central body to administer maintenance payments and to convert maintenance debt into debt owed to the State are especially appreciated<sup>449</sup>. In our representations to the WC Amendment Bill, AWARE had submitted that the laws on maintenance be amended to be more gender neutral by allowing husbands to be entitled to claim maintenance from wives in specific instances. By not amending the laws, it may indirectly result in men being seen as the main breadwinner and may re-enforce the gender stereotype roles. AWARE's proposal was, however, not accepted by the government.

## AREAS OF CONCERN

### Issues in Article 16(2)

- 16.9 AWARE remains concerned that the Government has not declared its intention or initiated discussion on the lifting or partial lifting of reservations to Article 16. AWARE urges the Government to share with the Muslim community and women's groups its research on other systems that have been introduced by majority Muslim countries that have removed these reservations.
- 16.10 In its Concluding Comments in August 2007, the CEDAW Committee urged the Government to provide a concrete time frame for the withdrawal of its reservations to Article 16 (and Articles 2 and 11)<sup>450</sup>. It requested the Government to include in its next report, an analysis of the precise scope of the reservations and their impact on different groups of women. AWARE is disappointed that the State's Fourth Periodic Report did not address this issue. This is disappointing given Singapore's reputation for taking international obligations seriously. In this case there is a State obligation to the matter (see also Article 2 para 2.1).

### Child Marriages

- 16.11 In Singapore, legislation is designed to prevent child marriages and a betrothal

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<sup>449</sup> 'Managing the Family: One Problem, Many Problems', *Law Gazette*, 27 February 2009. <http://www.lawgazette.com.sg/2009-12/news5.htm> ...accessed 13 February 2011.

<sup>450</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 1-2 para 5 and 11.

- and marriage of a child (or minor) has no legal effect. For non-Muslims, WC<sup>451</sup> makes marriages of persons below the age of 18 void unless a special marriage license is granted by the Minister). Section 96(4) AMLA states that no marriage shall be solemnised if either party is below the age of 18 years but a Kadi (“a person authorised to solemnize Muslim marriages”) may in special circumstances solemnise the marriage of a girl who is below the age of 18 yrs but has attained the age of puberty<sup>452</sup>. Since March 2009, the minimum age of marriage for Muslims too has been increased to 18 years from 16 years, aligning with the Convention on the Rights of the Child<sup>453</sup>, a Convention which Singapore has ratified.
- 16.12 There are Muslim marriages where the brides are below the age of 17 but the numbers are relatively small. For non-Muslim marriages in 2008, the number of girls marrying below the age of 17 was 17, and for boys, it was 5. For Muslim marriages in 2008, the number of Muslim brides under 17 years was 47. Brides between the ages of 18-20 were 293, about 8.1 percent of total marriages (4,207). The number of Muslim grooms in 2008 under the age of 17 was 10 and between the ages of 18-20 was 102, constituting about 2.1 percent of total marriages.<sup>454</sup>
- 16.13 Based on the improvements made, AWARE questions the Government’s refusal to remove its reservation to Article 16(2) with regards to child betrothal and the compulsory registration of marriages. AWARE does not regard the relatively small number of child marriages and the provision for exceptions in WC and AMLA (and) sufficient to justify continuing the Government’s reservation to Article 16(2). To continue to have reservations gives a misleading impression that Singapore does not have legislation specifying minimum age of marriages when clearly, there are laws in place mandating minimum age of marriage, for both non-Muslim and Muslim marriages.

### Registration of Marriages

- 16.14 Singapore has legislation, which makes compulsory the registration of marriages in an official registry. Non-Muslim marriages have been required to be registered since 15 September, 1961 in accordance with provisions in WC<sup>455</sup>. Muslim

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<sup>451</sup> See Appendix 16.2. Women’s Charter Section 9.

<sup>452</sup> See Appendix 16.3. AMLA Sections 96(4) and 96(5).

<sup>453</sup> ‘UN Convention on the Rights of the Child | United Nations | International Treaties’, *The United Nations*  
[http://www.canadiancrc.com/UN\\_CRC/UN\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.aspx](http://www.canadiancrc.com/UN_CRC/UN_Convention_on_the_Rights_of_the_Child.aspx)  
...accessed 13 February 2011.

<sup>454</sup> Key Indicators of Marriage and Divorce, 2004-2009  
<http://www.singstat.gov.sg/stats/themes/people/marriages.pdf> ... accessed 13 February 2011.

<sup>455</sup> See Appendix 16.4. Women’s Charter Section 25.



marriages, registration of marriages has been compulsory since 1966 in accordance with AMLA<sup>456</sup> and it is an offence for any married person to omit to do so<sup>457</sup>.

- 16.15 Marriages are also required by law to be solemnised by “proper” persons. For non Muslim marriages, there are provisions in the WC mandating that only authorised persons can conduct the solemnisation of marriages<sup>458</sup>. For Muslim marriages, it is an offence for any person to unlawfully solemnise a marriage or to register a marriage in contravention of AMLA. On conviction, there is fine of not more than SGD 500 or imprisonment of not more than 6 months<sup>459</sup>.
- 16.16 To date AWARE is unaware of any incident where the marriage of a Muslim couple was solemnized by an “unauthorised” person. As such AWARE sees no cause for maintaining the reservations to Article 16(2). By not withdrawing its reservations, the Government gives the misleading impression that Singapore does not have legislation mandating compulsory registration of both non-Muslim and Muslim marriages.
- 16.17 AWARE concludes there is no valid reason to maintain our reservation to Article 16(2) and urges the government to withdraw completely its reservations.

### **Muslim Marriages Contracted Outside Singapore**

- 16.18 Although Singapore Muslim men who wish to contract polygamous marriages in Singapore are required to make an application with the Registry of Muslim Marriages (ROMM) and obtain approval for such marriages, there are cases where this requirement is circumvented by marrying outside Singapore. There is no legislation prohibiting polygamous marriages in Indonesia or Thailand and it is not a criminal offence to contract a marriage outside Singapore. AWARE believes this situation leaves wives vulnerable to husbands deciding to contract multiple marriages (in some cases, without their knowledge). (See also discussion in Articles 5, 6 and 11). Brides in foreign marriages may find themselves outside the protection of the law with no access to rights and benefits available to women in registered marriages.
- 16.19 AWARE calls for the government to ensure that there is legal provision to prevent such marriages and protect the rights of brides. AWARE recommends adequate screening and pre-marital counselling be given to ascertain if brides have been duped or forced into marriages under false pretences.

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<sup>456</sup> See Appendix 16.5. AMLA Sections 99, 100, 102 and 103.

<sup>457</sup> See Appendix 16.6. AMLA Section 130.

<sup>458</sup> See Appendix 16.7. Women’s Charter Section 8.

<sup>459</sup> See Appendix 16.8. AMLA Section 133.

### Issues in Article 16(1)(a) and (c)

- 16.20 AWARE notes 4 areas where Muslim men and women do not have the same or similar rights – (a) to enter into marriage, (b) polygamous marriages, (c) grounds for divorce and (d) inheritance.
- 16.21 Only Muslim women (not men) require the consent of wali for their marriages. Only Muslim men (not women) have the right to contract polygamous marriages. Muslim men have the right to divorce their wives by pronouncing the talak whereas Muslim women may only obtain a divorce through a breach of marriage promises or the various grounds listed in AMLA<sup>460</sup>. Male and female heirs of a deceased Muslim's estate inherit differently.
- 16.22 Save for the four areas outlined in 16.20, AWARE regards Muslim women as having the same or similar rights before the law as Muslim men. These include the same rights:
- (a) To choose a spouse and to enter into marriage only with their free and full consent. The written consent of both bride and grooms is required at the time of marriage solemnisation.
  - (b) The same rights and responsibilities as parents.
  - (c) The same rights to decide freely and responsibly on the number and spacing of children and have access to information, education and means to enable them to exercise these rights.
  - (d) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children.
  - (e) The same personal rights including the right to choose a family name, a profession and an occupation.
  - (f) The same rights in respect of ownership, acquisition, management, administration, and enjoyment of property.
- 16.23 AWARE understands that a total removal of reservations to Article 16(1) may interfere with the four areas of exception and provisions under AMLA. However AWARE sees no reason for the Government's broad reservations to Art 16(1) which calls to eliminate discrimination against women in matters relating to marriage and family relations. AWARE reiterates its request that the Government modifies its reservations so as to result in partial withdrawal of reservations to Article 16 (1) (b), (d) to (h), confining them to only Articles 16(1)(a) and 1(c).
- 16.24 Feedback from AWARE's discussions with Muslim women suggest that they reject a blanket reservation because Syariah law applies only in restricted areas to marriage, divorce (and ancillary claims of mutaah (temporary marriage), nafkah (money given to one's wife for household expenses) eddah (waiting period after divorce), children and division of assets) and inheritance.

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<sup>460</sup> See Appendix 16.9. AMLA Sections 47, 48 and 49.

- 16.25 In addition, although there is a dual system – civil and syariah legal systems - for Muslims. There are many areas where the same civil laws apply to both Muslims and non-Muslims. Such laws cover the maintenance of children and wives, domestic violence, adoption of children, custody, care and control of children where there is no divorce application in Syariah court and the division of matrimonial assets upon divorce. As such there are two clear areas where Muslims can choose to go to either the civil court or the Syariah court. These are over custody, control and access of children upon divorce and over division of matrimonial assets upon divorce. Issues relating to child custody and the division of matrimonial assets upon divorce can be heard by the civil court if both parties agree to do so or if leave is granted by the Syariah court for the civil court to hear the matter<sup>461</sup>.
- 16.26 The following discussion from paragraphs 16.27 to 16.38 shows how Muslims and non-Muslims can use civil laws to address their needs.

### **Maintenance of Wife**

- 16.27 Muslim wives can apply for maintenance from their husbands in the civil courts. In awarding maintenance, the court takes into account many factors including incomes, earning capacity and the needs of both parties given their station in lives.
- 16.28 Maintenance Orders can be enforced if there is a default including imprisoning the defaulting spouse or directly deducting maintenance directly from his monthly salary so that the maintenance can be paid into the ex-spouse's bank account<sup>462</sup>.

### **Maintenance of Children**

- 16.29 For both Muslims and non-Muslims applications for the maintenance of children are made in civil courts. If both mother and father are working, responsibility to maintain the children is a dual responsibility.
- 16.30 Fathers of illegitimate children (both Muslim and non Muslim) are obliged by law to maintain the children in the civil courts<sup>463</sup>.

### **Domestic Violence**

- 16.31 Both Muslims and non-Muslims apply for Personal Protection Orders (PPO) against those who commit family violence in the civil courts. Prosecutions for

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<sup>461</sup> See Appendix 16.10. AMLA Sections 35A and 36.

<sup>462</sup> See Appendix 16.11. Women's Charter Section 71.

<sup>463</sup> See Appendix 16.12. Women's Charter Section 68.

breaches of PPO are heard in criminal courts. The Syariah court is not empowered to hear applications for PPO and applications related to domestic violence<sup>464</sup>.

### **Adoption of Children**

16.32 The Adoption of Children Act applies to both Muslims and non-Muslims. Muslims are therefore allowed by law to adopt children. The birth certificate of the adopted child can be changed to reflect the name of the adopted father<sup>465</sup>.

### **Custody and Guardianship of Children**

16.33 The guiding principle of both the Syariah court and civil courts in deciding issues relating to custody, care, control and access to the children in a divorce, is the paramount and/or best interest of the children and the welfare of the children.

16.34 The Syariah court generally grants care and control of children under 7 years of age to mothers. Children above 7 are interviewed by the court. The Syariah court is increasingly issuing joint custody orders to both parents, that is, making both parents responsible for major decisions having a long term effect on children<sup>466</sup>. For civil courts, joint custody is the norm and sole custody the exception<sup>467</sup>.

### **Division of Matrimonial Assets upon Divorce**

16.35 The factors taken into account in the division of matrimonial assets upon divorce are generally the same for the Syariah court<sup>468</sup> and civil courts<sup>469</sup>. Both take into account many factors including a spouse's non-monetary contribution in the form of looking after family, domestic work, and taking care of children. Wives in long marriages who have not made monetary contributions will be awarded a share of matrimonial assets. If she has made monetary contribution, she will receive a higher share.

16.36 The definition of matrimonial assets in both the Syariah court<sup>470</sup> and civil court<sup>471</sup>

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<sup>464</sup> See Appendix 16.13. Women's Charter Sections 64 and 65.

<sup>465</sup> See Appendix 16.14. Section 3 to 5 of Adoption of Children Act.

<sup>466</sup> SHAIKH MD DANIAL B ABDUL MANNAN v N.A.A [Appeal Case No: 25/2007] and ZAINI BIN IBRAHIM v RAFIDAH BT RAHMAN [Appeal Case No: 26/2006].

<sup>467</sup> CX v CY [2005] SGCA 37.

<sup>468</sup> Section 52(8) of AMLA.

<sup>469</sup> See Appendix 16.15. Women's Charter Section 112.

<sup>470</sup> See Appendix 16.16. Section 52(14) of AMLA.

<sup>471</sup> See Appendix 16.17. Section 112(10) of Women's Charter.

is quite wide and covers all assets acquired during marriage, regardless of whether legally owned by one or both parties (or even a 3<sup>rd</sup> party). Assets acquired as gifts before marriage are excluded unless there has been substantial improvement on such assets during the marriage. Assets include pensions, gratuities, CPF monies, stock options, bank accounts, share portfolios, and assets outside the jurisdiction of Singapore.

- 16.37 Apart from marriage, divorce, inheritance and ancillary issues (in limited circumstances and where the guiding principles are similar between Syariah Court and civil courts), Muslims and non Muslims are governed by the same personal laws. AWARE strongly urges the government to reconsider their position on blanket reservations to Article 16(1) and at minimum narrow reservations to only Article 16(1)(a) and (c).
- 16.38 AWARE points out that other Muslim-majority country such as Malaysia and Turkey have made partial withdrawal to their respective reservations. Recently, Morocco withdrew its reservations to Article 16<sup>472</sup>.

### **Dialogue on Muslim Matters**

- 16.39 Responding to the CEDAW Committee's Concluding Comments, AWARE organized a closed door roundtable discussion with Muslim women on 1 November 2008 at the premises of Singapore Council of Women's Organisations (SCWO). (See Article 2 para 2.2 and Introduction for further details). Although AWARE's CEDAW Committee has offered both direct and indirect support, encouraged regional and international affiliations, there has been no follow-up action to the meeting.
- 16.40 AWARE notes that the Muslim Religious Authority (MUIS) has taken steps to look into the CEDAW Committee's Concluding Comments and has conducted several lectures to introduce works of international Muslim scholars who are more "reformist" in approach and thoughts. MUIS is strengthening its effort to do more research and build capacity in understanding gender issues, specifically related to CEDAW and Islamic Family Law. To this end, it established a Gender Taskforce in 2008 to conduct workshops on CEDAW for internal staff of MUIS and develop a module on CEDAW for a gender-training curriculum for azatizahs (imams, clerics, and uztazahs), mosque leaders and officers, and madrasah teachers. AWARE applauds these efforts.
- 16.41 In November 2009, the Association of Muslim Professionals (AMP – through its Centre for Research on Islamic & Malay Affairs RIMA) in collaboration with the

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<sup>472</sup> 'CEDAW Sessions', *Welcome to the United Nations: It's Your World*  
<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm> ...accessed 13 February 2011.

Malay Studies Department at the National University of Singapore organized a regional seminar entitled “Religious Activism & Women’s Development in SE Asia”. Twenty-four scholars and activists from Singapore, Indonesia, Philippines, and Thailand discussed impediments to women’s development. This conference hoped to raise awareness and serve as impetus to discussion and research women’s development in the region<sup>473</sup>.

## RECOMMENDATIONS

16.42 AWARE highlights four key areas of discrimination for Muslim women:

- (a) Capacity to marry (Muslim women need consent of “wali”)
- (b) Polygamy/Monogamy (Muslim men can have more than one wife)
- (c) Dissolution of Marriage (Men can simply pronounce talak)
- (d) Inheritance (distribution generally favours male heirs)

16.43 AWARE reiterates our position that there is an urgent need to look into reforms in these areas to reduce or eliminate discrimination against Muslim women.

16.44 In its Concluding Comments the CEDAW Committee has urged the government to do the following<sup>474</sup>:

- (a) To study jurisprudence and legislation in other countries with similar legal systems regarding the interpretation of Islamic law and its codification.
- (b) To ensure that Muslim women have full, easy and affordable access to civil law in all matters.
- (c) To take all necessary steps to increase support for law reform, including partnerships and collaboration with Islamic jurisprudence research organisations, civil organisations, women’s non-governmental organisations, religious and community leaders.

16.45 AWARE commends the initiatives thus taken to discuss Muslim matters from a CEDAW perspective. However this is not enough. AWARE asks for more steps to be taken by the government (e.g. MCYS, IMC, Women’s Desk) to implement the Concluding Comments of the CEDAW Report.

16.46 AWARE hopes that SCWO and Muslim organisations such as PPIS, PERGAS (Islamic Scholars & Teachers Association), YAYASAN MENDAKI (a self-help group dedicated to empowerment of Malay/Muslim community) and AMP will

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<sup>473</sup> ‘Conference on Religious Activism & Women’s Development in Southeast Asia | AWARE Singapore’, *Women’s Rights - AWARE Singapore* <http://www.aware.org.sg/2009/11/conference-on-religious-activism-womens-development-in-southeast-asia-highlighting-impediments-exploring-opportunities...> accessed 15 February 2011.

<sup>474</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 3 para 16.

take further steps to initiate discussion and consultation for law reform that will eliminate apparent discrimination against Muslim women.

- 16.47 AWARE applauds the steps taken by MUIS in 2009 and 2010 in reviewing two of its previous fatwas. This is in line with the CEDAW Committee's Concluding Comments when it urged Singapore to undertake a process of law reform to remove inconsistencies between civil law and Syariah law, including ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in compliance with the provisions of the Convention<sup>475</sup>. Two recent fatwas, one on jointly-held immovable properties, and the other on CPF nomination, were aimed at making decisions in Syariah courts more in line with decisions in civil courts.
- 16.48 The 2009 fatwa on jointly-held immovable assets provides some harmonization with the recent Court of Appeal decision in *SHAFEEQ BIN SALIM TALIB v FATIMAH BT ABUD BIN TALIB*<sup>476</sup>, a case involving a claim by the faraid beneficiaries (brother of the deceased) of a jointly owned condominium against the surviving joint owner (wife of the deceased). The civil court held that the right of survivorship applies to Muslims, that is, the surviving joint owner (the wife) becomes entitled to the entire condominium upon death of her husband, the deceased joint owner. The 2009 fatwa advised that through the creation of a *nuzriah* (a document expressing the intention of a joint owner that upon his death, the surviving joint owner shall be entitled to his share of the asset), and any potential claim by the deceased's faraid beneficiaries against the surviving joint owner, may be thwarted or prevented.
- 16.49 The previous fatwa on CPF nomination took the view that CPF funds must be distributed to the faraid beneficiaries of the deceased and that if the deceased had made a nomination naming the person/s entitled to his CPF monies upon his demise, such nominee/s hold/s the CPF monies in trust for the faraid beneficiaries. This was in conflict with the civil court decision in *SANIAH BT ALI v ABDULLAH*<sup>477</sup> where the High Court dismissed the claim mounted by the deceased's brother for a claim of the deceased's CPF monies which had been distributed to his stepsister in line with the deceased's nomination. The High Court held that the deceased's CPF monies do not form part of his estate and his nominee (not the faraid beneficiaries) was entitled to the said CPF monies. The 2010 fatwa brings consistency with the civil court decision in *SANIAH*'s case. The nominee will now hold the deceased's CPF monies for himself/herself and not as a trustee for the estate of the deceased, that is, in trust for the faraid beneficiaries).

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<sup>475</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp. 3 para 15-16.

<sup>476</sup> [2010] SGCA 11.

<sup>477</sup> [1990] SLR 584.

- 16.50 AWARE applauds the recent efforts on the part of MUIS in issuing a Religious Advisory on revocable insurance nomination for Muslim policy holders advising that Muslims who have taken up insurance policies may validly, from a religious standpoint, make revocable nominations for their insurance policies<sup>478</sup>. This is in contrast with the position adopted by MUIS in 2005 that upon death of a Muslim policyholder, the policy benefits must be distributed according to the Muslim laws of inheritance. MUIS had then advised that Muslim policyholders be allowed only 2 options either to (i) not make a nomination or (ii) make an irrevocable nomination. An irrevocable nomination can only be made to benefit spouse and/or children, thus excluding any other categories of beneficiaries e.g. siblings, parents, grandparents, other relatives or others. The insurance benefits of an irrevocable nomination do not form part of the estate of a deceased Muslim policy holder and will thus not be distributed according to faraid laws. The recent advisory from MUIS is commended as it gives Muslims an option to nominate beneficiaries of their choice for their insurance policies.
- 16.51 AWARE hopes that the Fatwa Committee will continue to review and issue fatwas on Muslim rights to other assets such as jointly held bank accounts, share portfolios and other movable assets.

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<sup>478</sup> Advisory sent by MUIS to Life Insurance Association Singapore on 29 March 2011.



## **GENERAL RECOMMENDATION 19**

## GENERAL RECOMMENDATION 19

### VIOLENCE AGAINST WOMEN

*Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.*

- 19.1 The Government's chapter on Women and Family Violence shows increased attention to this issue of violence against women. The Many Helping Hands system, integrating various stakeholders in the National Family Violence Networking System, as well as efforts around mandatory counselling for men are good examples of positive efforts on the part of the government.
- 19.2 AWARE however feels there is a need to broaden the scope of the discussion beyond family violence to encompass a wider range of concerns which will then allow for a more comprehensive approach and response to violence against women in Singapore.

### AREAS OF CONCERN

#### Data Collection

- 19.3 Consistent, accurate and comprehensive monitoring and collection of data relating to various forms of violence against women in Singapore is imperative for the understanding and analysis of trends and the development of effective responses.
- 19.4 A study by the Society Against Family Violence (SAFV) raised concerns that the existence of "several data collection points" within different government agencies (e.g. police, courts, hospitals) and the lack of any "process of cross checking the data" means we might only be seeing 'segments of what we presume to be the tip of the iceberg'<sup>479</sup>. The SAFV report highlights that various government agencies "keep records on cases that fall under their categorization of what constitutes a family violence case"<sup>480</sup>, and this could at times limit/ restrict the nature and amount of data collected as opposed to 'collecting statistics of all types of crimes against all women regardless of their age, marital status and relationship to the abuser'<sup>481</sup>.
- 19.5 Statistics of reported cases of spousal violence on the Ministry of Community Development, Youth and Sports (MCYS) website show an increase in cases

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<sup>479</sup> See Appendix 19.1. Report highlights of SAFV's Perspective on the State of the Management of Family Violence in Singapore 2009. Full report can be downloaded at this link: <http://www.aware.org.sg/resources/research/>

<sup>480</sup> Ibid.

<sup>481</sup> Ibid.

between 2005 and 2006<sup>482</sup>, however there does not appear to be any data available beyond 2006 on the website. The last occasions which saw spikes in cases of spousal violence were 1998-1999 and 2001-2002, both notably occasions of economic / financial crisis in the region. It is therefore critical in light of the most recent economic crisis that diligent monitoring of cases of spousal violence be conducted.

- 19.6 Statistics on incidences of rape have also not been updated on MCYS' website – the last data provided is that for 2005 (124 cases)<sup>483</sup>. Information from the Singapore Police Force (SPF) shows a rise in rape cases since 2006 - 118 cases in 2006, 167 cases in 2008, and 202 cases in 2009<sup>484</sup> - that should be of some concern. It is imperative that all relevant government agencies remain vigilant in their data monitoring so that such information can inform policy or programmatic initiatives. Other data on violence against women provided on MCYS' website includes statistics on the number of cases seeking medical assistance at public sector hospitals. While the data provided for 2007 and 2008 show a reduction in number of cases from 391 to 345<sup>485</sup>, this figure went up again in 2009 to 373 cases. However the data is not broken down by cause of injury or type of cases. It is vital for the development of responses and solutions that specific data is collected and analysis of emerging trends conducted on different cases of violence against women.

### Inter-agency platforms

- 19.7 In the Government's Many Helping Hands approach, all segments of society are brought together to coordinate and cooperate within the National Family Violence Networking System. This system comprises government agencies, Voluntary Welfare Organisations (VWOs), the police, the family court and other partners. This integrated management of family violence has been lauded internationally. AWARE congratulates the government for being voted third for "Best Practices in

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<sup>482</sup> 1080 cases in 2005 and 1135 cases in 2006. Ministry of Community Development, Youth and Sports. *Gender Statistics*.  
<http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/ReportedCasesofSpousalViolence.aspx>  
...accessed 27 January 2011.

<sup>483</sup> MCYS. *Violence against Women: Rape cases and Rate*.  
<http://app1.mcys.gov.sg/Portals/0/Summary/research/WD/2006-ViolenceAgainstWomenRape.xls>... accessed 4 April 2011.

<sup>484</sup> Singapore Police Force. Statistics, *Crime Situation, 2009. Statistics on Selected Areas of Concern: Rape*. [http://www.spf.gov.sg/stats/stats\\_doc/stats\\_selected\\_areasconcern09.pdf](http://www.spf.gov.sg/stats/stats_doc/stats_selected_areasconcern09.pdf)... accessed 27 January 2011.

<sup>485</sup> MCYS. *Violence against Women: Medical Assistance Sought in Violence Cases*.  
<http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/MedicalAssistanceSoughtinViolenceCases.aspx> ... accessed 4 April 2011.

- Business and Government Partnerships Advancing Women” at the Global Summit of Women 2009<sup>486</sup>.
- 19.8 The State’s Fourth Periodic Report to CEDAW identifies the Family Violence Dialogue Group (FVDG), which is headed jointly by MCYS and the Singapore Police Force, as a “key platform” to this approach<sup>487</sup>. The creation of the National Family Violence Networking System linking the police, hospitals, schools, social service agencies, courts and MCYS into six geographical regions for “closer collaboration and networking” is also a noteworthy approach to ensure “multiple access points for victims to obtain help”<sup>488</sup>. Along with that, the establishment of six regional Family Violence Working Groups (FVWG) led by non-governmental organisations ensures community involvement and activities at the grassroots level<sup>489</sup>.
- 19.9 There are however some concerns around coordination between agencies and capacity to handle cases of gender-based violence. In their 2007 report, SAFV acknowledges the “great diversity of networks” that are in place, but also discusses some concerns around how these networks communicate with each other, calling for a more “systematised” approach<sup>490</sup>. The SAFV report also identified concerns in relation to the “significant amount of transition of working group participants” and the “lack of familiarity with the procedures of the Integrated Management Family Violence Cases in Singapore Manual” which has resulted in the “sharing of misinformation”<sup>491</sup>.
- 19.10 These concerns manifested themselves in the case of a father who, after serving jail time for molesting his daughter of six years old, was allowed to return to his family only to begin abusing his daughter again, resulting in her pregnancy at 16<sup>492</sup>. It was reported that although “typically, the police refer sexual abuse cases to the Child Protection Service (CPS) once a police report is made, but MCYS said neither the first offence of molest nor the second one of rape was referred to them”<sup>493</sup>. The case raises concerns around the co-ordination of information and

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<sup>486</sup> ‘Singapore’s “Many helping hands” approach wins praise at global summit’, *Channelnewsasia*, 16 May 2009.

<sup>487</sup> Singapore’s Fourth Periodic Report to CEDAW 2008, pp.109 para 24.4.

<sup>488</sup> MCYS. *Protecting Families From Violence: The Singapore Experience*. 2009. pp. 8.

<sup>489</sup> Ibid. pp.8.

<sup>490</sup> Society Against Family Violence. *Singapore’s Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp.62-63

<sup>491</sup> Ibid. pp.63.

<sup>492</sup> ‘Ministry not aware of ‘monster’ dad case’ by Melissa Sim and Melissa Kok, *The Straits Times* 10 May 2010.

<sup>493</sup> Ibid.

handling of cases between MCYS and the Ministry of Home Affairs. It is imperative that measures be taken to protect the family when sex offenders are to be released from prison and are to return home to live with their families against whom they have offended.

- 19.11 There is also a need to re-examine the composition of members in the FVDG and FVWG as to ensure the necessary expertise, experience and voices are represented. For example, SAFV notes that shelters “do not appear to be directly represented on the FVDG and are only present on some of the FVWGs”<sup>494</sup>. AWARE agrees with SAFV and adds that shelters are at the front line in providing a place for victims and their children to stay and should provide their input to the FVDG and the FVWGs as to the concerns of victims at various stages of their ordeal as well as their own concerns as service provider.

### Domestic Violence

- 19.12 Preliminary results of a survey of 2,006 women released in January 2010 by the International Violence against Women Survey (IVAWS) positioned Singapore as having the lowest (9.2 percent) rate of lifetime violence compared to other participating countries including Australia, Hong Kong, Italy, the Philippines and Switzerland<sup>495</sup>. Singapore also had the lowest rates for lifetime physical violence victimization (6.8 percent) and sexual violence victimisation (4.2 percent). However, critical statistics included the fact that 42.4 percent of the women polled felt their lives were in danger during domestic conflicts with partners<sup>496</sup>. A shocking 71.7 percent of women abused by partners were also not likely to make a police report<sup>497</sup>. These statistics show that societal misconceptions around domestic violence still require much attention and focus. AWARE is also concerned at the depth of under-reporting which means that many women remain as silent sufferers of violence. One in 10 calls or 11 percent of AWARE’s helpline calls in 2010 were related to abuse and violence.

- 19.13 An earlier 2007 study commissioned by the MCYS<sup>498</sup> also revealed that 51 percent of the respondents polled believed that violence in the family is a “private affair”, 31 percent believe that most family violence will eventually stop by itself and 36 percent still believe that the abused spouse has a duty to stay in the

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<sup>494</sup> Society Against Family Violence. *Singapore’s Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 63.

<sup>495</sup> See Appendix 19.2. ‘Growing number of educated women experiencing domestic violence’, *Channelnewsasia*, 29 January 2010.

<sup>496</sup> Ibid.

<sup>497</sup> Ibid.

<sup>498</sup> This study is referenced in the State’s Fourth Periodic Report to UN CEDAW Committee 2008 pp. 112 para 24.15 and 24.16 and is a follow up to an earlier 2003 study.

marriage for the sake of the young children<sup>499</sup>. This reinforces the concern around public perception towards domestic violence and the lack of awareness of the rights of women who find themselves in those situations.

- 19.14 Evidence of child abuse appears to be on the rise from 100 cases in 2007 to 172 cases in 2010<sup>500</sup>. The statistics offered on MCYS' webpage on child abuse investigations offer the heading "Gender" however do not appear to provide sex disaggregated data<sup>501</sup>. A news report in 2009 highlighted three disturbing cases of girls being sexually abused by their stepfather, acquaintance of the family and divorced mother's boyfriend<sup>502</sup>. The recent Concluding Observations by the Committee on the Rights of the Child calls on the government to establish a central database to ensure data collected is "disaggregated, inter alia, by age for all persons under 18 years, sex, ethnic and socioeconomic background"<sup>503</sup>. The Committee also recommends the government to work on preventive measures, public education programmes and encourages the establishment of a "mandatory requirement for professionals working with children to report and take appropriate action in suspected cases of child abuse and neglect"<sup>504</sup>. It needs to be acknowledged that the government has since amended the Children and Young Persons Act to enhance protection for children, especially those in residential care.

## Elder Abuse

- 19.15 While the State's Fourth Periodic Report notably identifies elder abuse under Specialised Services<sup>505</sup>, its assessment that the "number of reported cases of elder abuse is small" reinforces the "general agreement that elder abuse is under-recognised and under-reported in Singapore"<sup>506</sup>. Safe@Trans (now known as Trans Safe Centre), a voluntary welfare organisation offering services for managing family violence, elder abuse and elder case<sup>507</sup>, reported that its caseload

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<sup>499</sup> 'One in two believes family violence is a private affair', *The Straits Times*, 26 November 2007.

<sup>500</sup> <http://app1.mcys.gov.sg/ResearchRoom/ResearchStatistics/ChildAbuseInvestigations.aspx> ... accessed 16 March 2011.

<sup>501</sup> Ibid.

<sup>502</sup> See Appendix 19.3. 'Lifting shroud of shame over child sex abuse' by Radha Basu, *The Straits Times*, 28 April 2009.

<sup>503</sup> Concluding Observations of the Committee on the Rights of the Child: Singapore, para. 17 and 30(d).

<sup>504</sup> Concluding Observations of the Committee on the Rights of the Child: Singapore, para. 51.

<sup>505</sup> Singapore's Fourth Periodic Report to UN CEDAW Committee 2008, pp.111 para 24.9 – 24.11.

<sup>506</sup> Society Against Family Violence. *Singapore's Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 8.

<sup>507</sup> See <http://www.transfamilyservices.org/>...accessed 15 March 2010.

on elder abuse has doubled over the past three years with around 60 new cases between January and October 2009, double from 2006 and with women making up 70 percent of the new cases<sup>508</sup>.

- 19.16 The Singapore Action Group of Elders Counselling Centre<sup>509</sup> reported receiving “more than 7,000 calls” in 2007 and around 6,000 in 2008 that requested “medical aid as well as report abuse”<sup>510</sup>. An average of 178 elderly abuse cases are reported annually and about two-thirds of elder abuse is committed by the victims’ children<sup>511</sup>. It is a worrying trend and social workers believe the figures are merely the tip of the iceberg<sup>512</sup>. There is a need for programmes and laws to help caregivers with coping with caring for the elderly.
- 19.17 MCYS statistics for 2008, reported in *The Straits Times*, indicated that the most vulnerable were those aged 80 and above and more than 50 percent of reported cases involved the abuse of elderly women<sup>513</sup>. The most common cases involve neglect and physical abuse although financial abuse cases appear to be increasing. With elder abuse specialists only available through the Trans Centre Elder Protection Team (EPT), and being “primarily available in the east area of the city”, there is an urgent need to evaluate EPT’s programme and replicate it to enable wider outreach<sup>514</sup>.

## Foreign Wives

- 19.18 Marriages between citizen grooms and non-citizen brides make up 78 percent of all marriages between citizens and non-citizens in 2009, with the majority of non-citizen spouses coming from Asia<sup>515</sup>. The CEDAW Committee in its last

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<sup>508</sup> ‘Public education drive to get sufferers, perpetrators of elder abuse to break silence’ by Hetty Musfirah, *Channelnewsasia*, 2 January 2010.

<sup>509</sup> The Singapore Action Group of Elders (SAGE) is a non-profit, non-religious and multi-ethnic Voluntary Welfare Organisation (VWO) promoting the continual growth and development of Senior Citizens through a variety of programmes, services and benefits for seniors. See <http://singsage.blogspot.com/2009/05/sage-counselling-centre-established.html>.

<sup>510</sup> See Appendix 19.4. ‘Elder abuse cases ‘may rise with the recession’ by Mavis Toh, *The Straits Times*, 7 June 2009.

<sup>511</sup> ‘Most abuse cases by victims’ children’, *The New Paper*, 22 October 2009.

<sup>512</sup> Ibid.

<sup>513</sup> See Appendix 19.4. ‘Elder abuse cases ‘may rise with the recession’.

<sup>514</sup> Society Against Family Violence. *Singapore’s Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 14.

<sup>515</sup> Population in Brief 2010, National Population Secretariat, Singapore, <http://www.singstat.gov.sg/stats/themes/people/popinbrief2010.pdf> ...accessed 11 April 2011.

Concluding Comments highlighted its concern for foreign wives of Singaporean citizens, “especially with regard to violence and abuse”<sup>516</sup>. The Government’s CEDAW Report’s chapter on Violence Against Women (VAW) however does not make any reference to provisions and services put in place for foreign wives.

19.19 The Star Shelter, run by the Singapore Council of Women’s Organisations (SCWO) has seen the number of foreign brides seeking help increase from 4 or 5 per cent a year to 10 per cent a year for the last two years<sup>517</sup>. The women come from India, China, Vietnam, the Philippines, Indonesia and Australia<sup>518</sup>. The Hainan Hwee Kuan clan association revealed that the number of Hainanese brides that they have assisted has more than doubled (from 25 to 56) since September 2008<sup>519</sup>.

19.20 AWARE has highlighted the vulnerabilities of foreign women who are economically dependant on their Singaporean husbands and also dependant on them for their legal status in the country. This situation is further compounded when there are children who are considered Singapore citizens. From 2009 to 2010 the Archdiocesan Commission for Pastoral Care of Migrants and Itinerant People (ACMI) handled 52 cases involving foreign spouses. Of these, 13 involved issues of marital dispute and domestic violence for holders of Long Term Social Visit Passes and Social Visit Passes. Most of them suffered repeated instances of physical abuse<sup>520</sup>.

### Foreign Domestic Workers

19.21 Foreign domestic workers (FDWs) are also vulnerable to mistreatment, abuse, and long hours of work, isolation and gross exploitation. HOME<sup>521</sup> reported providing shelter for 1388 domestic workers in 2009 and that the most common violates endured by FDWs are “inadequate food or accommodation (43%), psychological abuse (30%) and non-payment of salary (14%)”<sup>522</sup>. TWC2<sup>523</sup> reported 685 injury

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<sup>516</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.5 para. 25-26.

<sup>517</sup> ‘Singapore hubby turned abusive after we married’ by Ng Wan Ching, *The Electric New Paper*, 21 June 2008.

<sup>518</sup> Ibid.

<sup>519</sup> ‘Imported wives left in the lurch’ by Yen Feng, *The Straits Times*, 9 March 2009.

<sup>520</sup> ACMI Annual Report 2009. <http://www.acmi.sg/annualreport/AR2009.pdf> ...accessed 11 April 2011.

<sup>521</sup> Humanitarian Organisation for Migration Economics, a migrant advocacy group.

<sup>522</sup> A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011.

<sup>523</sup> Transient Workers Count Too, a migrant advocacy group.



cases in the first ten months of 2010<sup>524</sup>. To illustrate, an Indonesian domestic worker was abused by her employers who had on separate occasions, kicked her in the stomach, burned her left arm with a heated metal spoon and scratched her body and hand with a pin<sup>525</sup>.

- 19.22 They are also excluded from the Employment Act, as the government maintains that because they work in private household, the Employment Act would be too difficult to enforce<sup>526</sup>. The well-being and health of these workers are also easily jeopardized, due to adjustment problems or work pressure. It was reported that 28 percent of employers have chosen to terminate the contract within three months of engaging the services of a new domestic worker<sup>527</sup>.

### Marital Rape

- 19.23 Singapore's Fourth Periodic Report to CEDAW 2008 highlights the amendment to the Penal Code that has criminalized forced sex on a spouse under certain circumstances, e.g. in cases where a Personal Protection Order (PPO) was issued against the offending spouse<sup>528</sup>. While a step in the right direction, it is submitted that this does not go far enough. In fact, the CEDAW Committee's Concluding Comments voiced some concern for the recognition of marital rape as a crime in such 'narrowly defined circumstances'<sup>529</sup>.

- 19.24 AWARE, in its previous shadow report discussed this discriminatory provision that denies all married women full recourse for the criminal offence of rape merely by virtue of the fact that the perpetrator is her husband. The amendment that came into force in February 2008 clearly does not go far enough as many women might not be aware of or able to get PPOs, and therefore effectively these

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<sup>524</sup> A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011.

<sup>525</sup> 'Software engineer charged with maid abuse', *Channelnewsasia*, 10 March 2011, <http://www.channelnewsasia.com/stories/singaporelocalnews/view/1115586/1/.html> ...accessed 4 April 2011.

<sup>526</sup> A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011.

<sup>527</sup> Measures to improve Welfare of Foreign Domestic Workers, 12 March 2010. [http://www.938live.sg/News/Singapore/EDC100312-0000398/Measures to improve welfare of Foreign Domestic Workers](http://www.938live.sg/News/Singapore/EDC100312-0000398/Measures%20to%20improve%20welfare%20of%20Foreign%20Domestic%20Workers) ... accessed 4 April 2011.

<sup>528</sup> Singapore's Fourth Periodic Report to UN CEDAW Committee 2008 pp. 109 para 24.3. See section 375(4) of Penal Code.

<sup>529</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007, pp.5 para 27-28.

women will have no legal recourse. It is time that protection and recourse to rape be provided for all women irrespective of marital status.

- 19.25 In December 2009, a petition with 3,609 signatures was submitted to the Prime Minister by the “No to Rape” online petition coordinator, a group of “concerned Singaporeans who have come together for the single purpose of promoting change on this issue”<sup>530</sup>.

## Rape

- 19.26 There is some concern around the handling of rape cases in terms of the general understanding of gender-based violence as well as existing rules and procedures for the investigation and prosecution of cases.

- In a 2008 criminal court case it was discovered that the investigating officer from the Serious Sexual Crime Branch (SSCB) had informed the victim that if the accused “did not force or coerce her into having sex, it meant that she had not been raped”<sup>531</sup>. Justice Kan highlighted that it is ‘important SSCB investigators have proper understanding of the offences they investigate’ and have better interviewing skill and technique<sup>532</sup>.
- In 2010 in a case described by the judge as a “gang sexual assault of a grave nature which the accused persons had perpetrated without her consent”, the prosecution had reduced the charge to one of aggravated outrage of modesty which the five accused pleaded guilty to. The judge was reported saying “This is the first time I have come across a case (of aggravated outrage of modesty) where the agreed facts of the case the accused admitted to could have fitted penile penetration without consent”. The reason for the reduced charge was unknown<sup>533</sup>.

- 19.27 It is critical that the misconceptions around rape are not perpetuated by the very system trying to help victims. The CEDAW Committee in its Concluding Comments had highlighted the need to provide ‘systematic and sustained training for lawyers, judges, law enforcement officers’ etc and for more awareness-raising efforts to eliminate stereotypes on gender roles in society<sup>534</sup>.

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<sup>530</sup> See Appendix 19.5. No to Rape Petition. <http://www.notorape.com/about/>... accessed 16 March 2011.

<sup>531</sup> See Appendix 19.6. ‘Improve sex crime probe’ by K.C. Vijayan, *The Straits Times*, 10 October 2008.

<sup>532</sup> Ibid.

<sup>533</sup> ‘Jail, caning for 5’ by Carolyn Quek, *The Straits Times*, 14 August 2010.

<sup>534</sup> CEDAW Committee 39<sup>th</sup> Session Concluding Comments: Singapore 2007 3, pp3 and 6 para 14 and 32.

- 19.28 Further, the Evidence Act, section 157 allows for evidence of the “immortal character” of the victim to be introduced during trial to impeach the credibility of the witness. The continued existence of this rule of evidence contributes to the ridiculous mindset that women with a lot of sexual experiences either deserve or are asking to be raped or cannot be trusted. It remains an infringement of privacy for acts unrelated to the crime and adds on the victim’s trauma.
- 19.29 The administration of rape kits (evidence collection kits) needs to be reviewed as currently they are used only on the request of the police which would be after the victim has made a police report<sup>535</sup>. Concerns arise in relation to further trauma on victims to make an immediate police report so as to ensure the necessary evidence is collected and the victims ability to decide without such pressure on whether or not to pursue a police case.

### **Sexual Harassment**

- 19.30 For discussion on sexual harassment in the workplace see Article 11 para 11.45-11.49.
- 19.31 A study on sexual harassment on public transportation conducted by undergraduates of the Singapore Management University (SMU) revealed that four in 10 of 150 female students polled had been sexually harassed on public transport<sup>536</sup>. Less than five per cent did anything in response to the harassment. SMRT’s position was as there was only “about a handful of complaints each month”; this was a rather “uncommon” problem<sup>537</sup>. Together with the findings of AWARE’s research on sexual harassment in the workplace, this highlights the level of violence against women and tolerance for such violence. Without specific laws or mechanisms to deal with sexual harassment, awareness of the discriminatory nature and effect of sexual harassment will continue to remain low, and so will the confidence of women to report such cases.
- 19.32 AWARE is concerned about the misuse of technology with a number of reported cases of women being blackmailed with naked photos or videos via mobile phone or the internet and upskirting (taking a photo up a woman’s skirt<sup>538</sup>). The belief that it is the woman’s fault if she is harassed or molested continues to persist and was brought to the fore again in the case of the alleged groping of a woman by four men at a beach party for New Year’s Eve. The case was disturbing as much

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<sup>535</sup> Newsletter: Summer 2005: Singapore Visit by St. Vincent’s Social Worker by Christine Fowley. [http://www.svfreenyc.org/newsletter\\_article\\_208.html](http://www.svfreenyc.org/newsletter_article_208.html) ... accessed 4 April 2011.

<sup>536</sup> ‘Poll finds 4 in 10 female undergrads are sexual harassment victims’, *Channelnesasia*, 13 March 2009.

<sup>537</sup> Ibid.

<sup>538</sup> [http://www.aware.org.sg/2010/09/10-new-technology-threats/...](http://www.aware.org.sg/2010/09/10-new-technology-threats/) accessed 16 March 2011.

focus and blame was placed on the woman's actions and clothing<sup>539</sup>. The Singapore Police Force data for 2010 reveal an increase in cases of outrage of modesty by 141 cases (11 percent)<sup>540</sup>.

### Personal Protection Orders and Domestic Exclusion Orders

- 19.33 The number of applications for PPOs and Domestic Exclusion Orders (DEOs) appear to be on a general decline since 2001, falling 14.4 percent between 2001 and 2008; from 2974 in 2001 to 2547 in 2008<sup>541</sup>. However the latest available information to profile PPO applicants appears to be from 2006<sup>542</sup>, and the latest study on the profile of family violence cases by the Subordinate Courts appears to be a study between 2003 and 2004<sup>543</sup>. This study by the Subordinate Courts showed that 82 percent of all applicants for PPOs were women. It is imperative that more updated information to evaluate this mechanism and analyse trends of family violence be instituted.
- 19.34 Reviews of the management/ practices of the court in relation to PPO applications conducted by SAFV revealed “uneven experiences”<sup>544</sup>. While some applicants found the process “sensitive” and “compassionate” to their needs, others have encountered difficulties. Concerns identified in the SAFV Report include the initial application process taking place in a more “open area” which lacks privacy, applicants being asked for their police report when there is technically no requirement for it and lacking the “right language” to support their application<sup>545</sup>.
- 19.35 While the court appears to accommodate requests by the victim or an accompanying befriender to place the victim in a separate waiting area from the perpetrator, or arranging a “staggered departure from the building” for victim and perpetrator, there are some concerns that these depend on the victim or companion making specific requests<sup>546</sup>. Such basic practices that offer the victim protection,

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<sup>539</sup> <http://www.aware.org.sg/2010/01/bikini-girls-ask-for-it/...> accessed 16 March 2011.

<sup>540</sup> [http://www.spf.gov.sg/stats/stats2010\\_keycrime.htm](http://www.spf.gov.sg/stats/stats2010_keycrime.htm) ... accessed 16 March 2011.

<sup>541</sup> MCYS. Protecting Families from Violence: The Singapore Experience. 2009, p 12. Available at [http://app1.mcys.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence\\_The%20Singapore%20Experience\\_2009.pdf](http://app1.mcys.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence_The%20Singapore%20Experience_2009.pdf)... accessed 9 March 2011.

<sup>542</sup> Ibid. pp.13.

<sup>543</sup> Ibid. See The Subordinate Courts of Singapore (2005), Faces of Family Violence: A Profile Study on Family Violence, Research Bulletin Issue no. 38.

<sup>544</sup> Society Against Family Violence. *Singapore's Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 44.

<sup>545</sup> Ibid. pp. 44

<sup>546</sup> Ibid. pp. 44.

confidentiality and peace of mind should be part and parcel of the system and fully enforced.

- 19.36 PPOs apply to married women against spouses or ex-spouses<sup>547</sup>. A single woman cannot file for a protection order against her partner who she has been cohabitating with as this does not come under the definition of family member. This again leaves a particular group of women more vulnerable than others to violence.

### **Mandatory Counselling Programme**

- 19.37 The introduction of the Family Violence Mandatory Counselling Programme (MCP) Practice Guide in 2007 followed by a Certification Programme is a noteworthy attempt to ensure the MCP practitioners are able to respond adequately to family violence cases. This is especially so in light of the concerns raised in SAFV's Report of the "shallow" level of knowledge about domestic violence among "many professionals in the system"<sup>548</sup>. It is hoped that monitoring and regular reviews of this Certification Programme be conducted to ensure its trainees are able to respond effectively to the issue at hand.
- 19.38 The SAFV Report also highlights the fact that the 18 session programme (eight individual and 10 group sessions) that is currently offered under the MCP is in actual fact not sufficiently "rigorous" and does not meet international standards that have assessed the most effective long-term counselling programmes should run for 26 weeks<sup>549</sup>.
- 19.39 The last review of the effectiveness of the MCP by the Government was done in 2004<sup>550</sup> and showed mixed results. More than 7 out of 10 victims said that their lives had improved after the MCP<sup>551</sup>, but only about half of the perpetrators found the programme useful<sup>552</sup>. Another area of concern from the review was that verbal

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<sup>547</sup> Women's Charter Section 64.

<sup>548</sup> Society Against Family Violence. *Singapore's Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 50.

<sup>549</sup> Ibid. pp. 48.

<sup>550</sup> MCYS. *Protecting Families from Violence: The Singapore Experience*. 2009, pp.14.  
Available at [http://app1.mcys.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence%20The%20Singapore%20Experience\\_2009.pdf...](http://app1.mcys.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence%20The%20Singapore%20Experience_2009.pdf...) accessed 9 March 2011.

<sup>551</sup> Ibid. pp. 16.

<sup>552</sup> Ibid. pp. 17.

abuse was found to be still common for about half of the victims<sup>553</sup>. While some of the concerns were acknowledged in its recommendations, and perhaps the Certification Programme is in response to these recommendations, there is still the need for more regular and comprehensive reviews to ensure its effectiveness and usefulness for both victim and perpetrator.

## Shelters

- 19.40 There is still a need for more resources for shelters in Singapore. VWOs that run shelters have said that there is a need for more spaces – despite the increase in bed spaces – as there are too many women who need to stay longer as they await a rental unit with the long queues or to go home<sup>554</sup>. In 2007, 443 women and children stayed at these three shelters for an average of six months<sup>555</sup>, after which they were either relocated or went home. It was reported that to ensure it had space for abused women, the Anglican shelter turned away about 20 women who had other problems<sup>556</sup>.
- 19.41 In addition, only one of the shelters can take in women with sons over 12 years old, resulting in the child having to be sent to another home<sup>557</sup>. The SAFV report also identifies the specific needs of other specific groups like “victims with mental health concerns” and the elderly<sup>558</sup> that are currently lacking.
- 19.42 Shelter staff need to be knowledgeable in issues of family violence. The current practice where the counselling continues to be provided by the Family Service Centre (FSC) or hospital social workers who refer the victim to the shelter has been assessed to be problematic as it is “difficult for FSC or hospital staff to travel to the various shelters where their clients may be”<sup>559</sup>. Further the “clients’ needs can be intense during their shelter stay” and it is therefore better to have “someone who is on site”<sup>560</sup>.

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<sup>553</sup> Ibid. pp. 15.

<sup>554</sup> ‘Shelters add beds for more battered wives’ By Theresa Tan, *The Straits Times*, 18 September 2009. It was reported that three shelters have set up about 50 per cent more beds to accommodate the growing number of battered wives seeking refuge. These are Star Shelter, the SACS Family Care Centre and Good Shepherd Centre now have a total of 165 beds, up from 113.

<sup>555</sup> ‘No room for abused women at shelters’ by Braema Mathi, *The Straits Times*, 17 January 2008.

<sup>556</sup> Ibid.

<sup>557</sup> Ibid.

<sup>558</sup> Society Against Family Violence. *Singapore’s Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 46.

<sup>559</sup> Ibid. pp. 47.

<sup>560</sup> Ibid.

19.43 One other issue of concern has been the lack of confidentiality of the shelter locations where “addresses of shelters have been published in written material, and when the address has been removed, the picture of the building was still included”<sup>561</sup>. The SAFV report attributes this either to the “lack of a deep understanding of the danger that the victims are escaping from” or prioritising the requirements of the “sponsoring agency above the safety needs” of the victims<sup>562</sup>. This is something that needs to be urgently addressed both procedurally and in terms of the general appreciation and understanding of the nature of gender based violence.

### Public Education

19.44 The different approaches and target groups, including schools, mentioned in the State’s Fourth Periodic Report to CEDAW are commendable<sup>563</sup>. However part of addressing violence against women requires dealing with the underlying stereotyping of women’s roles in the family and society and how such misconceptions cause abused women to delay seeking help or worse still not seek help at all. “There are societal rewards for being married and having children. If these break down then the woman has failed. This pressure can keep women in abuse situations”<sup>564</sup>. The SAFV Report also highlights how the language used within the VAW response system might play into these misconceptions by using phrases like “empowering victims and perpetrators” and requiring mandatory counselling for both victims and offenders that appear to place both parties on “equal footing” and giving the impression that the victims are also “being punished”<sup>565</sup>.

19.45 Public education efforts need to be comprehensive and encompass broader issues of gender stereotyping and societal misconceptions around family violence. Education prevention efforts must also be “continued through all life stages”<sup>566</sup> – from the very young to the elderly. In 2008, MCYS found that the proportion of sexual abuse cases had risen sharply and accounted for nearly 45 percent of all abuse cases in 2008, up from 25 per cent in 2000<sup>567</sup>. There is an urgent need to

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<sup>561</sup> Ibid. pp. 46.

<sup>562</sup> Ibid.

<sup>563</sup> Singapore’s Fourth Periodic Report to UN CEDAW Committee 2008, pp.111-112 para 24.12-24.16.

<sup>564</sup> Society Against Family Violence. *Singapore’s Response to Family Violence: 1997 to 2007 – What comes next? Accessibility & Dissemination*. May 2007, pp. 75.

<sup>565</sup> Ibid. pp. 77.

<sup>566</sup> Ibid. pp. 79.

<sup>567</sup> See Appendix 19.3. ‘Lifting shroud of shame over child sex abuse’.

educate the young on sexual abuse so that they are able to recognise it and also take action by speaking up about it to other family members. Also for the family to know that they can and have to speak up. A study by MCYS in 2005 on child sexual abuse revealed that “more than half of the family members told about the abuse failed to make reports” due to shame or economic factors<sup>568</sup>.

## **RECOMMENDATIONS**

### **Data Collection and Dissemination**

- 19.46 Data collection of statistics on various forms of violence against women in Singapore needs to be consistent, accurate and comprehensive.
- 19.47 The Government needs to ensure systems and mechanisms are in place for better coordination, collation and dissemination of data from the different agencies working in their respective areas so as to capture a comprehensive picture of the state of violence against women in Singapore.

### **Inter-agency Platforms**

- 19.48 The Government needs to ensure efficient coordination of services between the various agencies, and that members of the inter-agency platforms and service providers are up-to-date and knowledgeable on issues of gender-based violence and its complexities.

### **Domestic Violence**

- 19.49 There is an urgent need for the Government to take measures to change the public’s perception on domestic violence as a private family affair and to ensure that women are aware of their rights in such situations. This is even more critical in cases of child abuse which appear to be on the rise.
- 19.50 AWARE urges the Government to implement the Concluding Observations calling for the establishment of a central data base, to put in place preventive measures, public education programmes and the mandatory requirement for professionals working with children to report and take appropriate action in suspected cases of child abuse and neglect.

### **Elderly Abuse**

- 19.51 The Government has to ensure there is adequate monitoring of cases of elder abuse as well as the provision of appropriate, accessible specialised services for the elderly in view of the aging population in Singapore.

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<sup>568</sup> ‘When abuser is not a stranger’, by Mavis Toh, *The Sunday Times*, 9 February 2009.



### **Foreign Wives**

19.52 AWARE urges the Government to implement the Concluding Comments calling on the state to provide foreign wives of Singaporean citizens with “prompt access to information and sufficient shelters for the time period required”. The CEDAW Committee also urged the Government to “provide work permit[s] to foreign wives with a social visit pass and develop a system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage” rather than on a case by case basis. AWARE also suggests studying the possibility of mandatory pre-marital counselling for foreign, especially non-English speaking, wives.

### **Foreign Domestic Workers**

19.53 AWARE urges the Government to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and to support the proposed legally binding ILO Convention on Decent Work for Domestic Workers supplemented by Recommendations at the International Labour Conference in 2011.

### **Marital Rape**

19.54 The Government is also called upon to remove completely the immunity accorded to husbands in section 375 of the Penal Code in accordance with the CEDAW Committee’s Concluding Observations calling for legislation criminalising marital rape. All spouses should be entitled to be free from marital rape without first having to be issued a PPO.

### **Rape**

19.55 To review practices and procedures around the collection of evidence, investigation and prosecution of rape cases so as to ensure victims are not made to endure further trauma and anxiety and that their rights are upheld.

19.56 To ensure law enforcement officers and relevant stakeholders, police, lawyers, judges, hospital staff, etc are trained and made aware of gender stereotypes and have an understanding of gender-based violence so as not to perpetuate myths and stereotypes in the laws, policies and practices around the handling of rape cases.

### **Sexual Harassment**

19.57 AWARE calls on the government to enact specific laws that deal with sexual harassment and instil the mindset that actions or behaviour that objectify women are not right and cannot be tolerated by society.

### **Personal Protection Orders**

19.58 The Government is called upon to put in place systems to review the PPO system periodically and ensure procedures and services offer the protection, confidentiality and peace of mind that victims have a right to.

### **Mandatory Counselling Programme**

19.59 The Government is called upon to review MCP periodically and ensure procedures meet international standards.

### **Shelters**

19.60 There is an urgent need for the Government to ensure adequate and appropriate shelter services are available and accessible to all women who require it. AWARE calls on the Government to also review the allocation of resources towards the establishment, maintenance and staffing of shelters.

### **Public Education**

19.61 AWARE calls on the government to review and incorporate a gendered approach in schools, social work curriculum and work-place training to handle issues of gender stereotyping and societal misconceptions around violence against women. There is a critical need to counter public perceptions on domestic violence and child abuse as personal family matters.

## CONCLUSION

The Convention on the Elimination of All Forms of Discrimination Against Women is an important agreement that Singapore has ratified. The basic premise of the Convention is to ensure that women have both access to opportunities and control over these opportunities to develop to their fullest potential.

AWARE acknowledges that in Singapore women have many opportunities. There is a high literacy rate. Singapore women have jobs, own properties and can raise a family in a relatively safe environment. One can even say that one is hard-pushed to find out what exactly is not working well for women in Singapore. But tracking progress for these CEDAW Reports reveal what more can be done for women and to what extent women have made real progress and to what extent they are denied opportunities. This analysis is presented in this Report and done with the intention to identify the road map for the women's movement here.

The Government is also extremely good at complying with the conditions in the Conventions it ratifies. There is high confidence level that implementation and enforcement will not pose monumental problems in Singapore. Nevertheless there are opportunities for the Government to work with other stakeholders to find the solutions needed to accede to this widely ratified Convention.

There are three points that are worth reiterating again here:

- It needs to be said that implementing CEDAW at the State level is still not adequate enough in that there does not seem to be a proper and effective monitoring mechanism of laws and policies to measure outcomes with regards to CEDAW.
- It is also important to bring on board the civil service sector and the private sector into Gender Equality discussions so that rights of women and men are put in place at both the policy level as well as in the daily practices within the organization.
- A setback to complete accession to CEDAW seems to lie in culture and tradition. It is important that we do not side-step this issue in the face of rising fundamentalism through various interpretations of the religious beliefs. It is more useful, in the long run, to engage the population – as is being done now – to the work of various researches and academics to foster deeper understanding and re-assessment of positions to find pathways to gender equality.
- The responsibility to implement the Convention cannot be left to the Women's Desk or/and the IMC on CEDAW. It is the Corporate Social Responsibility project of the Government, as a whole.

AWARE's commitment to this process of CEDAW will continue – we will continue to run programmes to educate the public on CEDAW and their rights as

women. We will also work with other organisations to monitor and report on the progress of women in Singapore.

This Report is a means to understand how women have progressed, identifying problems well so that we are able to find solutions.

Thank you for your attention.



## Appendix

## **APPENDIX 1-4**

## APPENDIX 1-4

### Appendix 1-4.1: Constitution of the Republic of Singapore Section 12(1) and (2)

#### Equal Protection

**12.** – (1) All persons are equal before the law and entitled to the equal protection of the law.

**12.** - (2) 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.

### Appendix 1-4.2: Changes to the Employment Act

#### Summary of the major changes

These changes come into effect on 1 January 2009.

- Extend coverage to confidential staff;
- Protect managers and executives earning a basic monthly salary of \$2,500 and below against non-payment of salary and give them access to MOM Labour Court for salary claims;
- Raise Part IV salary ceiling for non-workmen at a basic monthly salary of \$1,600 to \$2,000;
- Introduce a new Part IV salary ceiling for workmen at a basic monthly salary of \$4,500; and
- Re-define part-time employees from those who work less than 30 hours a week to those who work less than 35 hours a week.

#### The following employees will continue to be excluded from the Act:

- Seamen;
- Domestic workers;
- Statutory board and government employees; and
- Persons employed in managerial and executive positions (except those earning a basic monthly salary of \$2500 and below will be protected against non-payment of salary).

*Source: Ministry of Manpower Change to the Employment Act: A quick guide to the changes to the Employment Act from 1<sup>st</sup> January 2009.*

**Appendix 1-4.3: Constitution of the Republic of Singapore Section 12(2) and 16(1)**

**Equal Protection**

**12.** - (2) 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.

**Rights in Respect of Education**

**16.** - (1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth —

- (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or
- (b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore).



## **APPENDIX 2**

## APPENDIX 2

### Appendix 2.1: Constitution of the Republic of Singapore Article 12(2), Article 152

#### **Equal protection**

**12.** - (2) 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.

#### **Minorities and special position of Malays**

**152.** - (1) It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore. (2) The Government shall exercise its functions in such manner as to recognise the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.

### Appendix 2.2: Miscellaneous Offences (Public Order and Nuisance) Act Section 13A(1)

#### **Intentional harassment, alarm or distress**

**13A.** —(1) Any person who in a public place or in a private place, with intent to cause harassment, alarm or distress to another person —

- (a) uses threatening, abusive or insulting words or behaviour; or
- (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

thereby causing that person or any other person harassment, alarm or distress, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

## **Appendix 2.3: Australian Sex Discrimination Act 1984**

### **Grounds of unlawful discrimination**

Sex, marital status, pregnancy, family responsibility (dismissal only).

### **Other unlawful conduct**

Sexual harassment

### **Areas covered**

Employment; partnerships; qualifying bodies; registered organisations; employment agencies, education; goods, services and facilities; accommodation; land; clubs; awards; superannuation and enterprise agreements.

### **Process for decision making**

Complaints must be in writing. It is then assessed and if within jurisdiction is investigated. The complaint is then reviewed to see if it should be terminated or if it is suitable for conciliation. If the complaint cannot be conciliated, it will be terminated by the President of the Commission. A complainant may then take the matter to the Federal Court of Australia or the Federal Magistrates Court.

## **APPENDIX 4**

## APPENDIX 4

### **Appendix 4.1: Social escalator needs oiling and Poor kids need aspiration; they must not be allowed to sink into apathy and stop striving**

#### **Social escalator needs oiling**

Janice Heng 28 August, 2008 The Straits Times

At the end of this year's National Day Rally speech, Prime Minister Lee Hsien Loong spoke of Singaporeans, young and old, who have lived the 'Singapore story'. That story is about progress and overcoming setbacks. It is about social mobility, and young people who 'enjoy far more opportunities than their parents ever did'.

Yet, in the face of growing income inequality, one should ask if the Singapore story is in danger of becoming a myth.

Seventeen years ago, then-prime minister Goh Chok Tong said in his first National Day Rally speech that 40 per cent of all past President's Scholars had had humble beginnings and lived in HDB flats. Mr Goh was referring to recipients of Singapore's most prestigious scholarship from 1966 to 1991.

But of the 61 President's scholars from 1992 onwards, only five had parents who were not professionals, white-collar or engineers. The last was in 2001.

Singapore's education system has lifted up students from humble backgrounds. But if the academically successful now come disproportionately from higher-income families, then the gears of social mobility may be in need of some oiling.

Meritocracy is the engine of Singapore's social mobility. But meritocracy can promote social mobility only if one's starting point does not greatly affect one's chances of academic success. If academic achievement is easier for those with privileged backgrounds, it would be possible to have both meritocracy and equality of opportunity without social mobility.

Humble family backgrounds may prevent students from developing to their full potential - and hence from entering top schools or achieving other measures of academic success. And a privileged background can make it easier for a child to succeed.

From private kindergartens to tuition and enrichment classes, money can provide an academic edge. Well-off parents can also make their children's education a priority in a way that poorer families may not. Children from humbler backgrounds may have to help their parents make ends meet instead of studying. For a poor, bright student to have the same chances of success as a rich, bright one, meritocracy and formal equality of opportunity alone may not be enough.

The former chief of the Agency for Science, Technology and Research (A\*Star), Mr Philip Yeo, acknowledged as much last month when he suggested that meritocracy should

take into account the disadvantages faced by those from poorer backgrounds. Given two scholarship applicants with equally good grades, Mr Yeo said he would give the scholarship to the one from a poorer family.

Less than 20 per cent of families here live in private housing. But 53 per cent of the 2008 batch of Public Service Commission scholars came from private housing, up from 47 per cent in 2005. Among this year's A\*Star scholars, the figure was 43 per cent.

Of course, one still hears inspiring stories of brilliant students from modest backgrounds. Last year's top scorer in the Primary School Leaving Examination (PSLE) was from a working-class family. And the top 5 per cent of pupils in the 2007 PSLE came not just from 'brand-name' schools.

But these inspiring stories tend to dry up the higher up the education ladder one goes. Education Minister Ng Eng Hen gave data on the housing profile of local undergraduates in Parliament in April. Pupils from four-room or smaller flats constituted 60 per cent of the Primary 1 cohorts from 1990 to 1992. Students from these cohorts would be in university now if they had qualified. But only 44 per cent of the local undergraduates from these batches are from four-room or smaller flats. If those pursuing overseas education were included, that percentage would probably fall further.

It is inevitable that social mobility would decline as society becomes richer. Rapid social mobility is easier to achieve when starting from a lower base. When a generation largely of blue-collar workers was followed by a generation with a larger middle class, the number of people who would have done better than their parents was naturally high.

But what is worrying is not so much that social mobility has stalled but the extent to which it has. Obviously, the solution to this problem is not to do away with meritocracy. But we should not accept this stalling as a cruel fact of life. More can be done to ensure that all not only have equal opportunities but are better equipped to seize them.

One step in the right direction is increased spending on kindergartens. As PM Lee noted in his rally speech, good kindergartens can help children from humble backgrounds 'start from a more equal starting point when they go to school'. Schemes like the Kindergarten Financial Assistance Scheme can make preschool education more accessible.

But the education system alone cannot drive social mobility if other levelling factors are absent. Direct assistance to poorer households, for instance, can reduce the financial burden of poor parents and give their children a better learning environment - and a better chance of moving up in life.

If we want poorer students to be able to climb society's ladder, perhaps we need to give them a leg up.

**Poor kids need aspiration;**

**They must not be allowed to sink into apathy and stop striving**

Rachael Chang 23 March, 2011 The Straits Times

In January, Minister Mentor Lee Kuan Yew revealed statistics that showed a gulf in the educational background of parents of students in top secondary schools versus neighbourhood ones.

The figures showed that an average of 50 per cent or more of those from brand-name schools had fathers who were university graduates. The corresponding figure hovered around 10 per cent for neighbourhood schools.

The question was whether students with less-educated parents were less likely to make it to the top schools. Put another way, was educational privilege now more entrenched, so that more-educated parents are able to pass on their advantages to their children, thus causing kids with less-educated parents to lose out?

Two weeks ago, Education Minister Ng Eng Hen released another set of data in Parliament, designed to reassure. Among them was the disclosure that 50 per cent of children from families in the bottom third socio-economic bracket actually score in the top two-thirds of their PSLE cohort.

Among those living in one- to three-room Housing Board (HDB) flats, four in 10 make it to polytechnic, and one in 10 to university. These figures are based on a study of the cohort entering Primary 1 in 1995, who will have reached the age for tertiary education now.

Dr Ng's conclusion was that the 'Singapore story', one defined by upward social mobility, is still unfolding for this generation. Still, the statistics do not erase the import of Mr Lee's figures.

For example, the fact that 50 per cent of the bottom third of kids score in the top two-thirds of their PSLE cohort, also means that 50 per cent of the bottom third of kids remain in the bottom third.

As for the figure that one in 10 students from smaller flats makes it to university - this is below the national average of one in four. This means children from one- to three-room flats are less likely than the average student to make it to university - to be precise, they have less than half the likelihood.

The two sets of statistics together give a picture of social mobility that is both reassuring, yet shows up areas of concern.

In a nutshell, the issue is this: While some children from disadvantaged backgrounds continue to do well, their chances of doing so are markedly slimmer than those from well-heeled families, and possibly getting slimmer with each passing generation.

The fact that kids from privileged homes - with parents who are better endowed educationally and materially to pass on advantages to their children - do better academically is one which cuts across societies.

As Dr Ng pointed out, this has been found to be true in cross-country studies; and the Government should not hold back the achievement of the brightest, who are increasingly

also the offspring of the rich.

Singapore's slowing social mobility is an inevitable result of four decades of astonishingly rapid and broad-based socio-economic mobility. With so many poor but able people already having moved up, the rate of change for future generations will slow. This is part of the trend of development as a country moves from developing to developed phase.

But it is cold comfort to say Singapore is no worse than other countries. As Dr Ng eloquently pointed out, upward mobility is central to this country's idea of itself. It helped define our collective history, and still animates its promise.

Resting on the laurels of past and present achievement by the disadvantaged is not enough. To its credit, the Government is ploughing more money into providing bursaries and financial support for those from low-income families. It pledges that no child with ability will be held back by his or her circumstances in life. This is laudable.

But the danger is when children from less-privileged families get discouraged by the odds stacked against them, and stop striving to improve their lot.

Sociologists see aspiration - the belief that one can compete with, and triumph over, those born with more - as a key factor in sparking upward social mobility.

In older and more divided societies, theorists argue that those from less privileged backgrounds may, over time, internalise their disadvantages as overwhelming or worse, pre-destined, and simply accept their lot in life.

This can result in a learned disposition of inferiority, an unarticulated and hence insidious assumption that the top rungs of achievement are not theirs to ascend.

In a way, the 'working class' heroes heralded by politicians and the media are the exceptions which help prove the rule. They are praised for making it to the top educational or socio-economic rungs. There is an unspoken, but revealing, societal disposition which has the inadvertent implication: You're not supposed to be here by virtue of your birth and disadvantages, but you did it, and society salutes the way you overcame the odds to succeed.

It is precisely because such stories are becoming rarer in the 2010s that they draw such attention.

To prevent children from poor families from sliding into apathy or despair requires committed effort. One call worth considering is MP Lily Neo's for dedicated 'case officers' to be assigned to every child from the bottom 5 per cent of households.

Social workers can help the family get social and financial assistance. They can track a child through the formative years, and serve as a constant reminder, a beacon of hope, to a child in the midst of deprivation and dysfunction, that the way to a better life is theirs to reach out for.

For the worst thing that an income gap and disproportionate achievement in schools can breed is not resentment, but resignation. A permanent underclass in society is formed not just when those in the bottom third stay there; it ossifies when they believe that it is where they belong. That we must avoid at all cost.



**Appendix 4.2: Foreign bride: I live in fear every day.**

**Foreign bride: I live in fear every day;  
She is continually abused by her husband; Her case is not uncommon for foreign  
brides**

Theresa Tan 23 June, 2007 The Straits Times

Manju, 23, an Indian national, came to Singapore to marry her cousin, a man she had never met. All she was told was that 'he is a good man with a good job'.

He turned out to be a jobless deaf-mute with a fondness for alcohol. He abused her from the second day of their marriage three years ago. Manju (not her real name) was beaten, slapped, pushed and punched for failing to do housework satisfactorily among other reasons. The violence continued even when she was pregnant.

Her daughter, now two, was born with a dislocated hip. Doctors said Manju had been hurt too often during her pregnancy.

Manju told The Straits Times: 'I get panic attacks when he comes home. I live in fear every day.'

Last month, witnesses who saw the abuse helped her, and Manju is now at a shelter for abused women.

But her husband cancelled her social visit pass after she fled to the shelter, which means she has to go back to India soon.

Manju's counsellors have appealed to the authorities to let her stay longer so she can fight for custody of her daughter and settle other issues.

Social workers who aid abused foreign brides say women in Manju's shoes are not uncommon. Often, such women keep mum about family violence, for fear of being sent home without their children.

Ms Soh Siew Fong, senior social worker at the Centre for Promoting Alternatives to Violence (Pave), said: 'If the abuse is reported, the husbands will threaten to stop sponsoring the social visit pass and they will be forced to go home to their countries.'

The number of men here marrying foreigners hit a record high in 2005, with one in four Singapore men tying the knot with foreigners.

The Immigration and Checkpoints Authority said a foreigner can apply for long-term stay or permanent residence once she is legally married to a Singapore citizen. But marriage does not automatically qualify her for long-term stay, or PR, or citizenship in Singapore.

It is unclear how many foreign wives are ill-treated here but there were more than 2,600 applications for personal protection orders (PPOs) last year. Close to six in 10 of these

PPOs were applied for by wives to prevent their husbands from hurting them.

The Subordinate Courts did not reveal the percentage of PPOs applied for by foreign brides. However, social workers said the bulk of applicants are Singaporeans.

Still, the plight of foreign brides worries advocacy group the Association of Women for Action and Research (Aware), which singled out the group in a report on the status of women in Singapore it released on Thursday.

Aware urged the Government to set up a task force to look into issues these foreign wives face, and take action against match-making agencies which openly 'sell' foreign brides in a demeaning manner.

Foreign brides are much more vulnerable than local wives, social workers say, because they have no kin here and some cannot communicate with locals. Many are also totally financially dependent on their husbands.

Like Manju, many of them have their passport kept by their husband and some are even locked at home.

One of those confined at home is a 27-year-old Vietnamese married to a 64-year-old Singaporean, said Ms Kerry Wilcock, head of a shelter for abused women here. The woman was also hit for saying 'no' to her husband, who demanded sex 'several' times a day.

## **APPENDIX 5**

## APPENDIX 5

### Appendix 5.1: Women's Charter Article 46(1) and Prime Minister's Chinese New Year Message 2008

#### **Rights and duties**

**46.** —(1) Upon the solemnization of marriage, the husband and the wife shall be mutually bound to co-operate with each other in safeguarding the interests of the union and in caring and providing for the children.

(2) The husband and the wife shall have the right separately to engage in any trade or profession or in social activities.

(3) The wife shall have the right to use her own surname and name separately.

(4) The husband and the wife shall have equal rights in the running of the matrimonial household.

#### **Prime Minister's Chinese New Year Message 2008**

Singapore enjoyed a fruitful and productive Year of the Pig. The economy recorded its fourth consecutive year of robust growth. A record 237,000 jobs were created. Unemployment is at its lowest in a decade. All workers have something to cheer about, as they enjoyed higher bonuses and wage increments.

The Year of the Rat begins under more uncertain and challenging circumstances. Turbulence in financial markets worldwide has shaken consumer and investor confidence. The US economy is slowing down, and possibly sliding into recession. Worldwide energy and food prices have soared, raising prices in Singapore too.

We should gird ourselves for further uncertainties ahead. But we can also be confident, for Singapore is in a strong position to weather any storm. I know many Singaporeans worry about rising food prices and the cost of living. As a small, open economy, which imports almost everything we need, we cannot escape these global trends. Nor can we fix the prices of cooking oil, flour, or other essential foodstuffs as this would create artificial shortages, queues and a black market. But we can and will directly help those in need. The Workfare Income Supplement Scheme made its first payment last month, paying \$150 million to 290,000 low-income workers. With good growth, we have the resources to help ease the burden on Singaporeans, especially for the poor and elderly.

In the Chinese zodiac, the Rat symbolises wit, imagination and resourcefulness. Let us harness our creativity and ingenuity to tackle the challenges that lie ahead. Then despite the difficulties that come our way we can all look forward to another good year for Singapore and for ourselves.

Chinese New Year is a celebration of the family, a time of reunion and bonding. However busy we are, however faraway we may be from home, we should try to keep these traditions alive. If you are working abroad and cannot make it back for the New Year, at least call your parents and families back home, or better still, chat over the internet using a webcam. These customs maintain and renew our bonds of family and kinship.

Nowadays, more Singaporeans prefer to leave their parental homes to set up their own households after marriage. Nuclear families have long been the norm in the West, but they are increasingly the trend in East Asia too. Even in China, many young people now work and live in distant cities. But when Chinese New Year comes around, they make a special effort to travel to their home towns to be with their families, as we saw this year when severe snowstorms disrupted this huge movement of people, and caused great hardship to tens of millions determined to make it home for the reunion dinner.

While social norms are shifting, we must continue to preserve the filial ties and bonds that hold our family units together. Families are a great strength for continuity in bringing up the next generation, and transmitting social values. Grandparents, in particular, play an important role in our families. They are a big help to those who have children.

One study of Canada and Finland in the 18th-19th centuries confirmed this scientifically. It found that women whose mothers were still living not only bore more children, but their children were more likely to survive till adulthood. This was especially so if the grandmother was still young (below 60), and was living close by (less than 20 kilometres away). The world has changed many times over since then. But even in the 21st century, young parents everywhere still benefit from the experience, advice and help of their mothers and mothers-in-law. I have certainly benefited from this, and I am sure many Singaporeans have experienced the same.

This is why Government policies seek to preserve the family structure and foster family ties. For example, when applying for new HDB flats, couples who live with or near their parents have priority over regular applicants. Likewise, those buying re-sale flats enjoy a higher housing grant if they are staying with parents or the flat is near their parents' home. HDB has also introduced a family season ticket so that families who visit one another regularly can enjoy a discount on their parking fees. Then, even if they do not all stay under one roof, young couples can still keep in close touch with their parents, while they, in turn, can give valuable parenting advice, and help to look after the little ones.

More broadly, we want Singapore to be a great place to bring up families and children. It has been three years since we introduced major policies to encourage families to have more children. We have managed to reverse the decline in births, but only barely. Last year we only had 37,000 resident births, just 2,000 more than in 2004. Ultimately, this is not just a matter of financial incentives, but of social attitudes and mindsets, as well as practical arrangements like childcare facilities, flexible work options, and leave for parents to look after their children. It will take time for mindsets to change, but we are studying the practical arrangements carefully, to see how we can create an even friendlier environment for having and raising children.

Chinese New Year is a good time to celebrate our traditions, and remind ourselves that our family remains relevant in today's modern society. In this Year of the Rat, let us renew our kinship ties and strengthen our family bonds.

I wish all Singaporeans a happy and prosperous Chinese New Year

**Appendix 5.2: National Family Council (NFC) Media Press Release 16 October, 2008**

**NFC embarks on new term with goal to help make Singapore a great place for families and children**

The National Family Council (NFC), formed on 1 May 2006 with members from the people, private and public sectors to champion the building of resilient families, embarks on its new term with a goal to help make Singapore a great place for families and children.

The 18-member Council, appointed by the Minister for Community Development, Youth and Sports, continues to be helmed by Mr Lim Soon Hock who is also Chairman of the Centre for Fathering. It started work in its new 2-year term in August 2008 with the following eight new faces, from the business, academic and social sectors:

- Mr Boon Yoon Chiang - Country Chairman, Jardine Matheson Group of Companies in Singapore, and Chairman/Managing Director of Jardine Matheson (Singapore) Ltd;
- Mr Douglas Foo - Chairman and CEO of Apex-Pal International Limited;
- Mr Leng Chin Fai - Director, Fei Yue Family Service Centre;
- Mr Mohammed Ali Mahmood - Executive Director, PPIS Jurong Family Service Centre;
- Mr Peter Tan - Principal, Anglo-Chinese School (Barker Road);
- Ms Toh Hwee Tin - Director, Family Development Unit, National Trades Union Congress;
- Ms Wong Fong Tze - Vice-President (Corporate Communications), PSA Corporation Ltd; and
- Mr Anthony Yip - Director, Far East Organisation (Retail Management).

The Ministry would like to express its appreciation to the following members who have stepped down after serving the Council in its past term:

- Ms Animah bte Abdul Gani – Registrar, Syariah Court;
- Mr Goh Kim Hua - Member, Youth Development Council of Singapore Soka Association;
- Mr Koh Juan Kiat - Executive Director, Singapore National Employers Federation;
- Ms Leong Ching – PhD Candidate, Lee Kuan Yew School of Public Policy;
- Mr Lye Fei – Chief Executive Officer, Care Corner Singapore;
- Mrs Rathi Parimalan –Principal on Scholarship, Reading for Master in Public Management;
- A/P Paulin Straughan - Associate Professor, Department of Sociology, NUS; and
- Mr Tan Kian Chew – Group Chief Executive Officer, NTUC FairPrice Co-operative Ltd

Chairman Mr Lim Soon Hock said, “I am grateful for the invaluable contributions of all members of the Council in the first term. It has been a privilege to work with them to

further the cause of the family. They have played a pivotal role in forging the identity of the Council and contributed much to the Council's achievements in promoting the family in Singapore."

Mr Lye Fei, who served in the Council's first term, said, "The greatest joy one can experience after having a family is the gift of children and grandchildren. I am honoured to have served on the National Family Council for a term and being able to participate in the many spirited discussions with Council members in the past two years."

Added Mrs Rathi Parimalan, who also served in the first term, "The inaugural term of the NFC was a most enriching and fulfilling experience for me. The synergy of the team was good, the diversity brought in different concerns and perspectives and most importantly, the passion was compelling and infectious. I have enjoyed my term tremendously and would like to take this opportunity to wish the new committee all the best for the next phase of the NFC journey."

Looking forward, Chairman Mr Lim Soon Hock added "The recent announcement on Marriage and Parenthood by the Prime Minister at the National Day Rally bears testimony to the importance that the nation places on the family. As a people-sector led Council, we will continue to engage key stakeholders to tap their collective wisdom to address topical or prevailing family issues and challenges, and provide feedback to help shape and refine government's policies, as what the Council had done for the recent enhancement to the Marriage and Parenthood Package. At the same time, we will step up efforts to promote the family and to make the family the number one priority in everyone's agenda, through our various events and outreach programmes. We hope the multi-prong approach adopted by our Council will enable us to address family issues and matters in a holistic and comprehensive manner. I am confident that the combination of experience and fresh perspectives will bring the Council's role to a new level, as we address many of the complex issues facing the family, brought about by globalization and changes in our society which affect the way we work, live and play."

Newly appointed member Ms Wong Fong Tze said, "I hope to channel to NFC feedback from the elderly, homemakers, professionals, as well as Generation Y on ways to co-create opportunities and platforms for family bonding, learning and growth. Together, we can bring forth a more cohesive community with a values-centred legacy for our future generations to inherit, build on and enjoy. "

Mr Boon Yoon Chiang shared, "Family is the foundation of any society. Strong family units are key to a happy, progressive, harmonious and stable society." Mr Peter Tan added, "As a Principal, I see both the tears of family trauma and hardship, and the joys of sound family living. In particular, I am concerned about the role that fathers play in the family. The father is not only the head of the household but, from my observations, the key to sound family life. I hope that my involvement can help enhance and promote the role of fathering. "

For Mr Mohd Ali Mahmood, "Families in Singapore face greater challenges today. Many

of us have gone through the struggles between balancing career and building healthy family relationships at the same time. I have also encountered those who chose to forego building their own families out of fear of the commitments involved. I hope that the NFC can be the bridge that allows them to see the value and long-term positive outcomes of having strong and stable relationships within the family. "

On the contributions of the Council, Mrs Yu-Foo Yee Shoon, Minister of State for Community Development, Youth and Sports, said, "The family is the cornerstone of society. While family ties remain strong in Singapore, families are increasingly facing challenges brought about by globalization and modernization. The National Family Council has been instrumental in championing the cause of the family. In the last 2 years, Council members have been tireless in rallying people and organisations to make time for family and to give priority to family on their agenda.

The Council also provided valuable inputs to Government in the recent Marriage and Parenthood Review. We are grateful for the effort of the past Council and look forward to Council's contributions in its new term. With so many eminent people on board, we can be sure that there will be more innovative ideas and useful inputs on family issues. I am looking forward to the Marriage Central that they are setting up soon."

Marriage Central is a major initiative of the National Family Council to provide one-stop information and counselling support for individuals tying the knot and for married couples seeking to strengthen their marriages.



## Appendix 5.3: Adverts from J&N Matchmaking Agencies and Life Partner Matchmaker

### J&N Matchmaking Agencies



J&N Viet-Bride Match-making Agencies is an established matchmaking agency in Singapore. We are the only Vietnam Matchmaking agency which provide one-stop matchmaking & wedding services for our clients with our full range of our matchmaking packages.

We aim to assist single, divorced or widowed men to find their right/suitable lifetime wife at the shortest time & hassle search with our all-in-one low price & premier matchmaking services package.

With our ever-growing number of bride-to-be Vietnamese village girls daily and with our team of committed & experience supporting staff both in Singapore & Vietnam, we are sure to be able to assist you in getting a gentle, affectionate, beautiful, family-minded wife range from 18 years old onwards with our 5 or 7 days [matchmaking tour packages to Vietnam](#).

With our objectives, we sure to make your dreams of having a caring and lovely wife come true.

**New opening promotions!!!!!!!!!!!!!!**

Should you have any friends or relatives who are seeking for Vietnamese bride, recommend to us and you will get commission incentive from us upon your friend/relative confirmation.



#### Our Package differences with other agencies:-

1. Our package offer is an all-in matchmaking / wedding packages which is very welcome by most of our clients and bride-to-be in Vietnam which we are offering at low and competitive price with the highest level of service compare to other agencies with no hidden cost.
2. We offered a personalised package service rather than a commercialise package service which our consultant will serve 24 hours to the clients from the day of travel from Singapore till the bride / bridegroom get married and settle down in their origin country.
3. We offer Chinese / English speaking consultant suitable to the client which most of other agencies do not offer.
4. With our reputed service grow in Vietnam / Singapore, we have a huge list of more than hundreds of bride-to-be from village which are ready to get married with any of our clients of their ideal partner.
5. We only offer village bride-to-be due to their conservative culture and their hardworking nature which will be more suitable to all of our clients which is different from other agencies.
6. We are famous in serving both local / foreigners compared to other agencies with our reputed growth of local and foreign clients.
7. We do not offer any incentive to all our bride-to-be which other agencies do which it makes the bride most willingness in getting married with the clients of their own choice.
8. In protecting our client's package, all our bride-to-be will have a terms of conditions to get married with the clients which it will protect our client's rights in getting married with the bride of their own choice.
9. Bride-to-be and the client itself have the right to say "No" and no forcement will be taken to the bride-to-be or client should they reject the choice of their own which is much different from other agencies.
10. We offer after service / support after the bride / bridegroom have ROM in their origin country in offering any advise needed which other agencies do not provide.



Source: <http://www.jvietbride.com.sg/main.php>

## Life Partner Matchmaker

**Life Partner Matchmaker** 终生伴侣 婚姻介绍所  
Every Man Needs A Partner

101 Upper Cross Street  
#B1-37 People's Park Centre (珍珠大厦)  
Singapore 058357  
HP : +65 9180 4486

**About us**

searching for lovely Vietnamese bride through Life Partner's network

These are some of Life Partner successful matched brides

- We short list only girls without passport. While waiting for their application of new passports, we engage qualified Mandarin teacher to teach them Mandarin and ...
- Personal grooming
- Personal hygiene
- Train to do housework
- Cook Chinese dishes
- To respect elderly
- Learn culture of Singapore
- Interact in Mandarin
- New shoes, new clothes
- ...

Source: <http://www.lifepartnermatchmaker.com/eaboutus.html>

### Appendix 5.4: Survey of The Straits Times, Today and My Paper from 10-16 January 2011 done by AWARE volunteer

	The New Paper	Today	My Paper	The Straits Times
	Number of advertisements per day			
Monday 10 <sup>th</sup> January	0	2	0	5 (1 for men)
Tuesday 11 <sup>th</sup> January	0	4	0	3
Wednesday 12 <sup>th</sup> January	0	3	1 (in Chinese)	1
Thursday 13 <sup>th</sup> January	0	0	1	0
Friday 14 <sup>th</sup> January	0	2	1	0
Saturday 15 <sup>th</sup> January	0	2	My Paper is not published during weekends	0
Sunday 16 <sup>th</sup> January	0			0
Total	0	13	3	9

**Appendix 5.5: Number of male and female health professionals and health associates professionals 2010.**

	Health Professionals	Health Associate Professionals
Males	8,100	5,900
Females	20,200	25,000

Source: Ministry of Manpower Report on Labour Force in Singapore 2010

**Appendix 5.6: Health Policy Monitor 2008 Regulation of Aesthetic Medicine**

**Political and economic background**

In March 2008, MoH's Head of Regulations, in giving a newspaper interview, bluntly asked doctors not to offer unproven procedures "on the pretext that they are medical in nature and are medically beneficial." The report disclosed that MOH had identified 11 aesthetic therapies offered by Singapore doctors, both specialists and general practitioners, which it considered were controversial and of unproven value. In fact, the ministry had begun quietly cracking down on such practices from September 2007. It had questioned at least 20 doctors - among whom were two prominent plastic surgeons - and asked them to stop - which they promptly did.

The Singapore Medical Council, which is the profession's watchdog, is already investigating the aesthetic medicine practices of six doctors (arising from patient complaints), including a specialist. Singapore has 35 registered plastic surgeons but more than 1,400 general practitioners. Apparently, over 1,000 general practitioners (GPs) and specialists are practising aesthetic medicine, according to one estimate.

The newspaper report provoked negative reaction from many doctors but the Ministry stood firm, defending its stance with the explanation that it needed to safeguard medical standards and protect patient safety. It highlighted three reasons for acting: insufficient evidence on the safety and effectiveness of these treatments; reports of side effects of these treatments such as scarring and infection; and the drug concoctions used in some treatments not having been approved for such use by the Health Sciences Authority.

<b>Appendix 5.7: Section 6 of Singapore Code of Advertising Practice 2008: Unacceptable claims – particular products</b>
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**6.6 Bust developers**

- 6.6.1. Advertisers for preparations and devices purporting to promote enlargement of the breasts are not acceptable. Similarly, the substitution of non-specific words for enlargement like “bust toning”, or “bust improvement” is not acceptable unless the advertisement clearly shows how this differs from enlargement per se.
- 6.6.2. Exercise and courses, including exercise that may have an incidental effect on the bust line, may not be advertised in such a way as to place predominant emphasis on any effect of improving, increasing or enlarging the bust line.
- 6.6.3 Every advertisement of a product, service or other activity that purports to alter the shape or appearance of the breasts or the bust line shall contain the following disclaimer:  
“There is no scientific proof that any non-surgical treatment currently available can enlarge breasts.”  
Such disclaimer shall be in such placement, font and weight as to be clearly legible.

**Appendix 5.8: Advert for the Singapore Lipo, Body and Face Centre, The Straits Times 10 January 2011**

**SINGAPORE LIPO, BODY & FACE CENTRE**

Have you been thinking about restoring your youthful curves?  
Have you been dieting and exercising but just cannot get rid of those stubborn bulges?

**Achieve the body you desire  
Simply • Shapely • Safely**

ISO 9001:2008-certified. Clinically-proven results.

**LipoSelection-Ultra**  
Dr Kevin Teh is experienced in the art of body sculpture and is accredited to perform Hi-Definition LipoSelection by the Advanced Body Sculpting Institute (ABSII). Get that six-pack or shapelier figure from a doctor who puts patients' interests first. Find out how fat cells can be permanently removed.  
You can also choose a **2-in-1 procedure** where Dr Teh can **remove fat from unwanted areas to fill your breasts or buttocks.**

from **\$1,349** per body area  
w GST **\$1,443.40\***

\* Price includes medication, post-op reviews, compression garment and all necessary blood tests  
# There is no specific proof that any slimming programme can achieve permanent weight loss, except when accompanied with a balanced diet and regular exercise.

**Scarless Breast and Buttock Enhancement**  
Learn about natural breast and buttock enhancement without surgery, scars or downtime. Dr Teh will share with you his experience with Macrolane Hyaluronic Acid Filler for enhancing the shape of your breasts and buttocks.

from **\$3,399** per 100ml  
w GST **\$3,636.90\*\***

\*\*Price includes medication and post-op reviews

**Body Tightening with VelaShape**  
US FDA-approved for body tightening and cellulite reduction.  
Clinic-only treatment proven to tighten skin and firm your body.  
Totally non-invasive and minimal downtime.  
Find out how VelaShape can benefit your saggy skin.

**Let Dr Kevin Teh share with you about our complete sculpting solutions at his forums:**

- 13 Jan 2011 (Thurs) @ 7:00pm
- 20 Jan 2011 (Thurs) @ 7:00pm

**Kindly RSVP 6736 1000**

**Dr Kevin Teh**  
Medical Director  
MBBS (Singapore)  
MRCS (Edinburgh)

A Subsidiary of the Singapore Medical Group Limited - America and Swiss ISO 9001:2008 Certified

**SMG** **ANAB**

10 Sinaran Drive Novena Medical Center #08-05  
Tel: 6736 1000 / 9329 1000 Web: www.sibfc.sg / www.smg.sg Email: doctor@sbfc.sg



## **APPENDIX 6**

## APPENDIX 6

### Appendix 6.1: Women's Charter Section 141 and 142

#### **Traffic in women and girls**

**141.** —(1) Any person who buys, sells, procures, traffics in, or brings into or takes out of Singapore for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girl, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000.

(2) No person shall be charged with an offence under this section if he satisfies the Director that the woman or girl brought into or taken out of Singapore by him or intended to be brought into or taken out of Singapore by him was so brought into or taken out of Singapore or is intended to be so brought into or taken out of Singapore for the purpose of her marriage or adoption and that such marriage or adoption can be solemnized or made and has been or will be solemnized or made under the laws and customs for the time being in force in Singapore.

#### **Importation of woman or girl by false pretences**

**142.** Any person who by or under false pretence, false representation or fraudulent or deceitful means made or used either within or without Singapore brings into, or takes out of, or assists in bringing into, or assists in taking out of, Singapore any woman or girl —

- (a) with intent that she shall be employed or used for the purpose of prostitution either within or without Singapore;
- (b) knowing or having reason to believe that she will be so employed or used; or
- (c) whether or not for the purpose of present or future prostitution,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000.

### Appendix 6.2: Penal Code Section 376A

#### **Sexual penetration of minor under 16**

**376A.** —(1) Any person (A) who —

- (a) penetrates, with A's penis, the vagina, anus or mouth, as the case may be, of a person under 16 years of age (B);
  - (b) sexually penetrates, with a part of A's body (other than A's penis) or anything else, the vagina or anus, as the case may be, of a person under 16 years of age (B);
  - (c) causes a man under 16 years of age (B) to penetrate, with B's penis, the vagina, anus or mouth, as the case may be, of another person including A; or
  - (d) causes a person under 16 years of age (B) to sexually penetrate, with a part of B's body (other than B's penis) or anything else, the vagina or anus, as the case may be, of any person including A or B,
- with or without B's consent, shall be guilty of an offence.

(2) Subject to subsection (3), a person who is guilty of an offence under this section shall be punished with imprisonment for a term which may extend to 10 years, or with fine, or

with both.

[51/2007]

(3) Whoever commits an offence under this section against a person (B) who is under 14 years of age shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to fine or to caning.

[51/2007]

(4) No person shall be guilty of an offence under this section for an act of penetration against his or her spouse with the consent of that spouse.

[51/2007]

(5) No man shall be guilty of an offence under subsection (1)(a) for penetrating with his penis the vagina of his wife without her consent, if his wife is not under 13 years of age, except where at the time of the offence —

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

(iv) under a written separation agreement;

(b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;

(c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;

(d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or

(e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

### Appendix 6.3: Penal Code Section 376C

#### Commercial sex with minor under 18 outside Singapore

**376C.** —(1) Any person, being a citizen or a permanent resident of Singapore, who does, outside Singapore, any act that would, if done in Singapore, constitute an offence under section 376B, shall be guilty of an offence.

[51/2007]

(2) A person who is guilty of an offence under this section shall be liable to the same punishment to which he would have been liable had he been convicted of an offence under section 376B.

[51/2007]



#### **Appendix 6.4: Sabahan youths 'trapped'**

##### **Sabahan youths 'trapped'**

14 July, 2008 Daily Express

Kota Kinabalu: Some 70 Sabahan youths are in a desperate situation in Singapore with the girls forced into prostitution and the boys doing menial work after they were duped by employment agents with promises of good jobs.

This was revealed by a 21-year-old Sabahan who managed to escape a recruitment syndicate that forced him to work as a labourer. He claimed they were being kept in the same apartment building that he was in.

The youth from the East Coast of Sabah said he wished to inform parents and relatives of these Sabahans that their children have no means of fleeing as their passports and identity documents like ICs were being kept by the syndicates. Their movements are also monitored by guards," he said.

Social activist, Anne Keyworth, who has been vocal about local youths falling prey to unscrupulous employment agents, urged enforcement authorities to take immediate action. She appealed to the authorities to take up the youth's experience as a case of human trafficking that needs to be tackled urgently.

Keyworth, who is now helping the youth come to terms with his trauma, said the Sabahan youths, especially the girls in the apartment building, must be rescued and brought back to Sabah.

She also urged non-governmental organisations (NGOs) and missionaries who conduct welfare and charity work in the rural areas in Sabah to warn the people of ploys by syndicates claiming to be employment agencies.

"The modus operandi is quite similar to other cases in the past where rural youths were the main target of these human traffickers who claimed to be agents of employment agencies. And the worst thing is that our own locals are the middlemen for these syndicates. I hope relevant authorities would seriously look into this case and create policies that can ensure our youths are not easily duped by unscrupulous people," she said.

She also urged City Hall and the respective local councils to tear down all illegal flyers and ads on employment opportunities to work abroad pasted on public phones and walls of shophouses so that local youths would not be lured into the unknown.

According to the youth who returned home on July 6, in most instances the Sabahans were misled by the agents with promises of jobs in hotels and attractive salaries.

However on arriving in Singapore they are told there are no hotel jobs, leaving the

youngsters with no choice but take up jobs as labourers while the women are coerced into vice.

Asked how he got to know about Sabahan girls being forced into vice, he said he and a few friends saw one girl crying at a stairway in the building.

"While walking up to our apartment, we saw a girl wearing a mini skirt and sexy attire sitting on the staircase and crying miserably. She said her name is Christina and was from Penampang. She was victimised by a recruitment agency.

"She was promised many choices such as in tourism, restaurants and doing laundry work but all were lies. She said she was raped by the agent and forced to be a prostitute.

"The girl said a pimp guards her closely and would bring her to hotels to entertain men. According to the girl, there are many Sabahan girls in the building in a similar situation but was not sure how many," he said.

Another time, he said he saw several women pushed by guards inside a car one night and recognised one of them to be a Sabahan. He heard the Sabahan girl utter "Sabar-sabar bah!Ésia tau la apa mau buat" (Be patient bahÉI know what to do) before she was shoved into the car.

Recalling his experience, he said sometime in March this year he and three friends met a man claiming to be a recruitment agent for locals and promised to get them good jobs in hotels in Singapore. They met the agent at his rural hometown.

"At that time I was working in a plantation and felt excited about the prospect of working in Singapore. Also, we believed the agent's promise to provide us with hotel jobs in the country whose currency value is much higher than ours. Hence, we complied with the agent's requirement to pay him RM1,000 as processing fee and had to pay for our own ticket to Singapore as well as the cost of international passports," he said.

In two days, he and three youths from the same hometown boarded a flight to Senai Airport in Johor Baru and were picked up by a man to go to Singapore. They also saw about 20 Sabahans with different agents at the airport but did not have the chance to chat with them.

Their nightmare began when they were placed in an apartment and realised that the room door was locked from outside. Next morning, the door was opened and they were allowed into the living room.

"A man told us there were no hotel jobs but that work as labourers cleaning septic tanks was available. Since we had spent our money to go there, we accepted the job, motivated by the prospect of still earning a decent income".

"We were told that the salary would be S\$900 per month but we were forced to work from 8am to midnight with only one meal at 8pm. We were working under pressure and

treated as slaves and the working conditions were very bad”.

"We would be beaten if we came late to work or delayed cleaning the tanks that smelled of faeces. There was also an occasion when we accidentally swallowed bits of waste when cleaning the tank because we were not provided with masks or safety gear," he said, tears streaming down his cheeks during the interview with Daily Express.

He said since the syndicate did not provide three meals to them they sought work in a restaurant near the apartment building in return for food as wages. They also did not receive their salaries as promised, the reason being that the money was used to pay for their accommodation and food.

One day, three of them conspired to assault their minder at the septic tank premises and managed to retrieve their passports that were left in the minder's car.

"We saw a lorry loaded with boxes and hung on the side for fear the driver may see us. After some time, we climbed into the back of the moving lorry”.

"We alighted from the lorry when it reached the city and surrendered ourselves to the Singapore Immigration Department. We were told that we could leave as our papers were in order. But the only problem we faced was we had no money to buy the tickets”.

"So we walked along the street and met several men who recognised us as Sabahans. Later we came across two soldiers from the Mahkota Camp in Kluang, Johor and we related our experiences to them”.

"They were one Corporal Samsuddin who comes from Kota Belud and Lance Corporal Matthew from Penampang. They helped us purchase our tickets to home...we returned to Sabah safely on June 22," he said.

**Appendix 6.5: Thais say they suffered in Singapore 'jungle brothel'**

**Thais say they suffered in Singapore 'jungle brothel'**

Nopporn Wong-Anan 24 April, 2009 Reuters

Singapore - They were promised well-paid jobs in fine restaurants in Singapore. But a group of five Thai women, including a mother and a daughter, say they ended up being forced to sleep with hundreds of men before police rescued them.

"I thought I would come here to work in a hotel, but they put me in hell," said Pon, a mother of two in her late 30s, recalling her three days of working in a "jungle brothel" before a police raid rescued her and two Thai friends.

"My pimps told me I had to pay them 20,000 baht (\$560) for what they paid for me if I didn't want to work for them. Otherwise I would have to sleep with 160 men before they could start sharing some earnings," Pon said, telling her story while sobbing at a shelter for abused migrant women.

Two others, a mother in her late 40s and her daughter in her early 20s, escaped the brothel and have returned to Thailand.

Pon, who preferred not to give her full name, said her "room" in a forested area was made of plastic sheets wrapped around wooden poles and a foldable mattress, in which pimps charged customers S\$20 (\$13) for a 10-minute "shot".

Singapore's sex trade is a side of the Southeast Asian city-state less well-known than its air-conditioned shopping malls, efficient governance and laws that ban littering and the import of chewing gum.

Prostitution is legal in Singapore, but the law bans soliciting of sex and penalises those who live on the earnings of prostitutes.

The government said it has a "comprehensive legal framework and a robust operational framework" to deal with vice and human trafficking, saying cases of forced prostitution were rare and it would take all reports of alleged exploitation seriously.

"Instances of women genuinely found forced into prostitution or lured into prostitution under false pretences are few and far between," the Ministry of Home Affairs told Reuters.

"In most instances, police investigations found that the cases arose from disputes between the women and their vice abettors over payments and other arrangements."

Rescued sex workers said many prostitutes, willing or deceived, enter Singapore as tourists and are kept together. As tourist visas allow them to stay up to a month, many choose to have sex with as many men as possible to pay the fee.

"My record was 17 men per night but some of my friends reached more than 30," said Ja, a 23-year-old from northern Thailand who declined to give her full name.

Ja, now staying at another Singapore shelter, made about \$2,000 in a one-month stay on a previous visit a year ago -- equivalent to a factory manager's one-month salary in Thailand.

"I think I have had enough of this job. If I can return home this time, I want to study, I want go back to school and work in another profession," Ja told Reuters.

The United Nations Office on Drugs and Crime said in February human trafficking for the sex trade or forced labour market appears to be getting worse because many countries are ignoring the globalised problem, but it gave no figures.

A US State Department report has put the number of people trafficked at 800,000 a year, versus the International Labour Organisation's estimate in 2005 of 2.5 million a year.

"These trafficked women are devastated and only want to go home," said Bridget Lew, who runs the organisation HOME for abused migrants. "They could be the tip of the iceberg."

#### **Appendix 6.6: Penal Code Section 340**

##### **Wrongful confinement**

**340.** Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

##### *Illustrations*

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

#### **Appendix 6.7: ASEAN Declaration Against Trafficking in Persons Particularly Women and Children**

WE, the Heads of States/Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, members of the Association of the Southeast Asian Nations, hereinafter referred to as ASEAN,

REAFFIRMING the Ha Noi Declaration of 1998 and the Ha Noi Plan of Action, which, among others, committed to intensify individual and collective efforts to address

transnational crimes, including the trafficking in persons;

EXPRESSING the urgent need for a comprehensive regional approach to prevent and to combat trafficking in persons, particularly women and children;

ACKNOWLEDGING that social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons;

RECOGNIZING that the immorality and inhumanity of this common concern elicits the need to strengthen legislative, law enforcement and judicial responses to ensure deterrent action is taken against persons involved in individual or syndicated activities of trafficking in persons, particularly women and children;

APPRECIATING that a successful campaign against the scourge of trafficking in persons, particularly women and children, requires continuing dialogue, exchange of information and cooperation among ASEAN;

REAFFIRMING ASEAN's unwavering desire to embrace the spirit behind the United Nations Convention against Transnational Organized Crime and its relevant protocols as it reflects the commitment of the Member States of the United Nations to prevent and combat transnational organized crime;

REAFFIRMING through this Declaration a commitment to human development and security, and the improvement of the quality of life of the peoples of ASEAN;

HEREBY DECLARE, to the extent permitted by their respective domestic laws and policies, to undertake concerted efforts to effectively address an emerging regional problem, namely the trafficking in persons, particularly women and children, through the following measures:

1. To establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
2. To adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
3. To undertake regular exchange of views, information sharing on relevant migratory flows, trends and pattern, strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislations;
4. To intensify cooperation among our respective immigration and other laws enforcement authorities;
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;
6. To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
  7. To undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons and shall offer one another the widest possible assistance to punish such activities; and
  8. To take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

All Member Countries reaffirm their commitment to accomplish the elements of this Declaration through maximum efforts by such appropriate instruments as may be necessary and consistent with their respective national laws and policies.

ADOPTED by the Heads of State/Government of ASEAN Member Countries on this Twenty-ninth Day of November 2004 in Vientiane, Lao People's Democratic Republic.

Source: <http://www.aseansec.org/16793.htm>

## **APPENDIX 7**



## APPENDIX 7

### Appendix 7.1: Number of female teachers, vice-principals and principals

	Total	Female
Teacher	29,875	21,773
Vice-Principal	469	303
Principal	354	218

Source: Ministry of Education Statistics Digest 2010

### Appendix 7.2: SCWO Women's Register

#### About Women's Register

The idea of a Women's Register (WR) was conceived after a year-long public consultation with study groups led by many prominent women in 2005. The study by SCWO found that there was a need for an initiative to reach out to women to inspire and lead them, as well as to educate and harness the power of women. The Women's Register was launched by Minister of State for Community Development, Youth and Sports (MCYS), Mrs Yu-Foo Yee Shoon in 2007 with these objectives in mind.

This initiative has gone through a few phases since its inception and has evolved to become a two-prong approach today. It is now a platform for networking, education, mentorship, inspiration and the promotion of directorships for an extensive group of women of all ages.

The first is targeted at younger women aged 18 years and above, and to provide them with mentorship and internship opportunities, and to get involved in the community. It is our vision that these young ladies are connected and supported by fellow women in the community, given inspiration and empowerment to take charge of their lives and lead them with positivity, compassion and courage. Our role is to create these opportunities, making them available through online media, social networking, dialogue sessions and volunteer events.

The second outreach arm, BoardAgender, is for senior-level women who would like to participate and contribute their professional experience, knowledge and expertise at a decision-making level. It aims to build awareness of the benefits of gender diversity at top levels of management, and create a vibrant community to share best practices in the area of gender diversity.

Source: [http://www.womensregister.org/index.php?option=com\\_content&view=article&id=50&Itemid=60](http://www.womensregister.org/index.php?option=com_content&view=article&id=50&Itemid=60)

## **APPENDIX 11**

## APPENDIX 11

### Appendix 11.1: Skills Programme for Upgrading and Resilience

Skills Programme for Upgrading and Resilience (SPUR), is an enhanced funding scheme developed to scale up training programmes to help companies and workers during the recent economic downturn and to build strong capabilities for the recovery.

Through SPUR, workers have the opportunity to gain a competitive edge in the job market while employers are able to manage excess manpower, save manpower costs and retain workers by channeling them for skills upgrading and development. The goal is to help workers remain employable, save jobs and strengthen individual / employer capabilities to prepare for the economic upturn.

SPUR offers training programmes to help workers to upgrade skills (up-skill) to do better in current job or acquire new skills (re-skill) to take on jobs in a new industry. Under this programme, workers can choose from over 1,000 courses ranging from healthcare, education, security, social services to tourism, made available until 30 November 2010.

Source: <http://app2.wda.gov.sg/web/Contents/Contents.aspx?Id=174>

### Appendix 11.2: Workfare-Skill Up

Workfare-Skill Up is a structured training programme to give low-wage workers a stronger foundation in basic literacy so that they can continue with workplace skills training and enhance their ability to take on better jobs.

We can help your workers upgrade, with incentives, if they meet the following criteria:

- Singaporean
- Earning \$1,700 or less per month
- Do not have a GCE "O" Level pass in English or took workplace literacy test and have a score of 1 to 4.

The programme consists of:

- A workshop to build confidence in trainees to commit to sustained training. Trainees will be provided with techniques and tips aimed at helping them persevere in their training.
- Literacy Training Programmes to provide low-wage workers with basic literacy training in reading, listening and speaking in English, based on the WSQ's Employability Skills (ES) framework. A milestone award of \$200 will be given for every literacy level that they attain.

Source: [http://www.e2i.com.sg/services/employers/workfare\\_skill\\_up/](http://www.e2i.com.sg/services/employers/workfare_skill_up/)

### **Appendix 11.3: WINGS**

WINGS is a non-profit education centre especially for women aged 40 and older. WINGS was launched as a joint project of the Singapore Council of Women's Organisations (SCWO) and the Tsao Foundation on 20 June 2006.

With the backing of the women that we serve and support from donors and partners who believe in us, WINGS became an independent society in December 2007. The **Society for WINGS** is now a registered charity with IPC (Institution of a Public Character) status.

#### **Aims & Objectives**

WINGS aims to provide the following services:

1. To educate its clients on:
  - a. Health – Preventive Health Management techniques, and health literacy
  - b. Wealth – Planning for their Financial future and Income generating activities
  - c. Happiness – Self Esteem, Love within family and contribution to society
2. To support and/or provide income generating activities
3. To provide counseling services
4. To provide a referral service
5. To support and provide a safe place for friendship between its clients and for relevant support groups to meet

#### **Our Services**

1. Counselling – Emotional, Legal, Financial and Health
2. Talks & Workshops on Health, Financial Security and Relationships including contribution to Society
3. Support Groups – Menopause, Homemakers, Mothers & Seniors
4. Skills Training – Basic Computer, Cashiering, Basic English etc
5. Job Referrals
6. Interest Groups – Handicraft, Read & Chat, Bridge etc
7. Exercise Classes – Chair Yoga, Shapexercise, Tai Chi, Belly Dancing etc.

Source: <http://www.wings.sg/en/about>

**Appendix 11.4: Employment Act Section 43(1)**

**Annual leave**

**43.** —(1) An employee who has served an employer for a period of not less than 3 months shall be entitled to paid annual leave of 7 days in respect of the first 12 months of continuous service with the same employer and an additional one day's paid annual leave for every subsequent 12 months of continuous service with the same employer subject to a maximum of 14 days of such leave which shall be in addition to the rest days, holidays and sick leave to which the employee is entitled under sections 36, 88 and 89, respectively.

[21/84;36/95;32/2008]

(2) An employee who has served an employer for a period of not less than 3 months but who has not completed 12 months of continuous service in any year shall be entitled to annual leave in proportion to the number of completed months of service in that year.

[21/84;36/95]

(3) In calculating the proportionate annual leave under subsection (2), any fraction of a day which is less than one-half of a day shall be disregarded and where the fraction of the day is one-half or more it shall be regarded as one day.

[21/84]

(4) Where an employee is granted leave of absence without pay by the employer at the request of the employee, the period of the leave shall be disregarded for the purpose of computing continuous service under this section.

[21/84]

(5) An employee shall forfeit his entitlement to annual leave if he absents himself from work without the permission of the employer or without reasonable excuse for more than 20% of the working days in the months or year, as the case may be, in which his entitlement to such leave accrues.

[21/84]

(6) The employer shall grant and the employee shall take such leave not later than 12 months after the end of every 12 months of continuous service and any employee who fails to take that leave by the end of such period shall thereupon cease to be entitled thereto.

[21/84]

(7) The employer shall pay the employee his gross rate of pay for every day of such leave and if an employee has been dismissed otherwise than for misconduct before he has taken that leave, the employer shall pay the employee his gross rate of pay in respect of every day of that leave.

[21/84;36/95]

(8) The Minister may, by notification in the *Gazette*, fix the periods when and prescribe the manner in which annual leave shall be granted to employees in different types of employment or in different classes of industries.

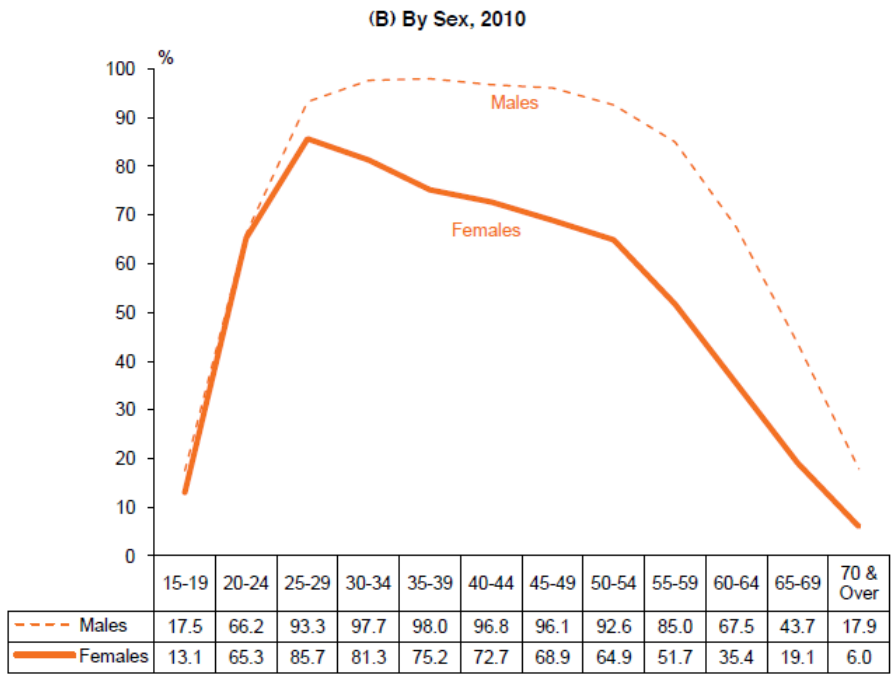
[21/84]

**Appendix 11.5: Labour force participation rate of males and females**

Mid-Year	Labour Force Participation Rate (%)		
	Total	Males	Females
2010	66.2	76.5	56.5

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 2

**Appendix 11.6: Chart on gender labour participation**



Source: Labour Force Survey, MOM

Last Updated: 31 January 2011

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Chart 1b pp.3.

**Appendix 11.7: National unemployment rate**

Unemployment rate (Non-seasonally Adjusted) (%) as at June 2001-2010		
	Total	Residents
2009	4.1	5.9
2010	2.8	4.1

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 1

**Appendix 11.8: Percentage of women between the ages 25-64 who are employed**

In contrast, the Labour Force Participation Rate in all the other age groups were higher in 2010 than in 1999, mainly driven by the rise in labour force participation among women and older residents. Three in four (74.4%) women in the prime-working ages of 25 to 54 participated in the labour market in 2010, up from 63.6% in 1999. Nevertheless, their LFPR was still lower than that of prime-working age men (95.8%), reflecting the withdrawal of some women from the labour force after marriage and childbirth (Chart 1B).

Source: MOM Report on Labour Force in Singapore 2010 pp. 3 para 1.4

**Appendix 11.9: Employment rate among females in Singapore as compared to other countries**

Even though it had decreased, the employment rate for prime-working age men in Singapore remained higher than in many developed and Asian economies. The rate for older men in Singapore was also one of the highest internationally. On the other hand, the employment rate among females in Singapore generally lagged those in developed countries such as Sweden, the Netherlands, the United Kingdom and the United States.

Source: MOM Report on Labour Force in Singapore 2009 pp.15 para2.

**Appendix 11.10: Employed residents aged fifteen years and above by gender June 2010**

Total number in thousands: 1962.9		Number in thousands	%
	Male	1,106.6	56.4
	Female	856.4	43.6

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 29

**Appendix 11.11: Employed residents aged fifteen years and over by occupation and gender June 2010**

	Clerical Support Workers	Associate Professionals and Technicians	Cleaners, Labourers and Related Workers	Managers and Administrators	Working Proprietors	Employers	Self-employed	Contributing Family Workers
Total number in thousands	240.5	373.4	145.5	266.4	68.8	104.4	169.4	10.8
Males	50.8	195.3	66.6	167.9	52.2	78.0	120.6	3.9
Females	189.7	178.1	78.9	98.4	16.6	26.4	48.8	6.8
Percentage of Males	21.1%	52.3%	45.8%	63.1%	75.9%	74.7%	71.2%	36.1%
Percentage of Females	78.9%	47.7%	54.2%	36.9%	24.1%	25.3%	28.8%	63.9%

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 55



**Appendix 11.2: Wage differentials**

**TABLE 20**  
**MEDIAN GROSS MONTHLY INCOME FROM WORK OF FULL-TIME EMPLOYED RESIDENTS AGED FIFTEEN YEARS AND OVER**  
**BY HIGHEST QUALIFICATION ATTAINED, AGE AND SEX, JUNE 2010**  
 (Exclude Full-Time National Servicemen)

Sex / Age (Years)	In Dollars							
	Total	No Formal Qualification / Lower Primary	Primary	Lower Secondary	Secondary	Post-Secondary (Non-Tertiary)	Diploma & Professional Qualification	Degree
<b>Total</b>	<b>2,710</b>	<b>1,120</b>	<b>1,400</b>	<b>1,610</b>	<b>2,170</b>	<b>2,200</b>	<b>3,000</b>	<b>5,000</b>
15 - 24	1,600	s	s	1,050	1,200	1,200	1,730	2,600
25 - 29	2,710	s	s	1,520	1,750	1,800	2,400	3,500
30 - 39	3,490	1,300	1,400	1,730	2,250	2,250	3,080	5,200
40 - 49	3,000	1,300	1,500	1,670	2,380	2,710	4,120	7,280
50 - 59	2,170	1,200	1,370	1,600	2,330	2,980	4,830	8,170
60 & Over	1,500	940	1,200	1,500	2,000	2,500	4,500	7,500
<b>Males</b>	<b>2,920</b>	<b>1,400</b>	<b>1,510</b>	<b>1,800</b>	<b>2,200</b>	<b>2,300</b>	<b>3,250</b>	<b>5,750</b>
15 - 24	1,500	s	s	1,150	1,200	1,300	1,800	2,700
25 - 29	2,710	s	s	1,600	1,800	1,870	2,490	3,500
30 - 39	3,630	1,750	1,500	2,000	2,400	2,250	3,200	5,480
40 - 49	3,250	1,580	1,730	1,950	2,500	2,710	4,500	7,880
50 - 59	2,380	1,500	1,530	1,800	2,380	2,860	5,000	8,750
60 & Over	1,630	1,000	1,300	1,500	2,000	2,500	4,670	7,500
<b>Females</b>	<b>2,500</b>	<b>920</b>	<b>1,040</b>	<b>1,300</b>	<b>2,080</b>	<b>2,050</b>	<b>2,710</b>	<b>4,380</b>
15 - 24	1,630	s	s	1,000	1,210	1,200	1,700	2,600
25 - 29	2,710	s	s	1,500	1,630	1,730	2,380	3,500
30 - 39	3,250	1,000	1,190	1,500	2,170	2,190	3,000	4,880
40 - 49	2,710	1,000	1,100	1,300	2,220	2,860	3,750	6,170
50 - 59	1,950	1,000	1,000	1,260	2,290	3,050	4,330	7,480
60 & Over	1,130	800	980	1,130	2,040	2,600	4,110	6,250

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 20

### **Appendix 11.13: Pregnant? You're fired**

#### **Pregnant? You're fired**

Radha Basu 8 November, 2009 The Sunday Times

The tough economic times - and more generous maternity benefits - appear to be prompting increasing numbers of firms to fire pregnant women or deny them their full entitlements.

There were 119 'pregnancy-related' complaints lodged with the Ministry of Manpower (MOM) in the first nine months of the year - up from 72 for the whole of 2007, and 95 last year.

That is the highest since records began in 2004 and represents a doubling of the rate per month compared with 2007.

Some women claimed they were sacked under the pretence of poor performance or other work-related issues so employers could avoid meeting maternity payment obligations. Others claimed they were underpaid or denied maternity benefits.

About 75 percent of the complaints were from women working in small- and medium-sized enterprises (SMEs).

The increase is largely a result of new regulations that have substantially increased maternity benefits and the tough economic times, said an MOM spokesman. Greater awareness due to heightened publicity could also have led to the spike, the spokesman said.

The new rules came into effect just over a year ago on Oct31 last year, just as Singapore was entering a recession.

Most of the cases have been settled, with payments being made to the women, while about two dozen complaints are pending.

Some employers are unclear or unaware of their obligations under the new laws, said Ms Ng Hwei Min, director for operations policy and compliance at MOM's Labour Relations and Welfare Division.

'Most employers comply immediately after our advice,' she added.

Ms Ng advises companies to tell employees clearly and in a timely way if there are performance-related problems. This will prevent a worker from believing she has been fired for her pregnancy rather than poor performance.

The deputy secretary-general of the National Trades Union Congress, Madam Halimah Yacob, pointed out that problems regarding discrimination always loom larger in tough times.

She said such disputes could be minimised if companies embraced progressive human-resource practices, such as the setting up of proper grievance-recording procedures and fair and transparent performance-appraisal systems.

'This way, if termination is necessary, pregnant women know that they have been given a fair chance,' said Madam Halimah, who co-chairs the Tripartite Alliance for Fair Employment Practices (Tafep), which seeks to promote merit-based employment practices.

In some cases, MOM tries to help even if the company has ostensibly broken no law. A 36-year-old service coordinator in a manufacturing firm was handed a retrenchment letter on the day she returned from maternity leave in May. It was downsizing and others were laid off too.

But while her other colleagues got four months' pay in lieu of the lack of notice and compensation, as stipulated in all contracts, including hers, she had only two months' pay. 'I was shocked,' said the mother of two, who declined to be named. 'They paid my maternity benefits, then denied me my compensation.'

She appealed to MOM, which helped her recover part of the money.

The new maternity regulations could not have come at a worse time for small firms struggling with the downturn, said Mr Lawrence Leow, president of the Association of Small and Medium Enterprises.

'When business is down, they may not be able to afford to hire temporary staff or outsource functions,' he added. But that was no excuse for sacking pregnant staff without cause.

'We need to educate them to look out for staff who may get pregnant and plan ahead,' he added.

This could include roping in people from other departments to share the workload and stagger the four-month maternity leave. The law allows for the last two months of leave to be taken at a later time.

In a handful of cases investigated by MOM, pregnant women or new mothers withdrew their complaints after being unable to prove their allegations.

One was a 26-year-old marketing communications executive who had asked to be sacked - by requesting a termination letter from the company - in the last trimester of her pregnancy.

The letter - or proof of dismissal - is necessary for complainants to approach MOM.

She was working for the entertainment and events management firm Music and Movement and was unhappy at being transferred to another department with lower pay.

She told MOM she had been sacked because she was pregnant but investigations revealed that she was an unconfirmed employee and the company had found her performance to be unsatisfactory, said MOM.

The ministry also found that the salary offered to her in her new position was comparable to the salaries paid to others in that position.

The firm's chief executive, Mr Lim Sek, said: 'She was the one who refused to sign the new contract, which was the best we could offer under the circumstances. Despite her poor performance, we did not kick her out.'

**Appendix 11.14: National Institute of Education Directives**

### Maternity Leave

- ◆ For married female officers who have been in service for at least 90 days prior to date of confinement
- ◆ 16 weeks of full-pay maternity leave for mothers with Singapore children born on or after 17 Aug 2008.
- ◆ The 16 weeks of maternity leave will be taken as a single block as a default arrangement.
- ◆ For EOs under the school holiday scheme, school holidays within this period will be counted as part of the maternity leave period.

### Maternity Leave

- ◆ If an officer would like to take the last 8 weeks of paid maternity leave flexibly from the date of confinement, and there are good organisational reasons to allow this arrangement, the officer and her Principal/Branch Head can come to a mutual agreement on how these 8 weeks will be taken.
- ◆ The 8 weeks should be taken within 12 months from the date of confinement for such cases. An officer who wishes to take the last 8 weeks flexibly should discuss the arrangements with her supervisor early so that the necessary arrangements can be made.

### Maternity Leave

**Maternity Leave During Training at NIE**

- ☞ NIE trainee teachers are advised to take up to 4 weeks of maternity leave to satisfy the course requirements
- ☞ Consult Asst Head/Admissions and Records at NIE FPO for advice at least 1 month in advance.
- ◆ If your maternity leave period falls within the examination/practicum period, you are required to extend your course (subject to change in course structure and availability of modules) at your own expense in order to complete the course requirements
- ◆ You would be placed on no-pay leave and required to pay tuition fees to NIE during this course extension.

### Childcare Leave

**Full-Pay Unrecorded Childcare Leave**

- ☞ For married male and female officers who have been in service for at least 90 days
- ☞ A married officer with at least 1 child below 7 years old and is a Singapore Citizen will be eligible for childcare leave as illustrated below:

### Childcare Leave

**Full-Pay Unrecorded Childcare Leave (Ctd)**

	No of children below 12 years old	Total no. of days of full-pay Childcare Leave	No. of days of full-pay Childcare Leave if child is below 7 years old (and <u>not predicated on medical certificate</u> )	Balance no. of Childcare Leave that have to be <u>supported by medical certificate</u>
At least 1 child below 7 years old and is a Singapore Citizen	1	6	6	0
	2	10	6	4
	≥ 3	15	6	9

### Childcare Leave

**Full-Pay Unrecorded Childcare Leave (Ctd)**

☞ For married officers with children between 7 years old and below 12 years old:

No. of days per annum	5 days per child
Conditions	Application must be supported by a medical certificate
Cap	Capped at 15 days for those with 3 or more children below 12 years old



**CONFIDENTIAL**

**PERIOD OF PROBATION**

6. From the day of commencement of duty, whether in school to teach or in a teacher training institute to undergo your teaching training, to 1 year from the date you assume duty in a school after you have obtained your professional teaching qualification prescribed by the Ministry of Education.

**REMUNERATION**

7. You will be paid a gross monthly salary<sup>2</sup> according to the salary structure in the Scheme of Service to which you are appointed. This salary structure is under the flexible wage system, where the variable salary components are subject to adjustments based on economic conditions and individual performance.

**CENTRAL PROVIDENT FUND CONTRIBUTIONS**

8. If you are a Singapore citizen or Singapore Permanent Resident, you will come under the Central Provident Fund (CPF) scheme, and contributions from yourself and the Ministry at the prevailing rates shall be made into your CPF.

**MATERNITY LEAVE FOR SINGAPORE PERMANENT RESIDENTS**

9. According to the Government Instruction Manual, a female married officer will be eligible for 12 weeks of maternity leave (of which the first 8 weeks will be paid) provided that they fulfil the following requirements :

- (a) She has completed at least 180 days of service preceding her confinement.
- (b) It is for her 1st and 2nd legitimate child birth.
- (c) She is still in service.

The 4 weeks beyond the first 8 consecutive weeks of maternity leave may be taken flexibly over a six-month period from the birth of the child, subject to mutual agreement between the Ministry and the officer. To be eligible for the 4-week extended maternity leave, the child must be a Singapore citizen.

**TERMINATION OF EMPLOYMENT**

**Notice of termination**

10. During your probation, the Singapore Government may terminate you at any time, by giving you one month's notice in writing or paying you one month's total emoluments instead of notice.

<sup>2</sup> Components of Gross monthly salary : Basic Salary + Monthly Variable Component + Non-Pensionable Component + Non-Pensionable Variable Payment. In addition, your gross monthly salary will be adjusted in accordance with paragraph IM2G#67 if you are an officer aged 60 years and above.



Type of leave	Remarks	
b. <u>Unpaid Infant Care Leave</u>	No. of days per annum	6 days per parent (regardless number of qualifying children)
	Eligibility	All officers who have served at least 90 days, and have a child under the age of 2 years old who is a Singapore Citizen
8. <u>Maternity Leave</u>	<p>A married female officer will be entitled to 16 weeks of paid maternity leave regardless of the number of children she already has, if the following criteria are met:</p> <ul style="list-style-type: none"> <li>(a) The child is a Singapore citizen at the time of birth; and</li> <li>(b) The child is born on or after 17 Aug 2008; and</li> <li>(c) She has completed at least 90 days of service preceding the date of confinement</li> </ul> <p>To enable mothers to recuperate from child birth and have sufficient time to bond with their new born, the <u>16 weeks of maternity leave should be taken as a single block as a default arrangement.</u> For EOs under the school holiday scheme, school holidays within this period will be counted as part of the maternity leave period.</p> <p>If an officer would like to take the last 8 weeks of paid maternity leave flexibly from the date of confinement, and there are good organisational reasons to allow this arrangement, the officer and her Principal/Branch Head can come to a mutual agreement on how these 8 weeks will be taken.</p>	

The 8 weeks should be taken within 12 months from the date of confinement for such cases. An officer who wishes to take the last 8 weeks flexibly should discuss the arrangements with her supervisor early so that the necessary arrangements can be made.

Leave applications should be submitted to the school or to Recruitment Unit through NIE at least 3 weeks in advance.

\*\* Trainee teachers at NIE are encouraged to take 4 weeks of maternity leave so that they do not miss too many lessons which would cause the programme to be extended at their own cost. Please approach Asst Head / Admissions & Records at NIE for advice on the leave period as it may affect your examinations / assignments / practicum and cause your teacher training course to be extended. In the event of extension of course, trainees would be placed on no-pay leave and would have to bear the tuition fees.

*Source: Given by NIE trainee who wants to remain anonymous.*

#### **Appendix 11.15: Employment Act Section 112**

##### **Penalties**

**112.** Any person who is guilty of any breach or any offence under this Act for which no penalty is otherwise provided shall be liable on conviction 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.



## **APPENDIX 12**

## APPENDIX 12

### Appendix 12.1: AWARE-TSAO Position Paper February 2005 Beyond Youth: Women Growing Older and Poorer

#### Executive Summary: Health Trends

- Older men and women in Singapore have similar prevalence for common chronic diseases such as hypertension and diabetes. Without their own resources to pay for the necessary health care, however, there is serious concern that older women are rationing their own care – i.e. foregoing preventive and ongoing care for disease management to avoid additional costs – but risking far more in terms of getting costly complications such as strokes and diabetic amputations, which are avoidable otherwise.
- As compared to men, older women also have higher incidence of certain disabling diseases such as arthritis – a frequently disabling condition. Arthritis is far more common for women than for men.
- There are about twice as many semi-ambulant (2.02) and non-ambulant females (1.99) as there are semi-ambulant / non ambulant males. This should be contrasted with the ratio of ambulant females and ambulant males (1.20). Thus, although women live longer, they tend to be in worse physical condition than their male counterparts.
- Women live longer but they also have to live with greater level of disability and functional dependence for a longer period of their life. This may be exacerbated in part by the lack of financial resources, which cause older women to under utilize health services, especially in the management of chronic diseases and risk factors.

### Appendix 12.2: Life expectancy - demographic indicators 2010

Total Live-Births	37,978
Life Expectancy at Birth (for year 2009)	81.4 years
Males	79.0 years
Females	83.7 years
Life Expectancy at Age 65 (for year 2009)	19.7 years
Males	17.9 years
Females	21.2 years

Source: Department of Singapore Statistic <http://www.singstat.gov.sg/stats/keyind.html>

**Appendix 12.3 : Trends in Cancer Incidence in Singapore**

Table 1 : Notification of new cases by year of diagnosis 2004-2008

Year of diagnosis	2004	2005	2006	2007	2008	2004-2008
No. of notifications	9,004	9,037	9,359	9,863	10,316	47,579

Table 5 : Ten most frequent cancers in Singapore Females, 2004-2008

Rank	Site	No.	%	Crude rate 100,000/year
1	Breast	7,160	29.2	80.5
2	Colo-rectum	3,579	14.6	40.3
3	Lung	1,948	8.0	21.9
4	Corpus uteri	1,434	5.9	16.1
5	Ovary	1,403	5.7	15.8
6	Lymphoid neoplasms	1,012	4.1	11.4
7	Cervix uteri	1,001	4.1	11.3
8	Skin (including Melanoma)	941	3.8	10.6
9	Stomach	932	3.8	10.5
10	Thyroid	4,385	17.9	7.9

Source : Singapore Cancer Registry Interim Report Trends in Cancer Incidences 2004-2008

**Appendix 12.4 : More seeking help for eating disorders here**

**More seeking help for eating disorders here**

**About 10 new cases a month; rise may be due to more coming forward**

Melissa Pang January 1, 2011 The Straits Times

More people are being treated for eating disorders here, with about 10 new cases seen at the Singapore General Hospital (SGH) every month.

There were 127 new cases at the hospital's Eating Disorders Clinic in 2009, up from just 34 in 2003.

'Numbers have definitely gone up significantly,' said Dr Lee Huei Yen, director of SGH's eating disorders programme and a consultant at the hospital's department of psychiatry.

'But it's unclear if it is an actual increase, or that people are more willing to come forward to seek help due to an increased awareness.'

SGH, which did not release figures on eating disorders for 2010, has a programme dedicated to eating disorders, and treats the bulk of such patients here.

On Thursday, it was reported that French actress and model Isabelle Caro, who posed for

a controversial anti-anorexia campaign, died on Nov 17 at age 28.

The anorexic woman was photographed naked, with protruding bones. She weighed a mere 27kg when the photograph was shot. While the cause of her death is unknown, she had been sick since 2006 after falling into a coma caused by the eating disorder.

Anorexia nervosa is a form of ailment in which a person obsesses about his weight and the food he eats. Patients are unhealthily underweight and may starve themselves or exercise excessively to prevent weight gain or to keep losing weight.

Females are 10 times more at risk of developing anorexia, and the condition commonly begins in early adolescence. This means young adolescent girls are most at risk, said Dr Lee.

Last month, The Straits Times reported that anorexia nervosa was on the rise among teens, and was also afflicting pre-teens as young as eight.

A wider range of people are suffering from eating disorders too, observed Dr Adrian Wang of Adrian Wang Psychiatry.

He said: 'It used to be mostly teenage girls, but the net seems to be cast wider now. I'm seeing teens as young as 12 to working adults in their 30s.'

Besides anorexia, other eating disorders include bulimia and binge-eating.

Anorexia nervosa is considered the most damaging as the sufferer eats very little, if at all. It has one of the highest mortality rates of all psychiatric disorders - up to 20 per cent.

'We have had patient deaths through suicide and also through medical complications of severe malnutrition,' said Dr Lee, who has seen cases where a patient's body mass index (BMI) dropped to less than 10. A normal BMI ranges from 18.5 to 22.9.

Anorexia is strongly associated with depression and other mood disorders. Sufferers often feel depressed and isolated, which may lead to suicide, said Dr Wang.

While studies in the West have shown that bulimia nervosa is more prevalent than anorexia, 50 per cent of SGH's patients are anorexic, while 30 per cent have bulimia nervosa.

The exact cause of anorexia nervosa is unclear, but is believed to have many factors. They include stress from work or school, problems at home, and social and media pressures.

This was the case for Ms Heather Chi, 22, who suffered from anorexia when she was a 17-year-old. The 1.64m-tall undergraduate weighed 40kg at her lowest.

'The transition to junior college, a pressure to excel at school, and concerns over my body image all took its toll on me. Not eating gave me a sense of control amidst all my

worries,' said Ms Chi, who now weighs 58kg.

When faced with problems, those with eating disorders seek a sense of control by controlling their diet instead of channelling their energy into finding a solution, said Dr Ko Soo Meng of Ko & Ko Specialists. 'It's not so much about food but about self-esteem: how one feels about oneself,' he added.

The best form of prevention, said Dr Ang Yong Guan of Ang Yong Guan Psychiatry, is to help children build healthy self-esteem from a young age.

'Parents should create a secure base for children to grow up. They need to feel wanted and not have to seek other avenues to boost their self-esteem.'

### **Appendix 12.5: Backroom beauty operators in S'pore**

#### **Backroom beauty operators in S'pore**

Angela Lm 16<sup>th</sup> July, 2010 Yahoo Online News

How far will you go for a cheap beauty fix?

According to The Straits Times, backyard beauticians in Singapore are illegally performing cosmetic procedures only doctors and specialists are qualified to do. These include Botox injections, fillers and surgical nose jobs.

Working out of makeshift clinics in their homes and advertising their services online, these operators charge much less for these services, with Botox jabs to smooth out wrinkles starting at S\$200. A trained general practitioner would charge double that price while a plastic surgeon up to ten times the amount.

Despite the obvious health risks, these beauticians are doing well with some claiming to see at least two clients a day.

A quick search online reveals five "salons" touting such services on websites frequented mainly by Chinese nationals. Their advertisements claim to get rid of a host of skin problems for S\$200 to \$1,000.

Following a tip-off by the newspaper's reporters posing as potential customers, officers from the Ministry of Health (MOH), Ministry of Manpower and the Health Sciences Authority (HSA) conducted raids at two locations Thursday night.

The officials collected three plastic bags containing fat dissolver, placenta and antibiotics found in a mini fridge in the bedroom of a unit in Landmark Tower Condominium in Chinatown.

Prior to the raid, the reporters posed as prospective customers and visited these "clinics".

One which was called Beautiful Angels Salon, was a well-maintained, rented three-room Chinatown apartment. The “clinic” was furnished simply, with two beds in a walled up, air-conditioned balcony and a glass case containing what looked like medical products.

A 31-year-old named Lily presented her menu of services: Nose bridge [filler jabs](#) for S\$500, Botox injections from S\$200. During the consultation, Lily donned a white coat and showed a folder with information on the various procedures.

When asked if there were botched jobs, Lily said her treatments “had no side effects whatsoever”. She claimed to have had eight years’ experience and said the Botox she used was imported from the United States and was “the same as what is used everywhere in the world”. Although she admitted she wasn’t a registered doctor, she said she was licensed in China and had practised here for “a long time”.

According to the building’s 56-year-old security guard who declined to be named, Lily’s clients appeared to be “pretty and fashionable” Chinese nationals all in their 20s.

Another clinic reporters visited was run by two sisters who are in their 40s in Bukit Batok known only as Zhuang Di and Hong Mei. The sisters claimed to make a person’s face look slimmer or fuller by injecting “synthetic cells” into the jaw -S\$500 for two jabs.

Plastic surgeons are concerned over the emergence of these backyard beauticians.

Associate Professor Ivor Lim, who chairs the Chapter of Plastic Surgeons within the College of Surgeons Singapore, was quoted in the same paper saying that cosmetic procedures performed by unlicensed individuals had a “high chance” of going wrong.

An MOH spokesperson urged the public to seek medical services only from registered medical doctors. If these beauticians are found guilty of causing hurt through a rash or negligent act which risks someone’s life or safety, they may be fined, jailed or both.

## **APPENDIX 13**

**APPENDIX 13**

**Appendix 13.1: Report on Labour Force in Singapore 2010 Unemployment Rate**

Unemployment rate (Non-seasonally Adjusted) (%) as at June 2001-2010		
Year	Total	Residents
2009	4.1	5.9
2010	2.8	4.1

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 1.

Resident Unemployment Rate by Gender June 2010 (%)	
Males	Females
3.9	4.4

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 71.



**Appendix 13.2: Gross monthly income of employed resident by nature of employment and gender**

TABLE 64  
EMPLOYED RESIDENTS AGED FIFTEEN YEARS AND OVER BY NATURE OF EMPLOYMENT,  
GROSS MONTHLY INCOME FROM WORK AND SEX, JUNE 2010

In Thousands

Gross Monthly Income	Total			Full - Time			Part - Time		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
<b>Total</b>	<b>1,962.9</b>	<b>1,106.6</b>	<b>856.4</b>	<b>1,786.2</b>	<b>1,044.8</b>	<b>741.4</b>	<b>176.7</b>	<b>61.8</b>	<b>114.9</b>
Under \$500	83.4	44.7	38.7	39.0	32.1	6.9	44.4	12.5	31.8
\$ 500 - \$ 999	213.0	96.6	116.4	142.0	72.1	69.9	71.0	24.5	46.5
\$ 1,000 - \$ 1,499	240.0	126.1	113.9	213.7	115.3	98.4	26.3	10.9	15.4
\$ 1,500 - \$ 1,999	236.3	132.5	103.8	226.4	128.7	97.7	9.9	3.9	6.1
\$ 2,000 - \$ 2,499	216.3	123.5	92.7	207.6	120.5	87.1	8.7	3.1	5.6
\$ 2,500 - \$ 2,999	161.1	87.9	73.2	156.9	86.4	70.5	4.2	1.5	2.7
\$ 3,000 - \$ 3,999	252.3	143.3	108.9	247.2	141.1	106.1	5.0	2.2	2.8
\$ 4,000 - \$ 4,999	163.1	84.0	69.1	160.4	82.9	67.5	2.7	1.1	1.5
\$ 5,000 - \$ 5,999	114.6	68.2	46.4	113.0	67.5	45.6	1.5	0.7	0.8
\$ 6,000 - \$ 6,999	62.9	38.8	24.1	62.2	38.5	23.8	0.6	0.3	0.3
\$ 7,000 - \$ 7,999	48.3	31.1	17.1	47.7	30.9	16.8	0.6	0.2	0.3
\$ 8,000 - \$ 8,999	38.3	26.1	12.3	37.8	25.8	12.0	0.5	0.3	0.2
\$ 9,000 - \$ 9,999	21.9	15.2	6.7	21.7	15.1	6.6	0.2	0.1	0.1
\$10,000 & Over	121.7	88.5	33.2	120.5	87.9	32.6	1.2	0.5	0.6

Source: Ministry of Manpower Report on Labour Force in Singapore 2010 Table 64.

## **APPENDIX 16**

## APPENDIX 16

### Appendix 16.1: Women's Charter Part VI

#### **Rights and duties**

**46.** —(1) Upon the solemnization of marriage, the husband and the wife shall be mutually bound to co-operate with each other in safeguarding the interests of the union and in caring and providing for the children.

(2) The husband and the wife shall have the right separately to engage in any trade or profession or in social activities.

(3) The wife shall have the right to use her own surname and name separately. a

(4) The husband and the wife shall have equal rights in the running of the matrimonial household.

#### **Abolition of wife's dependent domicile**

**47.** —(1) Subject to subsection (2), the domicile of a married woman as at any time on or after 1st June 1981 shall, instead of being the same as her husband's by virtue only of marriage, be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.

[26/80]

(2) Where immediately before 1st June 1981 a woman was married and then had her husband's domicile by dependence, she is to be treated as retaining that domicile (as a domicile of choice, if it is not also her domicile of origin) unless it is changed by acquisition or revival of another domicile either on or after that date.

[26/80]

#### **Court may refer parties for mediation or to attend counselling**

**50.** —(1) A court before which any proceedings under this Act (other than proceedings under section 104) are being heard may give consideration to the possibility of a harmonious resolution of the matter and for this purpose may, with the consent of the parties, refer the parties for mediation by such person as the parties may agree or, failing such agreement, as the court may appoint.

[30/96]

(2) A court before which any proceedings under this Act (other than proceedings under section 65 or 66) are being heard may, if it considers that it is in the interests of the parties or their children to do so, at any stage in the proceedings direct or advise either or both of the parties or their children to attend counselling provided by such person as the Minister may approve or as the court may direct.

[30/96]

(3) Failure to comply with any direction or advice referred to in subsection (2) does not constitute a contempt of court.

[30/96]

(4) Evidence of anything said, or of any admission made, in the course of any mediation or any counselling under this section shall not be admissible in any court.

[30/96]

[9/67]

**Property of woman to be held by her as feme sole**

**52.** —(1) Subject to the provisions of this Act, all property which —  
(a) immediately before 15th September 1961 was the property (including the separate property) of a married woman or held for her separate use in equity;  
(b) belongs at the time of her marriage to a woman married after 15th September 1961; or  
(c) after 15th September 1961 is acquired by or devolves upon a married woman,  
shall belong to her in all respects as if she were a feme sole and may be disposed of accordingly.

(2) Nothing in subsection (1) shall —

(a) be construed as affecting adversely the right of any married woman to any property which she had immediately before 15th September 1961; or

(b) interfere with or render inoperative any valid restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of any provision contained in any written law in force immediately before 15th September 1961, or in any instrument executed before that date.

(3) Any instrument executed on or after 15th September 1961 shall, in so far as it purports to attach to the enjoyment of any property by a woman any restriction upon anticipation or alienation which could not have been attached to the enjoyment of that property by a man, be void.

(4) For the purposes of this section relating to restrictions upon anticipation or alienation

—  
(a) an instrument attaching such a restriction as aforesaid, executed on or after 15th September 1961, in pursuance of an obligation imposed before that date to attach such a restriction, shall be deemed to have been executed before that date;

(b) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(c) the will of any testator who dies after 15th September 1961, shall (notwithstanding the actual date of the execution thereof) be deemed to have been executed after that date.

**Loans by wife to husband**

**53.** Any money or other estate of the wife, lent or entrusted by her to her husband for the purpose of any trade or business carried on by him or otherwise, shall be treated as assets of her husband's estate in the case of his bankruptcy under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

**Money and property derived from housekeeping allowance**

**54.** If any question arises as to the right of a husband or wife to money derived from any allowance made by the husband for the expenses of the matrimonial home or for similar purposes, or to any property acquired out of that money, the money or property shall, in the absence of any agreement between them to the contrary, be treated as belonging to the husband and the wife in equal shares.

[9/67]

**Gifts by husband to wife**

**55.** —(1) Nothing in this Part shall give validity, as against creditors of the husband, to any gift by a husband to his wife of any property which, after such gift, continues to be in the order and disposition or reputed ownership of the husband, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors.

(2) Any money deposited or invested in the manner referred to in subsection (1) may be followed as if this Act had not been passed.

**Remedies of married woman for protection and security of property**

**56.** —(1) Every married woman shall have in her own name against all persons whomsoever, including her husband, the same civil remedies and also, subject as regards her husband to subsection (3), the same remedies and redress by way of criminal proceedings for the protection and security of her own property as if that property belonged to her as a feme sole.

[9/67]

(2) In any charge or other proceeding under this section, it shall be sufficient to allege that property to be her property.

(3) No criminal proceedings shall be taken against a husband or wife while they are living together as to or concerning any property claimed by her or him respectively nor while they are living apart as to or concerning any act done by the husband or wife while they were living together concerning property claimed by the wife or husband respectively unless that property has been wrongly taken by the husband or wife when leaving or deserting or about to leave or desert the wife or husband respectively.

[9/67]

(4) In any action or proceeding by a woman or by a next friend on her behalf, the court before which that action or proceeding is pending shall have jurisdiction by judgment or order to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as is just.

**Wives antenuptial debts and liabilities**

**57.** —(1) A woman after her marriage shall continue to be liable for all debts contracted and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she is liable as a contributory, either before or after she has been placed on the list of contributories under and by virtue of the Companies Act (Cap. 50).

[9/67]

(2) A woman referred to in subsection (1) may be sued for any such debt and for any liability in damages or otherwise under any such contract or in respect of any such wrong.

**Actions in tort between husband and wife**

**58.** —(1) Subject to this section, each of the parties to a marriage shall have the like right of action in tort against the other as if they were not married.

[9/67]

(2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears —

(a) that no substantial benefit would accrue to either party from the continuation of the proceedings; or

(b) that the question or questions in issue could more conveniently be disposed of on an application made under section 59.

[9/67]

(3) Without prejudice to subsection (2)(b), the court may, in such an action, either exercise any power which could be exercised on an application under section 59, or give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

[9/67]

**Questions between husband and wife as to property to be decided in summary way**

**59.** —(1) In any question between husband and wife as to the title to or possession of property, either party may apply by summons or otherwise in a summary way to any Judge of the High Court, and the Judge may make such order with respect to the property in dispute and as to the costs of and consequent on the application as he thinks fit, or may direct the application to stand over, and any inquiry touching the matters in question to be made in such manner as he thinks fit.

[16/93]

(2) Any order made under this section shall be subject to appeal in the same way as an order made by the same Judge in an action pending in the High Court.

(3) The Judge may, if either party so requires, hear any such application in his chambers.

(4) An application may be made under this section by either of the parties to a marriage notwithstanding that their marriage has been dissolved or annulled so long as the application is made within the period of 3 years beginning with the date on which the marriage was dissolved or annulled.

(5) References in this section to a husband or a wife shall be construed accordingly.

[26/80]

**Married woman as an executrix or trustee**

**60.** A married woman who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any movable or immovable property belonging to the estate or trust without her husband as if she were a feme sole.

**Saving of existing settlements and power to make future settlements**

**61.** —(1) Nothing in this Part shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will or other instrument.

(2) No restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property, to be made or entered into by herself, shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of that woman than a like settlement or agreement for a settlement made or entered into by a

man would have against his creditors.

**Legal representative of married woman**

**62.** For the purposes of this Part, the legal personal representative of any married woman shall, in respect of her estate, have the same rights and liabilities as she would have, and be subject to the same jurisdiction as she would be, if she were living.

[9/67]

**Liability for breach of trust**

**63.** The provisions of this Part as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or an executrix or administratrix either before or after her marriage, and her husband shall not be subject to those liabilities unless he has acted or intermeddled in the trust or administration.

**Power of court to order division of matrimonial assets**

**112.** —(1) The court shall have power, when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, to order the division between the parties of any matrimonial asset or the sale of any such asset and the division between the parties of the proceeds of the sale of any such asset in such proportions as the court thinks just and equitable.

[42/2005]

(2) It shall be the duty of the court in deciding whether to exercise its powers under subsection (1) and, if so, in what manner, to have regard to all the circumstances of the case, including the following matters:

- (a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the matrimonial assets;
- (b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;
- (c) the needs of the children (if any) of the marriage;
- (d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;
- (e) any agreement between the parties with respect to the ownership and division of the matrimonial assets made in contemplation of divorce;
- (f) any period of rent-free occupation or other benefit enjoyed by one party in the matrimonial home to the exclusion of the other party;
- (g) the giving of assistance or support by one party to the other party (whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business; and
- (h) the matters referred to in section 114(1) so far as they are relevant.

[42/2005]

(3) The court may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under this section.

[42/2005]

(4) The court may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

[42/2005]

(5) In particular, but without limiting the generality of subsections (3) and (4), the court may make any one or more of the following orders:

- (a) an order for the sale of any matrimonial asset or any part thereof, and for the division, vesting or settlement of the proceeds;
- (b) an order vesting any matrimonial asset owned by both parties jointly in both the parties in common in such shares as the court considers just and equitable;
- (c) an order vesting any matrimonial asset or any part thereof in either party;
- (d) an order for any matrimonial asset, or the sale proceeds thereof, to be vested in any person (including either party) to be held on trust for such period and on such terms as may be specified in the order;
- (e) an order postponing the sale or vesting of any share in any matrimonial asset, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;
- (f) an order granting to either party, for such period and on such terms as the court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party; and
- (g) an order for the payment of a sum of money by one party to the other party.

[42/2005]

(6) Where under any order made under this section one party is or may become liable to pay to the other party a sum of money, the court may direct that it shall be paid either in one sum or in instalments, and either with or without security, and otherwise in such manner and subject to such conditions (including a condition requiring the payment of interest) as the court thinks fit.

[42/2005]

(7) Where, pursuant to this section, the court makes an order for the sale of any matrimonial asset and for the division, application or settlement of the proceeds, the court may appoint a person to sell the asset and divide, apply or settle the proceeds accordingly; and the execution of any instrument by the person so appointed shall have the same force and validity as if it had been executed by the person in whom the asset is vested.

[42/2005]

(8) Any order under this section may be made upon such terms and subject to such conditions (if any) as the court thinks fit.

[42/2005]

(9) Where the court, by any order under this section, appoints a person (including the Registrar or other officer of the court) to act as a trustee or to sell any matrimonial asset and to divide, apply and settle the proceeds thereof, the court may make provision in that order for the payment of remuneration to that person and for the reimbursement of his costs and expenses.

[42/2005]

(10) In this section, “matrimonial asset” means —

- (a) any asset acquired before the marriage by one party or both parties to the marriage —
  - (i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or



(ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

[42/2005]

#### **Appendix 16.2: Women's Charter Section 9**

##### **Avoidance of marriages where either party is under minimum age for marriage**

**9.** A marriage solemnized in Singapore or elsewhere between persons either of whom is below the age of 18 years shall be void unless the solemnization of the marriage was authorised by a special marriage licence granted by the Minister under section 21.

#### **Appendix 16.3: AMLA Sections 96(4) and 96(5)**

##### **Restriction on solemnization of marriage**

**96. - (4)** No marriage shall be solemnized under this Act if at the date of the marriage either party is below the age of 18 years.

[29/2008]

**96. - (5)** Notwithstanding subsection (4), a Kadi may in special circumstances solemnize the marriage of a girl who is below the age of 18 years but has attained the age of puberty.

#### **Appendix 16.4: Women's Charter Section 25**

##### **Registration of marriages**

**25.** Every marriage solemnized in Singapore after 15th September 1961 shall be registered in accordance with the provisions of this Part.

**Appendix 16.5: AMLA Sections 99, 100, 102 and 103**

**Copy of certificate to be sent to Registrar**

**99.** Every Kadi and Naib Kadi shall, within one week of the registration of a marriage or revocation of divorce, send a copy of the certificate of marriage or revocation of divorce, as the case may be, to the Registrar.

[14/90]

**Registers of Marriages, Divorces and Revocation of Divorces**

**100.** —(1) The Registrar shall cause —

(a) the copies of the certificates of marriage sent to him to be bound in a Register of Marriages; and

(b) the copies of the certificates of revocation of divorce sent to him to be bound in a Register of Revocation of Divorces.

[14/90]

(2) The Registrar shall keep an index of each of the Registers of Marriages and Revocation of Divorces kept by him.

[14/90]

(3) Any president of the Syariah Court shall cause the copies of the certificates of divorce issued by that Court to be bound in a Register of Divorces.

[29/2008]

(4) Any president of the Syariah Court shall keep an index of the Register of Divorces kept by him.

[14/90;20/99]

**Registration of marriage, divorce or revocation of divorce compulsory**

**102.** —(1) Nothing in this section shall be construed as preventing a Kadi or Naib Kadi, at his option, from solemnizing and registering a marriage at his house or office or at the house of the parties or one of the parties thereto.

(2) In the case of every marriage or revocation of divorce effected in Singapore and which has not been registered in accordance with subsection (1), the husband and wife shall —

(a) attend personally within 7 days of the marriage or revocation of divorce at the office of a Kadi;

(b) furnish such particulars as are required by the Kadi for the due registration of such marriage or revocation of divorce; and

(c) apply in the prescribed form for the registration of such marriage or revocation of divorce.

[29/2008]

(3) A Kadi shall not register any revocation of divorce unless he is satisfied after inquiry that the parties have consented to the registration thereof.

[29/2008]

(4) Where, on an application for the registration of a revocation of divorce, the Kadi is not satisfied that both the parties have consented to the registration thereof, the Kadi shall refer the application to the Syariah Court and the Syariah Court may make such decree or order as is lawful under the Muslim law.

[29/2008]

(5) In the case of every divorce effected in Singapore, the husband and wife shall attend

personally at the Syariah Court within 7 days of the divorce, or such extended time as the Syariah Court thinks fit, and —

- (a) furnish such particulars as are required by the Syariah Court; and
- (b) apply in the prescribed form for a decree or order for divorce.

[29/2008]

#### **Signing of register and inquiry by Kadi**

**103.** —(1) Where a marriage has been solemnized by a Kadi or Naib Kadi, the Kadi or Naib Kadi shall register the marriage by entering the particulars thereof in the register of marriages and also in the certificate of marriage attached to the register.

(2) Subject to section 102, a Kadi may, at any time within 7 days of a marriage which has not already been registered under subsection (1) or of a revocation of divorce, register the marriage or revocation of divorce by entering the particulars thereof in the appropriate register and also in the certificate of marriage or certificate of revocation of divorce (as the case may be) attached to the register.

[29/2008]

(3) The entry shall be signed by the Kadi or Naib Kadi and by such of the parties and by such number of witnesses as are prescribed.

(4) Before making any entry, the Kadi or Naib Kadi shall make such inquiries as he considers necessary to satisfy himself as to the validity of the marriage or revocation of divorce.

[29/2008]

(5) For the purpose of such inquiries, the Kadi or Naib Kadi may issue a summons requiring any person to appear before him to give evidence or to produce any document.

(6) Every person so summoned shall be legally bound to comply with such summons.

### **Appendix 16.6: AMLA Section 130**

#### **Omission to register within prescribed time**

**130.** —(1) Any person who, being required by this Act to effect the registration of any marriage or revocation of divorce, omits to do so within the prescribed time shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

[29/2008]

(2) Any person who contravenes section 102(5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

### **Appendix 16.7: Women's Charter Section 8**

#### **Persons by whom marriages may be solemnized**

**8.** —(1) A marriage may be solemnized by the Registrar or any other person to whom a licence to solemnize marriages under this section has been granted by the Minister.

(2) The Minister may grant a licence to any suitable person to solemnize marriages in Singapore.

**Appendix 16.8: AMLA Section 133**

**Unlawful solemnization of marriage or registration of marriage, divorce or revocation of divorce**

**133.** Any person who —

- (a) solemnizes or purports to solemnize any marriage between Muslims; or
- (b) registers any marriage, divorce or revocation of divorce effected between Muslims, in contravention of the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

**Appendix 16.9: AMLA Sections 47, 48 and 49**

**Divorce at wife's request**

**47.** —(1) A married woman may apply to the Court for a divorce in accordance with the Muslim law.

(2) In any such case, the Court shall summon the husband before the Court and enquire whether he consents to the divorce.

(3) If the husband so consents, the Court shall cause the husband to pronounce a divorce and on payment of the prescribed fees cause the divorce to be registered.

(4) If the husband does not agree to divorce the wife, but the parties agree to a divorce by redemption (khuluk), the Court may assess the amount of payment to be made by the wife in accordance with the status and means of the parties and shall thereupon cause the husband to pronounce a divorce by redemption and, on payment of the amount so assessed and the prescribed fees, cause the divorce to be registered.

(5) If the husband does not agree to a divorce by khuluk, the Court or the registrar of the Court may appoint a hakam in accordance with section 50.

[29/2008]

(6) For the purposes of this section and sections 48 and 49, “married woman” includes a woman against whom a talak has been pronounced by her husband.

[20/99]

**Cerai taklik**

**48.** —(1) A married woman may, if entitled in accordance with the Muslim law to a divorce in pursuance of the terms of a written taklik made at or after her marriage, apply to the Court to declare that such divorce has taken place.

(2) The Court shall —

(a) examine the written taklik and make such enquiry as appears necessary into the validity of the divorce;

(b) if satisfied that the divorce is valid in accordance with the Muslim law, confirm the divorce; and

(c) upon payment of the prescribed fees, cause the divorce to be registered.

**Fasakh**

**49.** —(1) A married woman shall be entitled to apply to the Court for and obtain a decree of fasakh on any one or more of the following grounds:

(a) that the husband has neglected or failed to provide for her maintenance for a period of

3 months;

(b) that the husband has been sentenced to imprisonment for a period of 3 years or upwards and such sentence has become final;

(c) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of one year;

(d) that the husband was impotent at the time of the marriage and continues to be so;

(e) that the husband is insane or is suffering from some chronic disease the cure of which would be lengthy or impossible and which is such as to make the continuance of the marriage relationship injurious to her;

(f) that the husband treats her with cruelty, that is to say —

(i) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment;

(ii) associates with women of ill repute or leads an infamous life;

(iii) attempts to force her to lead an immoral life;

(iv) obstructs her in the observance of her religious profession or practice;

(v) lives and cohabits with another woman who is not his wife; or

(vi) if he has more wives than one, does not treat her equitably in accordance with the requirements of the Muslim law;

(g) on any other ground which is recognised as valid for the dissolution of marriage by fasakh under the Muslim law.

(2) Before passing a decree on ground (d) of subsection (1), the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of the order that he has ceased to be impotent and if the husband so satisfies the Court within such period no decree shall be passed on that ground.

(3) Upon receiving such application the Court shall cause a summons to be served upon the husband of the woman.

(4) The Court shall then record the sworn statement of the woman and at least 2 witnesses and may then, if satisfied that the woman is entitled to a decree of fasakh in accordance with subsection (1), make a decree of fasakh accordingly.

(5) The Court making an order or decree under this section shall immediately cause such order or decree to be registered.

(6) The register shall be signed by the registrar of the Court, by the woman who obtains the order or decree, and at least 2 witnesses whose evidence has been taken by the Court.

(7) Subsections (1)(g), (3) to (6) shall apply, with the necessary modifications, to a married man as they apply to a married woman.

[20/99]

**Appendix 16.10: AMLA Sections 35A and 36**

**Leave to commence or to continue civil proceedings involving disposition or division of property on divorce or custody of children**

**35A.** —(1) Any person who, on or after the commencement of proceedings for divorce in the Court or after the making of a decree or order for divorce by the Court or on or after the registration of a divorce under section 102, intends to commence civil proceedings in any court involving any matter relating to the disposition or division of property on divorce or custody of any child where the parties are Muslims or were married under the provisions of the Muslim law, shall apply to the Court for leave to commence the civil proceedings.

[20/99]

(2) Where proceedings for divorce are commenced in the Court or a decree or order for divorce is made by the Court or a divorce is registered under section 102 after civil proceedings between the same parties are commenced in any court involving any matter relating to the custody of any child, any party who intends to continue the civil proceedings shall apply to the Court for leave to continue the civil proceedings.

[20/99]

(3) The Court shall not grant leave to commence the civil proceedings under subsection (1) or to continue the civil proceedings under subsection (2) unless the Court is satisfied that every party who will be affected by such leave has been notified of the application at least 7 days before the grant of such leave.

[20/99]

(4) The Court shall, if it grants the application for leave under subsection (1) or (2), issue a commencement certificate or a continuation certificate, respectively, to the applicant —  
(a) not later than 21 days after granting such leave; or  
(b) where an appeal against the grant of such leave has been made under section 55, when the decision of the Court to grant such leave has been confirmed on appeal or the appeal has been discontinued.

[20/99]

(5) This section shall not apply if the parties to the civil proceedings —  
(a) mentioned in subsection (1) consent to the commencement of the civil proceedings, or mentioned in subsection (2) consent to the continuation of the civil proceedings; and  
(b) mentioned in subsection (1) or (2) have obtained a certificate of attendance issued under subsection (7).

[20/99]

(6) Parties mentioned in subsection (1) or (2) shall, before commencing or continuing (as the case may be) the civil proceedings by consent, attend counselling provided by such person as the Court may appoint.

[20/99]

(7) The Court shall, after any party has been counselled under subsection (6), issue a certificate of attendance to that party.

[20/99]

(8) For the purposes of this section, any reference to the registration of a divorce, or to a divorce that is registered, under section 102 shall be construed as a reference to the registration of a divorce or to a divorce that is registered under that section before 1st

March 2009.

[29/2008]

**Stay of proceedings involving certain matters**

**36.** —(1) The Court shall stay proceedings before it —

- (a) involving any matter in respect of which it has issued a certificate under section 35A(4), upon issuing the certificate;
- (b) involving any matter relating to maintenance of any wife during the subsistence of the marriage, if it comes to the knowledge of the Court that civil proceedings relating to maintenance of the wife have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;
- (c) involving any matter relating to the maintenance of any child of the parties, if it comes to the knowledge of the Court that civil proceedings relating to the maintenance of the child have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;
- (d) to which section 35A(1) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been commenced in any court by the consent of the parties; or
- (e) to which section 35A(2) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been continued in any court by the consent of the parties.

[20/99]

(2) Where leave granted by the Court under section 35A is reversed on appeal under section 55, the Court may restore any proceedings which have been stayed under subsection (1)(a).

[20/99]

(3) Nothing in this section shall prevent the Court from exercising its powers under sections 51(2) and 52(1), (2) and (3)(a) and (b).

**Appendix 16.11: Women's Charter Section 71**

**Enforcement of maintenance order**

**71.** —(1) If any person fails to make one or more payments required to be made under a maintenance order, the court which made the order may do all or any of the following:

- (a) for every breach of the order by warrant direct the amount due to be levied in the manner by law provided for levying fines imposed by a Magistrate's Court;
- (b) sentence him to imprisonment for a term not exceeding one month for each month's allowance remaining unpaid; and
- (c) make a garnishee order in accordance with the rules made under this Act.

[30/96]

(2) A sentence of imprisonment ordered under subsection (1)(b) shall not affect or diminish the obligation of the person against whom the maintenance order is made to make the payment or payments under the maintenance order which he has failed to make, except that the court may, if it thinks fit, reduce the amount of any such payments.

[30/96]

(3) A maintenance order made by the High Court may be enforced by a District Court in

accordance with subsection (1) as if that order had been made by the District Court, except that a District Court shall have no power to vary an order of the High Court

#### **Appendix 16.12: Women's Charter Section 68**

##### **Duty of parents to maintain children**

**68.** Except where an agreement or order of court otherwise provides, it shall be the duty of a parent to maintain or contribute to the maintenance of his or her children, whether they are in his or her custody or the custody of any other person, and whether they are legitimate or illegitimate, either by providing them with such accommodation, clothing, food and education as may be reasonable having regard to his or her means and station in life or by paying the cost thereof.

[30/96]

#### **Appendix 16.13: Women's Charter Sections 64 and 65**

##### **Interpretation of this Part**

**64.** In this Part, unless the context otherwise requires —

"applicant" means the person who applies for a protection order or, where the application is made by a person referred to in section 65(10), the child or incapacitated person on whose behalf the application is made;

"court" means a District Court or a Magistrate's Court;

"expedited order" means an order made under section 66(1);

"family member" , in relation to a person, means —

- (a) a spouse or former spouse of the person;
- (b) a child of the person, including an adopted child and a step-child;
- (c) a father or mother of the person;
- (d) a father-in-law or mother-in-law of the person;
- (e) a brother or sister of the person; or
- (f) 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;

"family violence" means the commission of any of the following acts:

- (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,

but does not include any force lawfully used in self-defence, or by way of correction towards a child below 21 years of age;

"hurt" means bodily pain, disease or infirmity;

"incapacitated person" means a person who is wholly or partially incapacitated or infirm, by reason of physical or mental disability or ill-health or old age;

"protected person" means a person who is protected under a protection order;



"protection order" means an order made under section 65;  
"relative" includes a person who is related through marriage or adoption;  
"shared residence" means the premises at which the parties are, or have been, living together as members of the same household.

[30/96]

**Protection order**

**65.** —(1) The court may, upon satisfaction on a balance of probabilities that family violence has been committed or is likely to be committed against a family member and that it is necessary for the protection of the family member, make a protection order restraining the person against whom the order is made from using family violence against the family member.

[30/96]

(2) An application for a protection order may be made by the family member concerned or any person referred to in subsection (10).

[30/96]

(3) A protection order may be made subject to such exceptions or conditions as may be specified in the order and for such term as may be specified.

[30/96]

(4) The court, in making a protection order, may include a provision that the person against whom the order is made may not incite or assist any other person to commit family violence against the protected person.

[30/96]

(5) A protection order may, where the court is satisfied on a balance of probabilities that it is necessary for the protection or personal safety of the applicant, provide for such orders as the court thinks fit having regard to all the circumstances of the case, including any one or more of the following orders:

(a) the granting of the right of exclusive occupation to any protected person of the shared residence or a specified part of the shared residence by excluding the person against whom the order is made from the shared residence or specified part thereof, regardless of whether the shared residence is solely owned or leased by the person against whom the order is made or jointly owned or leased by the parties;

(b) referring the person against whom the order is made or the protected person or both or their children to attend counselling provided by such body as the Minister may approve or as the court may direct; and

(c) the giving of any such direction as is necessary for and incidental to the proper carrying into effect of any order made under this section.

[30/96]

(6) Except so far as the exercise by the person against whom a protection order is made of a right to the shared residence is suspended or restricted, or prohibited or restrained, by virtue of an order made under subsection (5), such order shall not affect any title or interest that the person against whom the order is made or any other person might have in the residence.

[30/96]

(7) Where a person against whom a protection order or an expedited order has been made contravenes the order, the court may, in addition to any penalty provided for under subsection (8), make, as the case may be, any one or more of the orders under subsection

(5), to commence from such date as is specified in such new order.

[30/96]

(8) Any person who wilfully contravenes a protection order or an expedited order or an order made by virtue of subsection (5), except an order made by virtue of subsection (5)(b), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[30/96]

(9) Any failure to comply with an order made by virtue of subsection (5)(b) shall be punishable as a contempt of court.

[30/96]

(10) In the case of a child below the age of 21 years or an incapacitated person, an application under this section or section 66 may be made by a guardian or relative or person responsible for the care of the child or incapacitated person, as the case may be, or by any person appointed by the Minister.

[30/96]

(11) An offence under subsection (8) shall be deemed to be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).

[30/96]

#### **Appendix 16.14: Adoption of Children Act Sections 3-5**

##### **Power to make adoption orders.**

**3.** —(1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt an infant who has never been married, the court may, subject to the provisions of this Act, make an order (referred to in this Act as an adoption order) authorising the applicant to adopt that infant.

(2) A person so authorised to adopt the infant and an infant authorised to be adopted are referred to in this Act as an adopter and an adopted child respectively, and infant means a person under the age of 21 years.

(3) Where an application for an adoption order is made by two spouses jointly, the court may make the order authorising the two spouses jointly to adopt an infant.

(4) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(5) Except as provided in this section, no adoption order shall be made authorising more than one person to adopt an infant.

##### **Restrictions on making adoption orders.**

**4.** —(1) An adoption order shall not be made in any case where —

(a) the applicant is under the age of 25 years; or

(b) the applicant is less than 21 years older than the infant in respect of whom the application is made.

(2) Notwithstanding subsection (1), it shall be lawful for the court, if it thinks fit, to make an adoption order —

- (a) where the applicant is under the age of 25 years and less than 21 years older than the infant if —
- (i) the applicant and the infant are within the prohibited degrees of consanguinity; or
  - (ii) in other special circumstances which justify as an exceptional measure the making of an adoption order where the applicant and the infant are not within the prohibited degrees of consanguinity;
- (b) in the case of an application by two spouses jointly where one of the spouses and the infant are within the prohibited degrees of consanguinity, notwithstanding that the other spouse is under the age of 25 years and less than 21 years older than the infant; and
- (c) in the case of an application by two spouses jointly where neither spouse is within the prohibited degrees of consanguinity with the infant, notwithstanding that one or both the spouses are less than 21 years older than the infant.

9/72.

(3) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(4) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody of the infant or who is liable to contribute to the support of the infant:

Provided that the court may dispense with any consent required by this subsection if the court is satisfied that the person whose consent is to be dispensed with —

9/72.

- (a) has abandoned, neglected, persistently ill-treated the infant or cannot be found and that reasonable notice of the application for an adoption order has been given to the parent or guardian where the parent or guardian can be found;
- (b) is unfit by reason of any physical or mental incapacity to have the care and control of the infant, that the unfitness is likely to continue indefinitely and that reasonable notice of the application for an adoption order has been given to the parent or guardian; or
- (c) ought, in the opinion of the court and in all the circumstances of the case to be dispensed with, notwithstanding that such person may have made suitable initial arrangements for the infant by placing the infant under the care of the authorities of a children's home, the protector under the Children and Young Persons Act or some other person.

Cap. 38.

(5) An adoption order shall not be made upon the application of one of two spouses without the consent of the other of them:

Provided that the court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(6) An adoption order shall not be made in favour of any applicant who is not resident in Singapore or in respect of any infant who is not so resident.

(7)

3/85.

For the purpose of subsection (6), an infant shall be deemed not to be resident in Singapore

- (a) if he is authorised or permitted to remain in Singapore by virtue of a visit pass, a student's pass or a special pass issued by the Controller of Immigration, irrespective of the number of occasions such a pass is issued to him or renewed; or
- (b) if his presence in Singapore is unlawful under the provisions of the Immigration Act or the regulations made thereunder.

**Matters with respect to which court to be satisfied.**

**5.** The court before making an adoption order shall be satisfied —

- (a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;
- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

**Appendix 16.15: Women's Charter Section 112**

**Power of court to order division of matrimonial assets**

**112.** —(1) The court shall have power, when granting or subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, to order the division between the parties of any matrimonial asset or the sale of any such asset and the division between the parties of the proceeds of the sale of any such asset in such proportions as the court thinks just and equitable.

[42/2005]

(2) It shall be the duty of the court in deciding whether to exercise its powers under subsection (1) and, if so, in what manner, to have regard to all the circumstances of the case, including the following matters:

- (a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the matrimonial assets;
- (b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;
- (c) the needs of the children (if any) of the marriage;
- (d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;
- (e) any agreement between the parties with respect to the ownership and division of the matrimonial assets made in contemplation of divorce;
- (f) any period of rent-free occupation or other benefit enjoyed by one party in the

matrimonial home to the exclusion of the other party;

(g) the giving of assistance or support by one party to the other party (whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business; and

(h) the matters referred to in section 114(1) so far as they are relevant.

[42/2005]

(3) The court may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under this section.

[42/2005]

(4) The court may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

[42/2005]

(5) In particular, but without limiting the generality of subsections (3) and (4), the court may make any one or more of the following orders:

(a) an order for the sale of any matrimonial asset or any part thereof, and for the division, vesting or settlement of the proceeds;

(b) an order vesting any matrimonial asset owned by both parties jointly in both the parties in common in such shares as the court considers just and equitable;

(c) an order vesting any matrimonial asset or any part thereof in either party;

(d) an order for any matrimonial asset, or the sale proceeds thereof, to be vested in any person (including either party) to be held on trust for such period and on such terms as may be specified in the order;

(e) an order postponing the sale or vesting of any share in any matrimonial asset, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;

(f) an order granting to either party, for such period and on such terms as the court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party; and

(g) an order for the payment of a sum of money by one party to the other party.

[42/2005]

(6) Where under any order made under this section one party is or may become liable to pay to the other party a sum of money, the court may direct that it shall be paid either in one sum or in instalments, and either with or without security, and otherwise in such manner and subject to such conditions (including a condition requiring the payment of interest) as the court thinks fit.

[42/2005]

(7) Where, pursuant to this section, the court makes an order for the sale of any matrimonial asset and for the division, application or settlement of the proceeds, the court may appoint a person to sell the asset and divide, apply or settle the proceeds accordingly; and the execution of any instrument by the person so appointed shall have the same force and validity as if it had been executed by the person in whom the asset is vested.

[42/2005]

(8) Any order under this section may be made upon such terms and subject to such conditions (if any) as the court thinks fit.

[42/2005]

(9) Where the court, by any order under this section, appoints a person (including the Registrar or other officer of the court) to act as a trustee or to sell any matrimonial asset and to divide, apply and settle the proceeds thereof, the court may make provision in that order for the payment of remuneration to that person and for the reimbursement of his costs and expenses.

[42/2005]

(10) In this section, “matrimonial asset” means —

(a) any asset acquired before the marriage by one party or both parties to the marriage —  
(i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or  
(ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

[42/2005]

<b>Appendix 16.16: AMLA Section 52(14)</b>
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**Provisions consequent on matrimonial proceedings**

**14.** For the purposes of this section, “property” means —

(a) any asset acquired before the marriage by one party or both parties to the marriage which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage

**Appendix 16.17: Women's Charter Section 112(10)**

**Power of court to order division of matrimonial assets**

**112.** (10) In this section, "matrimonial asset" means —

(a) any asset acquired before the marriage by one party or both parties to the marriage —  
(i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or

(ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

[42/2005]

## **APPENDIX 19**



## APPENDIX 19

### Appendix 19.1: Singapore's Response to Family Violence: 1997-2007 – What Comes Next? Accessibility and Dissemination Society Against Family Violence May 2007

#### Report Highlights

- Most levels used to measure family violence rates have seen a decline when comparing 1998 and 2005 data. (Chapter 1)
- Police reports have declined the most, having declined by approximately 50% since its peak in 1999
- Prevalence data collection for Singapore is limited. Some criminal justice and social service data is available. Household survey data is needed.(Chapter 1)
- Intervention evaluations are needed. (Chapter 3)
- Research must be encouraged with access to data and experts. (Chapter 4)
- Staff turnover and access to information is affecting competency and quality of services. (Chapter 4)
- Case sensitivity needs to be translated into systemic sensitivity. (Chapter 4)
- Legislative recognition of non-physical abuse needs to be applied operationally. (Chapter 5)
- Personal networking needs to be converted into organisation-to organisation networking. (Chapter 6)
- Allies in the efforts to combat family violence must be enlisted and supported. (Chapter 7)
- Social and cultural attitudes which lock people into suffering abuse must be fought. (Chapter 8)
- Public education must find a way to reach through the isolation surrounding many family violence victims. (Chapter 8)

## **Appendix 19.2: Growing number of educated women experience domestic violence**

### **Growing number of educated women experience domestic violence**

29 January, 2010 Channelnewsasia

She is eloquent and educated, so it would be hard to imagine Rina (not her real name) as a victim of domestic violence. However, the 31-year-old said her husband had beaten her on several occasions last year.

Things are better now, but the mother of one claims that she had put up with the abuse because she did not want her marriage to break down.

According to the preliminary International Violence Against Women Survey (IVAWS) released Thursday, Rina was among a growing number of educated Malay women who had experienced domestic violence in the last 12 months.

Malay women made up 18.9 per cent of the 2,006 women polled between February and May last year.

Like Rina, 30.2 per cent of the women polled had university and postgraduate education.

Those aged between 30 and 39 who admitted to experiencing violence accounted for 47.2 per cent of the women polled.

The IVAWS asked the respondents - aged between 18 and 69 - 200 specific questions about seven types of physical violence, such as being threatened by physical hurt, as well as five other types of sexual violence.

However, the research, conducted by the Society Against Family Violence (SAFV) and funded by the law faculty of the National University of Singapore (NUS), also showed that the rate of lifetime violence was the lowest (9.2 per cent) compared to the other participating countries including Australia, Hong Kong, Italy, the Philippines and Switzerland.

Singapore also had the lowest rate of lifetime physical violence victimisation (6.8 per cent) and the lowest rate of sexual violence victimisation (4.2 per cent) compared to the other participating countries.

But SAFV's Benny Bong said these results might represent only "the tip of the iceberg".

He said not many women come forward for fear of losing face, while some don't see themselves as victims.

More alarmingly, although 42.4 per cent of the women polled felt their lives were in danger during domestic conflicts with their partners, they were less likely to regard the incidents as a crime or report them to the authorities, he said.

Another 71.7 per cent of those women abused by their partners were also not likely to report such incidents to the police, said Mr Bong.

"Many of these women cannot accept they are living with a criminal," he said, explaining why many choose not to report the abuse to the authorities.

Social workers said it will be some time before women here change their attitudes towards such violence.

"It is not a simple process ... what is important is to educate the community to support such victims," said Miss Kerry Wilcock of the Association of Women for Action and Research (Aware).

"Perhaps more training could be given to social workers to identify and deal with women in these problem areas," offered Ms Decksha Vasundhra, a social worker at Safe @ Trans Centre.

The full report will be released later this year.

### **Appendix 19.3: Lifting shroud of shame over child sex abuse**

#### **Lifting shroud of shame over child sex abuse**

#### **Number of child sexual abuse cases reported has shot up, and actual figures could be much higher**

Radha Basu April 28, 2009 The Straits Times

In the dead of night, ever so often, 13-year-old Michelle's stepfather would come into her room to squeeze her breasts. He even tried to rape her, saying it was payment for the 'care' she received in his home.

The girl was also caned and slapped repeatedly by her stepfather for no reason, until bruises on her arms prompted her maternal grandparents to take her to a doctor.

Gentle prompting by the doctor revealed not just the extent of her physical battery but also the appalling secret she had harboured for eight long months - that she was a victim of sexual abuse.

Michelle, whose name has been changed to protect her identity, now lives with her aunt and, thanks to therapy and her caring grandparents and teachers, is on the road to recovery.

The shroud of shame that surrounds child sex abuse - particularly where a child is abused at home or by family members - is slowly being lifted.

Last year, the Ministry of Community Development, Youth and Sports (MCYS) found evidence of abuse in about 50 cases, up from 15 in 2000.

The figures from MCYS, made available to The Sunday Times, also show that the proportion of sexual abuse cases has risen sharply, accounting for nearly 45 per cent of all abuse cases detected last year, up from 25 per cent in 2000.

These figures, however, pertain only to cases where the child is abused by a family member at home, faces the risk of prolonged abuse, and may even need to be removed from home.

The overall data on how many child sex abuse cases are registered here is kept by the police, who declined to disclose the numbers given the 'sensitive nature of the information'.

A Children's Society report, quoting Ministry of Home Affairs figures, indicated an average of 240 cases of child sexual abuse were registered every year between 1999 and 2002, including the 'intra-familial abuse cases' that are followed up by MCYS.

While more sexual abuse cases are coming to light, family violence counsellors such as Mr Benny Bong feel the MCYS numbers are the 'tip of the iceberg'.

The president of advocacy group Society Against Family Violence believes that the real number of cases could be three to four times higher than the numbers reported to the police.

He cited a 2003 MCYS study in which eight in 10 respondents said they felt most people here would be reluctant to report family violence to the police.

A study in Malaysia, added Mr Bong, showed that 8 per cent of women and 2 per cent of men surveyed reported having been sexually abused as a child. He believes that Singapore needs a similar 'prevalence' study to shed light on what the numbers could be like.

'It is the responsibility of the authorities to want to know what the situation really is on the ground,' he said.

'If this were a disease outbreak, do you think we could plan intervention without even knowing for sure what the real numbers are?'

No in-depth studies are currently under way to determine the true extent of the problem. An MCYS spokesman said that in the absence of a formal study, it is hard to pinpoint why the number of cases - particularly those involving sexual abuse - has shot up.

But 'evidence on the ground' suggests that it could be because of increased public awareness and more avenues for help.

MCYS holds seminars, talks and training programmes regularly for teachers on child abuse, including courses for school counsellors and pre-school and trainee teachers.

About 70 per cent of the sexual abuse reports made to MCYS last year came through schools, up from 35 per cent in 2004.

An alert school counsellor, Madam Juliana Johari, 40, has detected and reported eight sexual abuse victims over the past three years.

The most recent case late last year involved a 13-year-old girl who refused to go home after school every day.

She told teachers that she preferred to do her homework in school as there was no one at home.

But seeing how she would dawdle in school well into the evening, her teacher sought Madam Juliana's help to find out what was wrong.

After gentle yet persistent questioning, the girl revealed she was being molested by an acquaintance living with the family.

Madam Juliana informed the principal, who called the MCYS hotline for reporting child abuse, setting in motion a process that led to an investigation and the arrest and sentencing of the offender.

Regular talks and roadshows on child abuse and sex education also help, said Madam Juliana.

Two days after a talk by the Singapore Children's Society last year on what constitutes child abuse and how to stay safe, a student left a handwritten note to a teacher claiming that she had been 'touched in a bad way' by her divorced mother's boyfriend.

That case has been resolved, with the offender serving out a jail sentence.

But she notes that because of a paucity of physical, tell-tale signs, sex abuse can be hard to detect.

Consultant psychiatrist Parvathy Pathy from the Institute of Mental Health, who has assessed more than 200 abused children over the past 15 years, agrees.

'Sexual abuse is a private, secret crime with disclosure delayed by months or even years,' she said.

The shame and stigma associated with sexual abuse are often deeper than for other forms of abuse. The result: Children feel embarrassed, damaged and guilty that they had somehow brought the crime upon themselves.

The scars are difficult to heal and some victims may behave in a 'highly sexualised' manner, dressing provocatively and appearing sexually precocious.

While greater awareness of the problem is leading to more reporting, Dr Parvathy believes that the actual number of cases may also be on the rise.

'There is a more casual attitude towards sex today, which may be giving predators more chances to attack,' she said. The easy availability of Internet porn is also aggravating the problem.

Finally, the proliferation of Internet chatrooms allows children to meet and befriend virtual strangers who may then go on to abuse them in person.

A recent trend, said Dr Parvathy, is abuse resulting from romantic relationships. It is not uncommon for a 13- or 14-year-old to have a boyfriend.

'There have been cases when the girls wanted to stop at cuddles and kisses but were coerced into sex and remain very angry about it.'

Ms Karen Sik, a senior psychologist with MCYS, says grooming of children by sex predators - a term used to describe behaviours to target and prepare children for abuse - is also common.

Tactics used include showing pornography to the child and talking about sexual topics.

So what can be done to improve the situation, both in preventing sex abuse and ensuring that if such crimes occur, the perpetrators are swiftly brought to justice?

Dr Parvathy suggests an age-old approach. 'Parents need to be more alert and aware of what is happening in their children's lives,' she said.

Counsellor Bong wishes that it be made mandatory for frontline professionals, such as doctors, psychiatrists, teachers, social workers and counsellors, to report every case of suspected child abuse to the police or the child protection authorities.

Such laws, already in force in the United States, Canada and Australia, could help bring more sex fiends to justice and lower abuse rates.

**Appendix 19.4: Elder abuse cases ‘may rise with recession’**

**Elder abuse cases ‘may rise with recession’**

Mavis Toh 7 June, 2009 The Straits Times

Madam G.H. Teo has four children but wishes she had none.

The 79-year-old widow, who used to work as a seamstress, lives in a one-room flat in the Outram area and survives on the little that is left of her savings.

In May last year, she found her 48-year-old drug addict son milking her savings from a joint account. When confronted, he threw a stool at her.

He still comes back to ask for money, but her other children have not visited her in two years.

Madam Teo is a victim of neglect, and physical and financial abuse.

Help groups for the elderly worry that with the recession, such elder abuse cases will rise. In a downturn, struggling couples with young children might neglect the needs of elderly family members, including medical and basic needs.

Ms Helen Ko, executive director of the Centre For Seniors, said: 'When people are under pressure and financially strapped, there is a higher chance they will neglect the elderly.'

Mr Wong Lit Shoon, chief executive of the Singapore Action Group of Elders Counselling Centre, said calls to the centre were down by about 1,000 last year, compared to the more than 7,000 calls it received in 2007.

Callers request medical aid as well as report abuse.

## **Appendix 19.5: No to Rape Petition**

Dear Prime Minister,

### **I. THE REPEAL**

The offence of “rape” under Section 375 of the Penal Code (the “Code”) means the non-consensual penetration by a man, using his penis, of a woman’s vagina. Section 375(4) provides that, except in limited circumstances inapplicable to the majority of married women, this act will not amount to rape, if the perpetrator and the victim are married to each other. Similarly, Section 376A creates the offence of “sexual penetration of a minor under 16”, and Section 376A(5) provides (subject to the same limitations) that this offence will not be committed where a man uses his penis to penetrate a girl under the age of 16, if the perpetrator and victim are married to each other.

We, the undersigned, write to you as citizens and residents of Singapore, to support the complete repeal of Section 375(4) and Section 376A(5). As a result of this change, the Code will not distinguish between cases of rape where the perpetrator and the victim are married to each other (“marital rape”) and other cases of rape. All non-consensual penetration of a woman’s vagina by a man, using his penis, will amount to rape. The same penalties will be available to a court upon conviction of a perpetrator of marital rape, as with any other kind of rape. This proposal is the “total abolition of marital rape immunity”.

### **II. MARITAL RAPE IS VIOLENCE**

Non-consensual sexual penetration is a severe form of violence. This is recognised in the Code and our case law, and is a fundamental part of the shared values of Singaporean society. The existence of Section 375 (rape) and Section 376A (a statutory rape law which presumes minors cannot consent to sexual activity) and their application to cases of rape other than marital rape demonstrate this. The same is true of Section 376, which carries similar penalties, and criminalises other forms of non-consensual sexual penetration (e.g. penetration of the anus or the mouth, penetration with parts of the body other than the penis). There is no “marital” exemption to Section 376, nor is there any “marital” exemption for orally or anally penetrating a minor under Section 376A.

Except in extremely limited circumstances such as self-defence, violence is criminal. Every human being deserves the protection of the law from violence against their person. The values of our society do not accept that this should change simply because the victim is married to the perpetrator. Our laws do not carry “marital exemptions” for any other kind of violence, and there is no justification for it in the context of marital rape. No one is granted special permission under the law to punch their spouse. Marital rape is simply



beating with a sexual organ instead of a fist. The total abolition of marital rape immunity will remove an unjustified inconsistency in our approach to sexual violence.

We believe this will enhance the institution of marriage. Marriage should not require one spouse to be deprived of protection from violence by the other spouse. The total abolition of marital rape immunity will reflect our deeply cherished values, which hold that marriage should be based on a loving partnership of people who enter a relationship of mutual trust and respect. Violence, including non-consensual sexual penetration, destroys family relationships, and the state is right to punish it as a criminal act.

### III. CURRENT EXCEPTIONS ARE INADEQUATE

Currently, Section 375(4) and Section 376A(5) do allow for some cases of marital rape to be treated as rape. These are, primarily, where the perpetrator and victim are “living apart” and certain steps have been taken to terminate the marriage (e.g. proceedings for divorce or separation), or steps have been taken to obtain a public protection order or injunction against sexual intercourse against the perpetrator.

This is inadequate. Marital rape is a form of violence, and all people in Singaporean society should be protected by the law against violence to their person, without having to make legal arrangements. Engaging these legal procedures presents particular difficulties for minors and/or women who have physical or mental disabilities, especially where they are in a position of dependence on the adult and/or able-bodied spouse. Court orders are not always available as the facilities for them are subject to operating hours. Moreover, women should not have to predict whether they will be subject to violence (or, as is often the case, suffer violence first, possibly multiple times) and make applications for court orders before the Code recognises sexual violence against them as an offence. Every instance of marital rape – not just the second, or third, or fourth – should be treated as an offence.

### IV. MECHANISMS FOR ENFORCEMENT EXIST

The total abolition of marital rape immunity will not present any significant practical difficulties. Singapore’s criminal justice system has a number of procedures in place for dealing with allegations of crimes. The police, the Attorney-General’s Chambers, and the courts must consider the evidence available in order to determine whether someone accused of an offence merits a conviction. If there is insufficient evidence to prove the offence beyond reasonable doubt in a court of law, an acquittal should result. But the effect of Section 375(4) and Section 376A(5) is that even in cases where evidence of guilt is clear-cut, the act of non-consensual penile-vaginal penetration will not be considered rape.

Marital rape should be subject to criminal justice procedures in the same way as every other crime. The criminal justice system is already used to dealing with rape cases where the perpetrator and victim were known to each other previously – according to Singapore Police Force statistics, this was the case in almost all incidents of rape in 2005 and 2006. The criminal justice system is also accustomed to dealing with cases of family violence, including violence perpetrated by one spouse against another. Section 376 and the aspects of Section 376A that concern oral and anal penetration mean that the criminal justice system is already required to deal with allegations of non-consensual sexual penetration between spouses. The total abolition of marital rape immunity removes an inconsistency whereby, without justification, one particular form of non-consensual penetration is treated differently from all other forms of violence.

## V. CONCLUSION

On the basis of the above, we the undersigned ask you, as our democratic representative, to take immediate steps to completely repeal Section 375(4) and Section 376A(5) of the Code and bring about the total abolition of marital rape immunity.

Source: *No To Rape* <http://www.notorape.com/petition/#en>

### **Appendix 19.6: Improve sex crime probe**

#### **Improve sex crime probe**

#### **Call follows revelation that officer did not know legal definition of rape**

K.C Vijayan 10 October, 2008 The Straits Times

A High Court judge wants the police force's sex crimes unit to improve its investigation procedures, after discovering that an officer did not know the legal definition of rape.

Justice Kan Ting Chiu said officers of the Serious Sexual Crime Branch (SSCB) should know the finer points of the law and do better when interviewing women who complain they have been raped.

He also wants officers to be more sensitive to the fact that some women may not be able to describe fully what happened to them, or may be too embarrassed to go into the details of a sexual assault.

In such instances, he suggested the use of models or pictures of the human body to help sex-assault victims describe clearly what happened to them.

He made these comments in a written judgment explaining the outcome of a case involving policeman Lawrence Lim, whose trial ended in July.

Lim, 35, was found guilty of beating his Indonesian maid, but he was cleared of seven

sex-related charges, including rape.

The judge said 'inconsistencies over places, dates and events' in the maid's testimony created a reasonable doubt that she had been sexually assaulted.

An exchange between the maid and an officer suggested that the investigation procedures could be improved.

When the victim was making her statement, the officer told her that if Lim did not force or coerce her into having sex, it meant she had not been raped. But according to the law, both parties must explicitly consent to the encounter.

'If the officer had proper knowledge of the offence of rape, she would not have told (the woman) that,' Justice Kan wrote. 'It is important SSCB investigators have proper understanding of the offences they investigate.'

He also cited the confusion that arose from an interview in which the maid said she had been rubbed on the 'private part', but was not asked for details. Where victims are too embarrassed to say more, models or pictures could help, he said.

The prosecutor handling the case agreed with the judge that improvements could be made in police procedures.

Criminal lawyers The Straits Times spoke to said the judge's comments were a step in the right direction.

Mr Subhas Anandan agreed that models could help victims who are too shy to discuss sexual assaults.

Lim, a staff sergeant in the Criminal Investigation Department, has yet to be sentenced and is out on \$70,000 bail. He is being defended by lawyer Lee Teck Leng and is appealing against the conviction.

He can be jailed up to 18 months and fined \$1,500 on each of five charges.