

Feedback on the Draft Women's Charter (Amendment) Bill

Submitted pursuant to the Public Consultation
Process Initiated by the Ministry of Community
Development, Youth and Sports

24 October 2010

INTRODUCTION

AWARE has since its establishment 25 years ago worked towards promoting values and norms which would improve the quality of life of women and their families and achieve the betterment of Singapore society as a whole.

AWARE is heartened by the Ministry of Community, Youth and Sports' ("MCYS") initiative to amend the Women's Charter (the "**Amendments**") to:

- a) enhance the enforcement of maintenance orders; and
- b) update the Women's Charter to take into account emerging social trends such as trans-border marriages and the increasing rate of divorce.

In making our recommendations, AWARE has taken into account other important social trends that have emerged, including:

- a) the significant increased number of marriages between Singapore citizens and non-Singapore citizens, in particular, between the less educated Singaporean male and the less educated non-Singaporean brides from the region whose marriages are often brokered by matchmaking agencies; and
- b) the increased median age of first marriage for both women and men.

We make these recommendations based on:

- a) our first-hand experience in supporting women:
 - on our crisis helpline;
 - at our legal clinic; and
 - through our counselling services;
- b) the professional experience of several family lawyers who are our active volunteers; and
- c) our general monitoring of social trends in relation to gender and family matters.

We generally support the parts of the Amendments that we have not commented on in this Submission.

AWARE'S RECOMMENDATIONS

1. ESTABLISH CENTRAL BODY TO ADMINISTER AND COLLECT MAINTENANCE PAYMENTS

- 1.1 Although the Amendments for the enforcement of maintenance payments are helpful, they do not address one of the greatest weaknesses of the present system, namely, the onerous burden on the under-resourced claimant to go to Court repeatedly to enforce defaults in maintenance payments.

- 1.2 In most cases of maintenance arrears, it is the multiple trips to Court to enforce maintenance orders that wear down the claimant and cause her to give up a right enshrined in the Women’s Charter and granted by Court. The claimant often a single mum struggling to maintain her job and to take care of her children, simply cannot afford to keep taking time off work. The current changes do not take away this problem.

1.3 Recommendations

AWARE urges the Government to consider the establishment of a central body to administer maintenance payments and to facilitate the collection of outstanding payments, with powers to access information from government databases.

There are several models of such agencies in the world, some of which have been very effective in administering the collection of arrears¹. See, for example, the British Columbia Family Enforcement Programme². This is an opt-in system which appears to be highly effective. It is noted that the cost of the agency is free for users and funded by fees collected from defaulters. The agency administering the programme does not only administer and collect claims. Where the default is due to the defaulter being out of a job or facing some short-term financial crisis, the agency can facilitate parties to arrive at arrangements where the payments are temporarily restructured to give the defaulter some flexibility in making payments. Thus, the court order remains intact but the payment schedule is adjusted to provide flexibility. The British Columbia Government has outsourced the debt collection and administration functions to the private sector.

2. RENAME THE WOMEN’S CHARTER TO THE FAMILY CHARTER

- 2.1 The Women’s Charter contains the rights and responsibilities of the parties to a marriage. It covers every conceivable aspect of marital and family law - registration and dissolution of marriages, division of matrimonial assets, maintenance provisions and the welfare of children. Thus, the Family Charter is a more accurate name for this important piece of legislation.

- 2.2 The name "Women's Charter" is misleading in three ways:

- (a) this being the main statute governing families, it gives the impression that women are solely or primarily responsible for the family which is contrary to Sections 46(1) and (4) of the Women's Charter, namely:
 - (i) 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;
 - (ii) the husband and the wife shall have equal rights in the running of the matrimonial household;

¹ <http://www.csa.gov.au/publications/schemes/06/2.aspx> and <http://www.csa.gov.au/publications/pdf/1248.pdf>

² <http://www.fmep.gov.bc.ca/shared/pdfs/BCFMEP-Annual-Report.pdf> and <http://legallaid.bc.ca/assets/pubs/guideToFMEPHandbook.pdf>

- (b) it gives the impression that it is a statute that protects women against men and that men have less rights than women in Singapore; and
- (c) it gives the impression that it is the only legislation which offers legal protection to women.

The change of the name to "Family Charter" will remove these widely held misconceptions of what the Charter is about.

- 2.3 The inaccurate impression that the family law favours wives over husbands and women over men does a disservice to the society and families in Singapore.

There have been numerous angry letters to the press and on-line postings about how unjust the Women's Charter is in giving one-sided rights to women against men.

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

2.4 **Recommendations**

AWARE recommends that the name of the charter be changed to the "Family Charter". If necessary, provisions relating to Offences against Women and Children may be moved to another statute.

3. **NEW SECTION 12A – MARRIAGE PREPARATORY COURSE – EXTEND TO SINGAPORE CITIZENS (SC) AND NON-SINGAPORE CITIZENS (NON SC) MARRIAGES**

- 3.1 The Amendments require unspecified groups to attend marriage preparation courses in order to obtain marriage licence or special marriage licence. The Consultation Paper suggests that the specific groups will include minors and divorcees, who have the highest risk of divorce.
- 3.2 It has been reported that the number of marriages between SCs and non-SCs is significant and on the rise³; and that the non-SC spouses are not well-integrated⁴.

³ The 2009 report, Marriages between Singapore Citizens and Non Singapore Citizens, 1998 – 2008, An Occasional Paper by the National Population Secretariat (the "**NPS Report**"), states that the share of SC / non-SC marriages among total SC marriages increased from about 3 in 10 (33%) in 1998 to almost 4 in 10 (39%) in 2008. The total of SC/non-SC marriages in 2008 was about 8,100.

More than three quarters (76%) of the SC/non-SC marriages over the past decade were between SC grooms and non-SC brides.

The number and proportion of citizen births to SC/non-SC couples have also been increasing over the last few years. In 2008, about 30% of citizen births had a non-SC parent, as compared to about 22% in 1998.

AWARE thus recommends that the "specific groups" include couples where the non-SC spouse does not speak English.

- 3.3 The intention is to target marriages between a Singaporean male and a less educated non-Singaporean bride from the region, often brokered by a third party matchmaking agency. These marriages are risky because of cultural and language differences between parties and because they are often entered into very quickly.
- 3.4 It is noted that the non-SC spouses in such cases are usually extremely vulnerable, and, based on anecdotal evidence, some are abused or mistreated as domestic workers-cum-sex slaves because of their dependency on their SC spouses. It is noted that a leading anti-violence organisation, Promoting Alternatives to Violence (PAVE), recently reported that there was an increase in spousal violence against non-SC spouses⁵.
- 3.5 From our Helpline, we have found that in many cases, the non-SC spouses are not aware that they will not get permanent residency status in Singapore and that their right to stay in Singapore is completely dependent on their SC spouse.
- 3.6 There have been many cases of non-SC wives being forced to leave their home and children in Singapore when their SC spouses decided that they did not want to continue with the marriage and refused to renew their non-SC's wives' social visit pass⁶. In such cases, the SC husband is able to effectively "end" the marriage without going through divorce proceedings as the non-SC wife is required to leave Singapore. The children of such families suddenly find themselves without a mother.
- 3.7 The NPS Report recommended in its concluding remarks that:

"It is important that these non-SC spouses are well-integrated into the Singaporean culture and way of life."

The Marriage Preparatory Course could be instrumental in promoting the integration of non-SC spouses into the Singaporean culture and way of life.

3.10 **Recommendations**

In view of the above, AWARE strongly recommends that marriage preparatory courses be made mandatory for SC / non-SC couples where the non-SC spouse does not speak English.

This will help to ensure that the non-SC spouses are properly integrated into Singaporean culture and way of life and that non-SC parties know full well what their immigration status will be when they marry an SC spouse. This will also help SC and non-SC parties to better understand each other's expectations in marriage.

⁴ The NPS Report recommended in its concluding remarks that:

"It is important that these non-Singaporean Citizen spouses are well-integrated into the Singaporean culture and way of life."

⁵ "More Immigrant Spousal Abuse" Straits Times, 21 October 2010.

⁶ AWARE had on 2 October 2009 submitted a paper on this issue to the Prime Minister's Office.

4. NEW SECTION 12A – MARRIAGE PREPARATORY COURSE – LIMIT TO CERTAIN GROUPS OF DIVORCEES ONLY

4.1 The Consultation Paper states that all divorcees will be required to undergo the marriage preparatory course.

4.2 Marriages break up for many reasons and many divorcees are often wiser after the break up and approach a subsequent marriage with more maturity.

4.3 Recommendations

AWARE recommends that only divorcees who have a subsisting maintenance arrears order or a personal protection order against them be required to attend the marriage preparatory course.

5. NEW SECTION 12A – MARRIAGE PREPARATORY COURSE - APPLICATION TO MUSLIM MARRIAGES

5.1 It is not clear whether Section 12A is applicable to Syariah Law marriages. In our opinion, the rationale for mandating marriage preparatory courses for specific groups married under Civil Law is applicable to the same groups marrying under Muslim law.

5.2 Recommendations

AWARE recommends that Section 12A should apply equally to marriages under Civil and Syariah Law. The necessary amendments to the Administration of Muslim Law Act & Muslim Marriage & Divorce Rules should be made to implement this.

6. NEW SECTION 12A – MARRIAGE PREPARATORY COURSE – COURSE CONTENT

6.1 There is currently no indication of the course content in such marriage preparatory courses.

6.2 Recommendations

AWARE recommends that the marriage preparatory course should ensure that couples talk about the following major issues that usually give rise to conflict in marriages: finances, children, housing, sex and family planning, extended family and obligations, what happens should things go wrong (including where to seek help).

The course should promote equal partnerships in the family in accordance with Section 46 of the Women's Charter.

The course should not only discuss the rights and conditions that occur when the couple is married, but should also address the legal and socio-economic consequences of a divorce.

Training targeted at non-SC spouses should also include information on their status in Singapore and should be translated into a language that they understand.

7. **NEW SECTION 12A – MARRIAGE PREPARATORY COURSE – EVALUATING EFFECTIVENESS**

7.1 It is important to monitor and evaluate the effectiveness of the courses.

7.2 **Recommendations**

AWARE recommends that this aspect be carefully considered and included in the planning process for the implementation of the marriage preparatory course requirement.

8. **AMENDMENTS TO SECTION 50 – POST-FILING COUNSELLING AND MEDIATION FOR DIVORCING COUPLES**

8.1 The new Section 50(2A) applies to proceedings involving children to the marriage.

8.2 However, the Amendments do not specify the purpose of the counselling or mediation. It is not clear whether it is for purposes of reconciling or to determine child related issues. The Consultation Paper suggests that the counselling or mediation is to address the child-related issues and to agree on what is in the best interest of the child.

8.3 **Recommendations**

For the avoidance of ambiguity, AWARE recommends that the purpose of the counselling and mediation i.e. to address the child-related issues and to agree on what is in the best interest of the child be specified in the Amendments. At this stage, it would be inappropriate to require couples to undergo counselling for the purpose of reconciliation.

9. **NEW SECTIONS 71(1)(D) AND 71A – BANK GUARANTEE – EXTEND TO BEYOND THREE MONTHS**

9.1 It appears that this guarantee is meant to cover short term arrears of maintenance, as the bank guarantee is limited to three months arrears.

AWARE is of the view that the 3 month cap is unnecessarily restrictive. There are situations where the defaulter works outside Singapore most of the time and has the means to provide a bank guarantee to cover a longer period of arrears. In such cases, where there is a demonstrated risk that the claimant is likely to be out of pocket for more than 3 months, the Court should have the power to order the defaulter to provide a bank guarantee that extends beyond 3 months.

We recognise that there are risks that the claimant may abuse this process by drawing on the full 12 months at once and using up all the money. Thus, mechanisms need to be built in to address these risks.

9.2 Currently, it is not clear what kind of bank guarantee is envisaged and how a claimant exercises her rights to draw on the bank guarantee. Is it envisaged that a claimant has to obtain a Court Order to draw on the guarantee? If a Court Order is not required, will the claimant have to provide documentary evidence to the Bank that her spouse is in default? If so, what kind of documentary evidence will suffice?

9.3 **Recommendations**

AWARE recommends that the legislation or subsidiary legislation set out specifically the processes for drawing on the guarantee and that specimens of the guarantee be provided so that the public is aware of the mechanics for calling on the guarantee.

AWARE recommends that the Amendments be modified to delete the 3 month cap. However, to prevent abuse by the recipient in the case of guarantees exceeding 3 months arrears, the following procedures for drawing on the guarantee or some alternative mechanism should be adopted:

(a) Where the guarantee is for not more than three months arrears

The claimant may draw on the guarantee without a court order. The guarantee is payable upon her calling on the bank to make the payment, without having to produce a court order. Where the arrears are less than the amount drawn, the excess will be set off against future payments.

(b) Where the guarantee is for more than three months arrears

The claimant should lodge a complaint for non-payment. Where there is a *prima facie* case of non-payment, a Court Order allowing the claimant to draw on the bank guarantee will be issued on the day of the application. The case will be fixed for mention in, say, 7-10 days, for both parties to attend to resolve any issues of overpayment on the bank guarantee and consequential orders can be made i.e. specifying the amount to be offset against future maintenance in the event of overpayment or specifying the amount to be refunded to the defaulter if there is no future maintenance obligation.

10. **NEW SECTION 71(B) (2) – FINANCIAL COUNSELLING – PROVIDE PENAL CONSEQUENCES**

10.1 It is noted that there are no consequences spelt out where the defaulter fails to attend financial counselling.

10.2 **Recommendations**

AWARE recommends that for this option to have some bite and not be treated as a "soft option", the consequences for defaulting on the financial counselling be specified to include fine and imprisonment.

A breach of mandatory counselling order attached to a personal protection order is specified in Section 65(8) Women's Charter to attract a fine not exceeding \$2,000/- or to imprisonment for a term not exceeding 6 months or to both. Similar provisions should be made for breach of financial counselling orders.

11. NEW SECTIONS 71(2B) – (2D) – REPORTING TO CREDIT BUREAU – ABILITY TO UPDATE RECORDS

11.1 This may be an effective process in some cases to compel defaulters to pay their maintenance fees. However, there must also be a means for the adverse record of non-payment in the credit payment history to be updated once payment is made.

11.2 This will only be an effective remedy where the defaulter is aware that an adverse record will be or has been made against him.

11.3 Recommendations

AWARE recommends that the means for clearing the adverse record be specified in the legislation or subsidiary legislation so that defaulters are aware of what they must do to clear the record. It appears from anecdotal evidence that, generally, the updating of such reports by individuals can be difficult.

There should be a requirement for the Courts to make an order for this adverse report to be made before the adverse report can be made. This is to prevent abuse and also to make this a more effective remedy (as the defaulter will be put on notice that an adverse record will be made).

12. NEW SECTIONS 17 (2A), (2B), (4) AND (5) – STATUTORY DECLARATION BY DIVORCEES WHO ARE RE-MARRYING – EXTEND TO MAINTENANCE ORDERS, NOT JUST ARREARS

12.1 These are useful provisions. However, we do have some suggestions.

12.2 Recommendations

AWARE recommends that the divorcee be required to declare the existence of any maintenance order, not just arrears in maintenance orders. We are mindful that this is an intrusion into the divorcee's privacy but we feel that this is justified for two reasons:

- a) that prospective spouses have an interest to know about this obligation which may be relevant for them to make an informed decision about whether to marry the divorcee;
- b) to protect the interest of the divorcee's children. Very often, upon re-marriage, defaulters will apply for a variation order to reduce the amount of maintenance they are required to pay in relation to their previous marriage(s). This goes against the interest of the children from the previous marriage.

If prospective spouses are aware of the divorcee's maintenance obligations prior to marriage, there is a chance that they will encourage or support the prospective spouse to respect this court order.

AWARE further recommends that the legislation or subsidiary legislation provide some clarification on the points below:

- a) It is not clear what the Registrar's role is in relation to policing the accuracy of the statutory declarations. When and how will Registrars exercise their powers to verify the accuracy of the information? For example, will this be done:
 - i) in every case; or
 - ii) in every case where the Registrar has reason to believe that the declaration may be false; or
 - iii) where the other spouse requests for this be done?
- b) Where the information is found to be false, will the Registrar inform the new spouse about the falsehood?

In relation to b), one enhancement that MCYS may wish to consider is for the divorcee to obtain a written confirmation from the Court that there are no pending enforcement orders or outstanding arrears and to attach this confirmation to the Statutory Declaration. In the case where this confirmation is not attached, the Registrar should apply for confirmation from the Courts.

13. PROVISION FOR LATE INTEREST ON MAINTENANCE ARREARS

13.1 There is no provision for the imposition of late interest on maintenance arrears.

13.2 Recommendations

AWARE recommends that the Charter be amended to impose late interest on maintenance arrears or, alternatively, that the Court be empowered to impose late payment interest. This will serve as an incentive for punctual payment and also compensate the claimant for the delay in payments.

14. PROVIDE MAINTENANCE FOR HUSBANDS IN APPROPRIATE SITUATIONS

14.1 Under the Women's Charter, husbands are not entitled to apply for maintenance from their wives. The Amendments do not change this position.

14.2 We would like to see this position changed to allow husbands the right to apply for maintenance in appropriate cases.

14.3 Recommendations

AWARE recommends that the Women's Charter be amended to provide that in appropriate cases, where it is just and equitable, husbands should have right to seek maintenance from their wives, both during marriage and after the divorce. Examples of such situations include cases where the husband is sick or incapacitated and has been dependent on his wife.

15. AMENDMENT OF SECTION 94 - REDUCTION OF TIME BAR FOR FILING OF WRIT FOR DIVORCE FROM 3 YEARS TO 2 YEARS

- 15.1 Currently, the Women's Charter prohibits the filing of a writ of divorce in the first three years of marriage save in cases of "exceptional hardship" or "exceptional depravity".
- 15.2 The United Kingdom reduced the time bar for divorce from 3 years to 1 year in 1984.
- 15.3 The median age of first marriage in Singapore has increased by more than 3 years for males and females since 1980. See table⁷ below:

| | | | | |
|------------------------------|------|------|------|------|
| Median Age of First Marriage | 1980 | 1990 | 2000 | 2009 |
| Male | 26.7 | 28.0 | 28.7 | 29.9 |
| Female | 23.6 | 25.3 | 26.2 | 27.4 |
| | | | | |
| Median Age of Divorce | | | | |
| Male | 34 | 35.9 | 39 | 40.4 |
| Female | 30.8 | 32.6 | 35.5 | 36.8 |

- 15.4 As the median age of first marriage has increased, the higher median age of divorce has also increased by more than 6 years for males and females since 1960.
- 15.5 Since the median age of marriage and divorce has increased, where the first marriage does not work out, there will be less time and opportunity for people to try again to marry and start a family.
- 15.6 The median age of remarriage for men rose from 28.5 years in 1999 to 29.8 years in 2009. For women, it rose from 26.0 years to 27.5 years during the same period.⁸

15.7 Recommendations

AWARE recommends that the time bar for divorce be shortened from 3 years to 2 years. The reduction of the time bar to 2 years will enable couples who realize that they have made a mistake in their first marriage to have sufficient time to re-marry and to establish a family.

Given the above increased in median age of first marriage and divorce, we feel that, on balance, 2 years is the right duration for the time bar.

16. AMENDMENT OF SECTION 95 – IRRETRIEVABLE BREAKDOWN OF MARRIAGE - REDUCTION OF PERIODS OF SEPARATION AND DESERTION

- 16.1 Section 95 provides that a marriage is deemed to have irretrievably broken down where:

⁷ *Population trends 2007, Singapore Department of Statistics and Statistics on Marriage and Divorces, 2009*

⁸ *Statistics on Marriage and Divorces, 2009*

- a) the defendant has deserted the plaintiff for at least 2 years;
- b) the defendant and plaintiff have lived separately continuously for at least 3 years and the defendant consents to the divorce; and
- c) the defendant and plaintiff have lived separately continuously for at least 4 years.

16.2 **Recommendations**

For the reasons set out in Paragraphs 15.3 – 15.5, AWARE recommends that the above time periods for desertion and separation be reduced as follows:

- a) for desertion – from 2 years to 1 year;
- b) for separation with consent – from 3 years to 2 years;
- c) for separation without consent, from 4 years to 3 years.

17. **AMENDMENT TO SECTION 93 – JURISDICTION OF COURT - REQUIREMENT OF HABITUAL RESIDENCE TO BE REDUCED FROM 3 YEARS TO 1 YEAR**

17.1 We note that the new proposed Section 121C conferring the Court with jurisdiction to hear applications for an order for financial relief in relation o foreign divorces requires the parties to be habitually resident in Singapore for **one year**.

17.2 **Recommendations**

For consistency and in recognition of the globalised state of our country where a quarter of the people living in Singapore are not permanent residents or citizens, AWARE recommends that the habitual residence criteria in Section 93 be reduced to 1 year.

In other words, the Court should have jurisdiction to hear proceedings for divorce where either of the parties has been habitually resident in Singapore for 1 instead of 3 years.

18. **UNLOCK THE CPF**

18.1 Currently, there is no provision for maintenance orders to be enforced against CPF monies.

18.2 It is appreciated that CPF monies are generally regarded as sacrosanct to be reserved to provide for the retirement of the account holder. However, many of the defaulters do not have cash in hand to pay their maintenance claims and the only cash they have is in their CPF accounts.

18.3 The regular non-payment of maintenance by parents has serious effects on the physical and emotional well-being a child.

18.4 **Recommendations**

Given the damage that may be caused to children by their parents' habitual default of maintenance, AWARE recommends that in cases of habitual defaulters, the defaulter's CPF be "unlocked" to pay for the arrears in child maintenance payments.

AWARE further recommends that, where the defaulter is also in habitual default of maintenance payments to his spouse, she should be entitled to claim these arrears from the CPF account (going back three years) upon the defaulter turning 55.

19. PRIORITIZE EXECUTION OF WARRANT OF ARREST IN CASE OF MAINTENANCE ARREARS

19.1 Our volunteers who are family law practitioners have reported that the warrant of arrest procedure in relation to maintenance enforcement actions is currently not executed diligently or promptly. For example, one lawyer reported that where she has the address of the maintenance defaulter, it takes at least 3 to 4 calls to the police before the police acts to arrest the defaulter.

19.2 **Recommendations**

AWARE recommends that the police give more priority to the execution of warrant of arrests in cases of maintenance arrears. The non-payment of maintenance directly and adversely affects the lives and well-being of spouses and children who depend on these payments for their daily survival.

20. PRACTICE OF THE COURTS – PROACTIVE ATTITUDE TOWARDS ENFORCING MAINTENANCE ORDERS

20.1 It appears that, in the past, the Courts were hesitant to enforce maintenance orders so as not to jeopardize the defaulter's employment.

20.2 The experience of our lawyers from the Legal Clinic is that jail or the threat thereof can be very effective in many cases. Thus, we are heartened by the Court's earlier pronouncements that it would start to enforce maintenance orders more readily. We believe that this will be helpful to claimants.

20.3 In relation to the attachment order, we understand that the Court is hesitant to issue attachment orders as it does not want to jeopardize the defaulter's job.

20.4 **Recommendations**

AWARE recommends that the Court boldly and readily exercise all the remedies that are available to it under the amended Women's Charter.

AWARE further recommends that the letter to the employer directing the employer to pay the salary directly to the claimant should be worded in a more user-friendly manner to avoid giving the employer the impression that the employee is a "criminal" who should be sacked.

21. PRACTICE OF THE COURTS – REDUCE THE NUMBER OF HEARINGS

21.1 One of the greatest practical difficulties faced by claimants is the number of times that they have to attend court to enforce their claims for each default.

21.2 Where possible, the number of court attendances should be reduced.

21.3 Recommendations

AWARE recommends that the Court looks into how it can reduce the number of court attendance. This may include combining the mention and hearing where a defaulter asks for a hearing. We understand that this was the practice when the Court was located at Paterson Road.

In most cases, there is no defence for non-payment except for disputes on the computation of arrears. Thus, it should be possible to have the mention and hearing compressed into one attendance.

22. ACCESS ORDERS – PROVIDE MORE FAMILY SERVICE CENTRES

22.1 AWARE recognizes that there are problems with the enforcement of access orders.

22.2 Non-compliance with access orders usually occur in cases where children do not want to spend time with the parent who has been given access rights. In such cases, the Court will usually order that access takes place in neutral and safe places such as Family Service Centres. However, very few Family Service Centres are open on Sundays which is the day that most parents and children have time to meet each other.

22.3 Recommendations

AWARE recommends that provision be made for more Family Service Centres to stay open on Sundays to allow for parents with access rights to meet with their children.

23. SUMMARY OF RECOMMENDATIONS

23.1 To summarise, AWARE has made the following recommendations in this Submission:

- a) Establish central collection body to administer and collect maintenance payments
- b) Rename the Women's Charter to the Family Charter
- c) New Section 12a – marriage preparatory course:
 - i) extend to Singapore Citizens (sc) and Non-Singapore Citizens (Non-SC) Marriages
 - ii) limit to certain groups of divorcees only

- iii) ensure applicability to Muslim marriages
- iv) course content to include concept of equal partnership and common issues of conflict
- v) ensure evaluation of effectiveness of programmes
- d) Clarify purpose for post-filing mediation and counselling
- e) Extend bank guarantee for arrears to beyond 3 months with procedures to prevent abuse
- f) Provide penal consequences for failure to attend counselling
- g) Provide for ability to update adverse notices recorded with credit bureau
- h) Extend statutory declaration by divorcees who are remarrying to maintenance orders, not just arrears
- i) Provide for late interest on maintenance arrears
- j) Provide maintenance for husbands in appropriate situations
- k) Reduction of time bar for filing of writ for divorce from 3 years to 2 years
- l) Irretrievable breakdown of marriage – reduce periods of separation and desertion
- m) Jurisdiction of Court – reduce requirement of habitual residence from 3 years to 1 year
- n) Unlock the CPF in certain cases
- o) Give more priority to enforcement of warrant of arrest in maintenance enforcement cases
- p) Court to adopt proactive attitude towards enforcing of maintenance claims
- q) Reduce the number of hearings
- r) Access Orders – provide more Family Service Centres

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About AWARE

AWARE is Singapore's leading gender equality advocacy group.

AWARE believes in the rights of women and men to make informed and responsible choices about their lives and to have equal opportunities in education, marriage and employment, and in the right of women to control their own bodies, particularly with regard to sexual and reproductive rights.

AWARE is dedicated to removing gender-based barriers.

Since its formation in 1985, AWARE has carried out research into numerous issues affecting women, including workplace sexual harassment, poverty of older women and Singapore's compliance with UN anti-gender discrimination standards.

AWARE provides a feminist perspective in the national dialogue. It has effectively advocated against laws, public policies and mindsets that discriminate against women. AWARE has contributed towards the strengthening of laws dealing with domestic violence.