

**REPORT ON CEDAW AND
THE REPUBLIC OF SINGAPORE**

**Report by the Association of Women for Action and
Research (AWARE)**

**FOR THE 85TH SESSION OF THE
UNITED NATIONS COMMITTEE ON CEDAW**

GLOSSARY

AWARE: Association of Women for Action and Research

BRS: Basic Retirement Sum

CCE: Character and Citizenship Education

Committee: The United Nations CEDAW Committee

CPC: Criminal Procedure Code

CPF: Central Provident Fund

CSE: Comprehensive sexuality education

FME: Forensic medical examination

FWA: Flexible work arrangements

GBV: Gender-based violence

HCG: Home Caregiving Grant

HDB: Housing Development Board

ICA: Immigrations and Checkpoints Authority

IO: Investigating officer

LFPR: Labour force participation rate

(P)LOC: (Pre-Approved) Letter of Consent

LTVP/+: Long-Term Visit Pass (Plus)

MCI: Ministry of Communications and Information

MOE: Ministry of Education

MOM: Ministry of Manpower

MSC: Maintenance Support Central

MSF: Ministry of Social and Family Development

PGP: Pioneer Generation Package

PO: Protection Order

POHA: Protection from Harassment Act

PPO: Personal Protection Order

PR: Permanent Residency

SACC: Sexual Assault Care Centre (run by AWARE)

SPF: Singapore Police Force

STVP: Short-Term Visit Pass

TAFEP: Tripartite Alliance for Fair and Progressive Employment Practices

TFSV: Technology-facilitated sexual violence

TGFEP: Tripartite Guidelines on Fair Employment Practices

WC: Women's Charter

WHDA: Workplace Harassment and Discrimination Advisory (run by AWARE)

WSH: Workplace sexual harassment

EXECUTIVE SUMMARY

This shadow report has been prepared by AWARE, Singapore's leading women's rights and gender equality advocacy group.

In 2022, the Singapore government released the White Paper on Singapore Women's Development. Though it included some promising policy changes, there was little to no mention of challenges faced by certain marginalised communities of women, such as migrant spouses and single parents. We hope to shed light on these issues in this report.

Our key recommendations are summarised here:

- Reservations: Withdraw all reservations to Articles 2, 11 and 16 of the Convention.
- Article 1: Include gender equality in the Singapore Constitution and national pledge.
- Article 3: Establish an independent national human rights institution.
- Article 5: Equalise maternity and paternity leave. Introduce a Caregiver Support Grant.
- Article 10: Implement CSE that covers consent, gender stereotypes, GBV and gender inequality.
- Article 11: Introduce paid eldercare leave. Legislate the right to request FWA. Establish wage monitoring and regulatory mechanisms. Develop a labour framework on non-standard workers' rights and benefits. Make childcare free for low-income families. Increase the supply of night-time childcare services. Implement comprehensive anti-discrimination legislation. Adopt ILO Convention No. 190.
- Article 12: Expand PGP to all people upon reaching age 65.
- Article 15: Clarify what constitutes "reasonable excuse" under Section 424 of the CPC. Expand the definition of family violence to include emotional, financial and sexual abuse, coercive control and technological abuse. Empower MSC to undertake stronger and more proactive maintenance enforcement measures.
- Article 16: Abolish the concept of illegitimacy. Expand the "family nucleus" definition. Lower minimum age criteria for public rental housing to 18 years old. Equalise child-related benefits regardless of parents' marital status. Publish clear and transparent eligibility criteria for LTVP+, PR and citizenship. Establish clear, timed access to PR and citizenship for migrant spouses. Grant automatic right to work; lift LTVP/+ holders' employment restrictions.
- VAW: Train IOs and medical professionals in trauma-informed and survivor-centred investigative strategies. Allow all victim-survivors to undergo the FME. Remove polygraph tests from the investigation process. Under MCI's Code of Practice for Online Safety, include all non-consensual intimate content under the "sexual content" category; clearly explain take-down process and ensure easy access; specify timeframe for compliance with take-down orders.

ARTICLE 1

The State contends that Article 12(1) of Singapore’s Constitution “enshrines the principle of equality”.¹ Yet, Article 12(2) only forbids discrimination based on religion, race, descent or place of birth, without specifically enshrining gender equality and protection from gender-based discrimination.²

Recommendation: Include gender equality in the Singapore Constitution and national pledge.

ARTICLE 2

In 2017, the Committee expressed concerns over the State’s remaining reservations to Articles 2(a) to (f), Article 11(2), Article 16(1)(a), (c) and (h) and (2). These reservations are contrary to the Convention’s object and purpose, and the State’s obligation to promote and protect the rights of all women, including religious minorities.³

In relation to this, the State’s arguments justify a reservation to Article 2(f) at most, which may eventually be removed if existing Muslim law is reconciled with its requirements.

Following the State’s argument that even in the absence of specific gender-equality legislation, women enjoy strong legal protection, reservations against Articles 2(b) and (c) should be unnecessary.

Recommendation: Withdraw all reservations to Article 2.

ARTICLE 3

We support the Committee’s recommendation that the State establish an independent national human rights institution, with a broad mandate to promote and protect women’s rights and gender equality.⁴

ARTICLE 5

The framing of the public Conversations⁵ and White Paper as about “women’s development”, rather than “gender equality”, erroneously implies that gender inequality only penalises women. Moreover, while the

¹ United Nations Committee on the Elimination of Discrimination against Women, *Sixth periodic report of Singapore* (Geneva: United Nations CEDAW Committee, 2021), 10.

² “Constitution of the Republic of Singapore”, Singapore Statutes Online, Attorney-General’s Chambers of Singapore, 28 June 2022, <https://sso.agc.gov.sg/Act/CONS1963?ProvIds=pr12->

³ *Ibid*

⁴ UN CEDAW, *Concluding observations*, 3.

⁵ Between 2020 and 2021, the Government conducted 160 Conversations on Singapore Women’s Development, involving nearly 6,000 Singaporeans.

White Paper acknowledged the limiting nature of gender stereotypes, state policies still reinforce gender role stereotypes, with women pigeonholed as primary caregivers.

CAREGIVING

On average, women constitute 95% of all persons outside the labour force annually due to family responsibilities.⁶

Though the shared parental leave quantum was increased in 2017, fathers who apply for the maximum amount are granted six weeks of paternity leave in total—only half of their wives’ 12-week entitlement.⁷

Women with caregiving responsibilities also face bias at work: In a 2020 national survey, 49% of Singaporeans agreed that women are less committed to work after childbirth.⁸ Clients at AWARE’s WHDA have received pay cuts after becoming mothers, or been demoted without prior constructive conversation with their employers.⁹

Stereotypes contribute to the continued under-valuation of care work, and to family caregivers having to largely bear caregiving costs alone. The HCG is the only scheme aimed at alleviating care-related costs, and even this is insufficient to cover such expenses, especially if caregivers are unemployed.¹⁰

⁶ In MOM’s labour force survey, “family responsibilities” refer to housework, childcare and caregiving for other family members. From 2017 to 2021, an average 272,480 women—compared to 13,480 men—were outside the labour force due to family responsibilities annually.

⁷ By default, working mothers are entitled to 16 weeks of government-paid maternity leave, while fathers get two weeks of government-paid paternity leave. Working fathers can currently apply to share up to four weeks of their wives’ 16 weeks of leave, which means that the father would then have six weeks of leave, while the mother 12 weeks. At the same time, however, supervisors’ and colleagues’ lack of support hinders fathers from using their leave. Thus, working fathers’ utilisation of parental leave has remained low: The paternity leave take-up rate was 55% in 2019; that of shared parental leave was a mere 3% in 2018.

Linette Lai and Tee Zhuo, “6 in 10 dads did not take paternity leave last year, says MSF”, *The Straits Times*, Singapore Press Holdings Ltd. Co., August 7, 2019, <https://www.straitstimes.com/politics/6-in-10-dads-did-not-take-paternity-leave-last-year-says-msf>; Jalelah Abu Baker, “IN FOCUS: Child’s play? Why many fathers don’t take paternity leave and why experts say they should”, *Channel NewsAsia*, Mediacorp Pte Ltd., 15 January 2022, <https://www.channelnewsasia.com/singapore/paternity-leave-fathers-newborn-children-family-2433306>

⁸ AWARE, *An Omnibus on Gender Equality* (Singapore: AWARE, 2021), 6, <https://www.aware.org.sg/wp-content/uploads/AWARE-Report-July-2021-An-Omnibus-on-Gender-Equality.pdf>

⁹ WHDA saw 71 maternity discrimination cases in 2021, which constituted 81% of the 88 discrimination cases seen at WHDA in 2021.

¹⁰ The HCG scheme provides a monthly cash payout of \$200 to eligible Singaporeans. In AWARE’s 2019 study, 63% of the 22 caregivers experienced a change in employment status because of caregiving. These caregivers suffered a 63% loss in income on average, which translated into an average loss of \$582,572 over four years, or an average annual loss of \$56,877.

AWARE, *Make Care Count*, (Singapore: AWARE, 2019), 21, https://www.aware.org.sg/wp-content/uploads/Aware_Eldercare-Research-Report-8-10-19.pdf

These outcomes affect women's retirement adequacy.¹¹ Singapore's overall approach to retirement adequacy centres on individual effort and family support. As marriage and fertility rates decline, fewer women will rely on children for financial support and will thus be vulnerable to old-age poverty.¹²

Recommendations:

- Equalise maternity and paternity leave.
- Normalise parental leave-taking through awareness-raising campaigns.
- Introduce a Caregiver Support Grant.
- Expand the professional care economy.

ARTICLE 10

SEXUALITY EDUCATION

The State asserts that its CCE curriculum builds appreciation of the equity of family roles and respect for both genders. Yet, the concepts of gender roles and stereotyping are only covered at Primary 5, Secondary 2 and Secondary 4.¹³

Research suggests that children understand gender roles from the age of two, and that those aged seven and up endorse gender stereotypes.¹⁴ Only tackling gender stereotypes from age 11, as Singapore's existing curriculum does, may therefore be too late.

¹¹ In 2018, only 56% of female active CPF members achieved the BRS at age 55, compared to 67% of their male counterparts. Active CPF members refer to persons who have at least one CPF employment contribution paid for them for the current month or any of the preceding three months. The BRS provides CPF members with monthly payouts in retirement that cover basic living expenses. Based on the most recently available data, the difference in proportion remained relatively stable—at around 12% on average—from 2016 to 2018. “Written Answer by Mrs Josephine Teo, Minister for Manpower, to Parliamentary Question on CPF Basic Retirement Sum”, Minister for Manpower, Government of Singapore, 1 April 2019, <https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2019/0401-written-answer-by-mrs-josephine-teo-minister-for-manpower-to-parliamentary-question-on-cpf-basic-retirement-sum>

¹² A 2010 national survey found that 26% of family caregivers in Singapore are never married. Angelique Chan, Truls Ostbye, Rahul Malhotra and Athel J. Hu, *The Survey on Informal Caregiving*, (Singapore: Ministry of Social and Family Development, 2011), [https://www.msf.gov.sg/publications/Documents/Informal%20Caregiver%20Survey%20Summary%20Report%20\(u%20upload\).pdf](https://www.msf.gov.sg/publications/Documents/Informal%20Caregiver%20Survey%20Summary%20Report%20(u%20upload).pdf); Theresa Tan, “Fall in marriages and divorces in Singapore last year due to Covid-19 pandemic”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 8 July 2021, <https://www.straitstimes.com/singapore/community/drop-in-marriages-and-divorces-in-2020-due-to-covid-19-restrictions>; “Births And Fertility Rates”, Department of Statistics Singapore, Government of Singapore, 1 June 2022, <https://tablebuilder.singstat.gov.sg/table/TS/M810091>

¹³ AWARE, *An Omnibus*, 176-7.

¹⁴ Sara E. Hill and Ross Flom, “18- and 24-month-olds’ discrimination of gender-consistent and inconsistent activities”, *Infant Behavior & Development* 30, no. 1 (2007), https://www.researchgate.net/publication/6512005_18-_and_24-month-olds%27_discrimination_of_gender-consistent_and_inconsistent_activities; Dario Cvencek, Andrew N. Meltzoff and Manu Kapur, “Cognitive consistency and math—gender stereotypes in Singaporean children”, *Journal of Experimental Child Psychology* 117 (2014), http://ilabs.uw.edu/sites/default/files/13Cvencek_Meltzoff_Kapur_Cognitive%20Consistency%20%26%20Singapore%20math.pdf; Bian Lin, Sarah-Jane Leslie and Andrei Cimpian, “Gender stereotypes about intellectual ability emerge early and influence children’s interests”, *Science* 355, no. 6323 (2017),

MOE's sexuality education still promotes abstinence.¹⁵ Though MOE stated that there would be greater emphasis on the understanding of consent in CCE2021, the term "consent" is not explicitly mentioned in the syllabus.¹⁶ Instead, there is an emphasis on "respect".¹⁷ While "respect" might be helpful as an overarching framework, "consent" more effectively communicates the importance of asking for and granting permission. There is a clear need to educate youth about recognising and communicating consent: A 2020 survey showed that around one in three respondents aged 17-25 felt awkward about asking for consent.¹⁸

Recommendation: Reference UNESCO's International Technical Guidance to implement CSE that covers consent, gender stereotypes, GBV and gender inequality.

ARTICLE 11

RESERVATION TO ARTICLE 11

The State did not address the Committee's concerns about its lack of measures taken to withdraw the reservations to Article 11(2).

We support the Committee's recommendation that the State's remaining reservation be withdrawn.

FURTHER SUBSTANTIVE ISSUES

A. LFPR

Women's LFPR increased from 59.8% in 2017 to 64.2% in 2021. However, Singapore lacks the "M curve" for women returning to work after childbirth: 69% of women aged 25-59 outside the labour force cite family responsibilities as their main reason for not working.¹⁹ Further, women aged 25-54 with children have the lowest LFPR and incomes compared to (i) childless women and (ii) men.²⁰

https://www.researchgate.net/publication/312961123_Gender_stereotypes_about_intellectual_ability_emerge_early_and_influence_children%27s_interests

¹⁵ "Sexuality Education: Scope and teaching approach", Ministry of Education, Government of Singapore, 1 February 2021, <https://www.moe.gov.sg/programmes/sexuality-education/scope-and-teaching-approach>

¹⁶ Chen Kee Tan, "Forum: Sexuality education current and in step with societal trends", The Straits Times, Singapore Press Holdings Ltd. Co., 13 March 2020, <https://www.straitstimes.com/forum/sexuality-education-current-and-in-step-with-societal-trends>

¹⁷ Sexuality Education: Scope and teaching approach"

¹⁸ "A Recap: Consent – do you get it? Youth perceptions on sexual consent", AWARE, AWARE, 28 July 2020, <https://www.aware.org.sg/2020/07/recap-consent-do-you-get-it-youth-perceptions-sexual-consent>

¹⁹ Ministry of Manpower, *Labour Force in Singapore 2021* (Singapore: Ministry of Manpower, 2022), T226, https://stats.mom.gov.sg/iMAS_PdfLibrary/mrsd_2021LabourForce.pdf

²⁰ Eileen Lin, Grace Gan and Jessica Pan, Singapore's Adjusted Gender Pay Gap (Singapore: Ministry of Manpower, 2020), 23, https://stats.mom.gov.sg/iMAS_PdfLibrary/mrsd-Singapores-Adjusted-Gender-Pay-Gap.pdf

Recommendations:

- Introduce paid eldercare leave.
- Legislate the right to request FWA.

B. GENDER WAGE GAP

In 2020, the adjusted and unadjusted gender pay gaps were 4.3% and 14.4% respectively.²¹

Two of the top sectors in which women were over-represented were among the lowest paying ones in Singapore in 2021.²² Within female-dominated sectors, women's median gross monthly income was \$350-1,500 less than that of men.²³

Recommendations:

- Require employers to publish gender-disaggregated salary and bonus data.
- Establish wage monitoring and regulatory mechanisms.

C. LOW-INCOME WOMEN

In 2021, the median monthly income of part-time workers was \$1,170; women constituted 62% of these workers.²⁴ The reason cited most often by women for working part time rather than full time was family and personal commitments (52%).²⁵ Women also constituted 54.9% of all casual/on-call workers in 2021.²⁶

Balancing work and care is particularly challenging for low-income women due to barriers in accessing childcare. AWARE's 2017 research found that some informal/ad-hoc workers could not meet the minimum work requirement to access the full childcare subsidy.²⁷ Moreover, few formal childcare services operated

²¹ Though both wage gaps have narrowed since 2018, the unadjusted gap remains higher than the 13% OECD average. According to a 2020 MOM report, occupation income growth from 2002 to 2018 favoured men as the majority of female-dominated occupations saw "very small" income increases, compared to male-dominated ones. Lin, Gan and Pan, Gender Pay Gap, 16-7.; OECD Family Database, LMF1.5: Gender pay gaps for full-time workers and earnings differentials by educational attainment, (Paris: OECD Publishing, 2020), https://www.oecd.org/els/LMF_1_5_Gender_pay_gaps_for_full_time_workers.pdf

²² Women were overrepresented in the following sectors: Health & Social Services (75.9%), Other Community, Social & Personal Services (57.3%) and Accommodation & Food Services (55.9%). The latter two are amongst the lowest paid sectors.

MOM, Labour Force 2021, T35, T83 & T85.

²³ Income figures cited in this report are inclusive of employer CPF. (Ibid)

²⁴ This median monthly wage is about 25% that of full-timers (\$4,680). MOM, Labour Force 2021, T29 & T86

²⁵ Only 29% of male part-timers cited the same reason. MOM, Labour Force 2021, T105

²⁶ The median monthly income of those working casual/on-call jobs full time was \$1,744; those working part-time only earned \$878 monthly. MOM, Labour Force 2021, T42, T156-8

²⁷ In order to qualify for the maximum subsidy amount, mothers must work a minimum of 56 hours per month. AWARE, "Why are you not working?": Low-income mothers explain challenges with work and care (Singapore: AWARE, 2017), 10, <https://www.aware.org.sg/wp-content/uploads/Advocacy-report-why-are-you-not-working-updated-2-April-2019.pdf>; "Better Support For Parents of Preschoolers and The Early Childhood Sector", Early Childhood Development Agency, Government of Singapore, 5 March 2019, <https://www.ecda.gov.sg/PressReleases/Pages/BETTER-SUPPORT-FOR-PARENTS-OF-PRESCHOOLERS-AND-THE-EARLY-CHILDHOOD-SECTOR.aspx>

outside of working hours, thus limiting parents' options. These issues remain as there have been minimal policy shifts: Since 2019, non-working mothers with children aged 24 months and below are only granted the full subsidy on a case-by-case basis.²⁸ As of February 2021, only 3% of all childcare centres operate beyond 7pm on weekdays.²⁹

Recommendations:

- Develop a labour framework on non-standard workers' rights and benefits.
- Make childcare free for low-income families.
- Increase the supply of night-time childcare services.

D. WORKPLACE DISCRIMINATION

Between 2014 and June 2021, TAFEP received an annual average of 379 workplace discrimination complaints.³⁰ This is likely an under-representation of the scale of the issue. AWARE's 2022 national survey found that 55.4% of respondents had experienced workplace discrimination in the previous five years; only 46% of victim-survivors reported their experience.³¹ Some WHDA clients have recounted concerns that TAFEP would not keep their complaints confidential, leading to employer retaliation.

In our 2022 survey, 58% of women had experienced at least one type of discrimination.³² WHDA clients predominantly face maternity discrimination.³³ As with other types of workplace discrimination, pregnant employees lack legal protections and recourse if the discrimination faced does not amount to wrongful dismissal.³⁴

²⁸ Ibid

²⁹ "MSF studying night-time childcare pilot for low-income families: Masagos Zulkifli", *Channel NewsAsia*, Mediacorp Pte Ltd., 25 February 2021, <https://www.channelnewsasia.com/singapore/msf-studying-night-time-childcare-pilot-comlink-rental-flats-374016>

³⁰ The top three grounds of discrimination were nationality (61%), age (18%) and gender (13%).

"Written Answer by Minister for Manpower to PQ on Annual Breakdown of Discrimination Complaints by Category", Ministry of Manpower, Government of Singapore, 14 September 2021, <https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2021/0914-written-answer-by-minister-for-manpower-to-pq-on-annual-breakdown-of-discrimination-complaints>

³¹ The top three grounds upon which victim-survivors faced discrimination were race (41%), age (35%) and gender (23%).

"1 in 2 experienced workplace discrimination in Singapore over the past five years, with race, age and gender discrimination most common", AWARE, AWARE, 20 September 2022, <https://www.aware.org.sg/2022/09/1-in-2-experienced-workplace-discrimination-aware-milieu-survey/>

³² On the other hand, 53% of men had experienced workplace discrimination. Ibid

³³ In 2021, these cases constituted 81% of the 88 discrimination cases seen at WHDA. "Empowering Communities", Annual Report 2021, AWARE, accessed on 28 June 2022, <https://aware.org.sg/report2021/empowering-communities/#Workplace>

³⁴ This includes instances where these employees are treated harshly or assessed unfairly at work due to pregnancy. Currently, TAFEP can investigate and mediate workplace discrimination cases, but no enforcement measures (e.g. reinstatement, compensation or punishment) can be taken if mediation does not resolve the dispute. Ministry of Manpower, Employment Claims Act (Chapter 21), Tripartite Guidelines on Wrongful Dismissal, (Singapore: Ministry of Manpower, 2019) <https://www.mom.gov.sg/-/media/mom/documents/employment-practices/guidelines/tripartite-guidelines->

The upcoming enshrinement of existing TGFEP into law is a step in the right direction.³⁵ However, we worry about its comprehensiveness—the TGFEP lacks an explicit definition of discrimination and an expansive list of protected characteristics.³⁶

Recommendation: Ensure that the upcoming anti-discrimination law is comprehensive in its protection against discrimination based on gender, race or ethnicity, religion, congenital or acquired disability, age, marital status, health status, sexual orientation and family or caregiving responsibilities. This should apply to the full employment cycle and protect against both direct and indirect forms of discrimination, as well as harassment. Recourse options and the protection of victim-survivors and witnesses from retaliation should be clearly stated.

E. WSH

AWARE’s 2020 national survey found that two in five workers had experienced WSH in the previous five years.³⁷ Between January and September 2021, SPF handled 378 WSH cases.³⁸

Notably, AWARE’s survey found a gap in the understanding of what constitutes WSH: When asked directly if they had experienced WSH, only one in five respondents said yes.³⁹ However, when given specific examples, two in five indicated having experienced at least one harassing behaviour.⁴⁰

Further, only 30% of victim-survivors reported their experience.⁴¹ Common reasons for not reporting included the fear of retaliation and the absence of a HR department.

The State argues that one way to tackle WSH is the Tripartite Advisory on Managing Workplace Harassment. However, this Advisory is not legally enforceable. The Penal Code and POHA criminalise offences committed in workplaces, but do not impose legal duties on employers to prevent and address harassment. Though the Workplace Safety and Health Act compels employers to protect their staffs’ safety, health and welfare, it is unclear whether this extends to WSH.

on-wrongful-dismissal.pdf

³⁵ UN CEDAW, *Sixth periodic report*, 4.

³⁶ “Tripartite Guidelines”, Tripartite Alliance for Fair & Progressive Employment Practices, Tripartite Alliance for Fair & Progressive Employment Practices, accessed on 28 June 2022, <https://www.tal.sg/tafep/getting-started/fair/tripartite-guidelines>

³⁷ AWARE and Ipsos, *Workplace Sexual Harassment in Singapore* (Singapore: Ipsos, 2021), 8, https://www.aware.org.sg/wp-content/uploads/Workplace-Sexual-Harassment_AWARE-Singapore_Report-14-Jan-2021.pdf

³⁸ “Written Answer to PQ on Cases of Workplace Sexual Harassment and Actions Taken”, Ministry of Manpower, Government of Singapore, 15 February 2022, <https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2022/0214-written-answer-to-pq-on-cases-of-workplace-sexual-harassment-and-actions-taken>

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Only 40% of reported cases resulted in the harasser being dismissed or reassigned; 20% saw the harasser facing no consequences despite evidence of harassment. Ibid

Recommendations:

- Adopt ILO Convention No. 190.
- Mandate that employers create a well-defined WSH policy with illustrative examples.

ARTICLE 12

OLDER WOMEN

Non-contributory support schemes have been found to effectively alleviate the financial burden of seniors' healthcare costs: In AWARE's 2019 study, most care recipients were eligible for PGP subsidies; their caregivers thus spent an average \$290 on medical bills monthly, amounting to 9% of their average monthly household income. While these initiatives are welcome, their one-off nature limits their effectiveness to specific cohorts.

Recommendation: Expand PGP to all people upon reaching age 65.

ARTICLE 15

A. CPC

Section 424 is intended to ensure prompt reporting of crimes. However, the current provision is problematic where it relates to sexual offences. After sexual assault, one key element of trauma healing is regaining a sense of control, including exercising agency in deciding whether to report one's case. It is arguably unethical for trauma-informed, survivor-centric support service providers to file reports on behalf of victim-survivors who are unwilling to do so.⁴² The obligation to report could even deter victim-survivors from accessing support.

Recommendation: Clarify what constitutes "reasonable excuse" to not file a police report.⁴³

⁴² Outside of exceptional situations in which a client is in imminent danger, or is a minor.

⁴³ For example, the government can clarify that there is "reasonable excuse" where a civil society organisation providing support and assistance to a vulnerable group determines that: (i) it is necessary to maintain client trust and confidentiality with respect to information that would otherwise trigger a S424 duty, so as to effectively provide that support and assistance; and (ii) the risk of prospective danger to the client or another person is not sufficiently clear or significant as to outweigh the need for trust and confidentiality. (The fact that an assailant has not been identified or apprehended should not by itself be taken to establish such a risk.)

B. WC

(I) Family violence

Physical violence remains central to the legal definition of family violence. Under Section 64, “hurt” refers to “bodily pain, disease or infirmity”.⁴⁴ Though the examples listed suggest that non-physical forms of violence⁴⁵ are covered, these are not clearly defined.

Third-party PPO applications can only be made on behalf of victim-survivors who are under 21 and/or incapacitated.⁴⁶ In 2022, MSF announced that authorities would be empowered to apply for PPOs on victim-survivors’ behalf, but only in high-risk cases.⁴⁷

Recommendations:

- Expand the family violence definition to include emotional, financial, sexual and technological abuse, and coercive control; include relevant illustrations.
- Permit third-party PPO applications for all victim-survivors; include the police and/or relevant MSF department as a third-party applicant.

(II) Divorce

In AWARE’s 2021 survey of family lawyers, nearly 75% indicated that their clients’ ex-partners were continually non-compliant in maintenance payment, even after court orders were enforced. Thus, the Government’s plans to streamline maintenance order enforcement are welcome.⁴⁸

The 2022 amendments to the WC include promising policy changes: The new Section 50(1) enshrines the equal rights of married men and women as a general principle.⁴⁹ Adding divorce by mutual agreement as a sixth fact to be cited in divorce proceedings will help reduce acrimony as couples need not assign fault to attain divorce more quickly.⁵⁰

⁴⁴ “Women’s Charter 1961”

⁴⁵ Such as “wrongful confinement or restraint” and “continual harassment with intent to cause or knowing that it is likely to cause anguish”

⁴⁶ The third-party applicant must be a family member, relative, social worker or a court-appointed person.

⁴⁷ Malavika Menon, “Budget debate: Victims of family violence to get better protection by end-2022”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 10 March 2022, <https://www.straitstimes.com/singapore/politics/budget-debate-victims-of-family-violence-to-get-better-protection-by-end-2022>

⁴⁸ Yan Han Goh, “Budget debate: Courts to get more power to ensure compliance to orders in civil disputes”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 3 March 2022, <https://www.straitstimes.com/singapore/politics/budget-debate-2022-courts-to-get-more-power-to-ensure-compliance-to-orders-in-civil-disputes>

⁴⁹ The Women's Charter (Amendment) Bill was passed in Parliament in January 2022.

Yuen-C Tham, “Archaic concepts in Women's Charter to be abolished under proposed changes to law”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 10 January 2022, <https://www.straitstimes.com/singapore/politics/archaic-concepts-in-womens-charter-to-be-abolished-with-amendments-sun-xueling>

⁵⁰ The existing five facts are adultery, unreasonable behaviour, desertion, separation of three years with consent or separation of four years without consent.

However, the three-year time bar on commencing divorce proceedings persists. While this is viewed as a “safeguard to ensure couples do not enter or exit a marriage lightly”, it potentially narrows individuals’ window of opportunity to start new families.⁵¹

Non-Muslim minors under 18 can also still marry if granted a special marriage licence by MSF and parental consent.

Recommendations:

- Empower MSC⁵² to undertake stronger and more proactive maintenance enforcement measures.
- Reduce the three-year time bar on commencing divorce.
- Prohibit all marriages where either party is under 18.

ARTICLE 16

A. SINGLE PARENTS

Policy and legal distinctions between “legitimate” and “illegitimate” children remain.⁵³

(I) Child benefits

Unwed parents remain ineligible for the Baby Bonus Cash Gift and tax reliefs granted to married parents.⁵⁴ Missing out on this substantial assistance further penalises unwed parents who already struggle financially as sole breadwinners and caregivers.⁵⁵

⁵¹ Hwee Min, Ang & See Kit, Tang, “Changes to Women’s Charter, including option for couples to divorce by mutual agreement, passed in Parliament”, *Channel NewsAsia*, Mediacorp Pte Ltd., 11 January 2022, <https://www.straitstimes.com/singapore/politics/budget-debate-2022-courts-to-get-more-power-to-ensure-compliance-to-orders-in-civil-disputes>

⁵² A centre run by the Singapore Council of Women’s Organisations that assists clients facing difficulty receiving spousal and/or child maintenance

⁵³ Any child born outside of marriage is considered to be “illegitimate”.

⁵⁴ Examples of these tax reliefs include the Parenthood Tax Rebate, Working Mother’s Child Relief and Handicapped Child Relief.

⁵⁵ In 2017, the median monthly income of single unwed citizen mothers under 35 years old was \$600; the average monthly income of this group stood at \$1,800. This level of average income was only slightly higher than the average monthly employment income of the bottom 20% of households in Singapore at that time (i.e. \$1,238 in 2017/18).

“Average Income Of Single Unwed Parents”, Ministry of Social and Family Development, Government of Singapore, 19 November 2018, <https://www.msf.gov.sg/media-room/Pages/Average-income-of-single-unwed-parents.aspx> ; Department of Statistics, Ministry of Trade and Industry, Report on the Household Expenditure Survey, 2017/18 (Singapore: Department of Statistics, Ministry of Trade and Industry, 2019), 279, <https://www.singstat.gov.sg/-/media/files/publications/households/hes201718.pdf>

(II) Housing

The policy definition of a “family nucleus” excludes single unwed mothers and their children, making them ineligible for priority housing schemes.⁵⁶

From 2020, unwed mothers above age 21 can purchase new three-room flats in non-mature estates. However, those below 21 remain ineligible, and cannot apply for public rental flats.⁵⁷

Separately, divorced parents with shared care and control of under-21 children need their ex-spouses’ written agreement before listing their children in flat applications.⁵⁸ In cases of acrimonious divorce, however, doing so can be difficult, which indefinitely prevents flat purchase.

Further, housing grant amounts for second-timer applicants are markedly lower than that for first-timers.⁵⁹ Though selling a matrimonial flat may yield a profit, proceeds typically go towards paying off legal fees incurred from divorce, and supporting children.

Recommendations:

- Abolish the concept of illegitimacy.
- Equalise child-related benefits regardless of parents’ marital status.
- Expand the “family nucleus” definition.
- Lower minimum age criteria for public rental housing to 18 years old.
- Enhance housing grants for divorced parents with care and control of children.

B. MIGRANT SPOUSES

In 2020, 21.2% of all citizen marriages were between a non-resident foreigner and a Singaporean citizen.⁶⁰ Almost 7 in 10 non-citizen spouses are women.

⁵⁶ E.g. Parenthood Priority Scheme (PPS), Third Child Priority Scheme (TCPS)

⁵⁷ HDB practises case-by-case flexibility with such applications, but their assessment criteria remains opaque. “Helping Single Parent Households,” Housing Development Board, Government of Singapore, accessed on 28 June 2022, <https://www.hdb.gov.sg/about-us/news-and-publications/publications/hdbspeaks/helping-singleparent-households>

⁵⁸ “Requirement For Divorce Rulings That Award Shared Care And Control To State Which Party Is Allowed To List Child As An Essential Occupier In Their Application To Buy A Subsidised HDB Flat”, Ministry of Social and Family Development, Government of Singapore, 1 November 2021, <https://www.msf.gov.sg/media-room/Pages/Requirement-for-Divorce-Rulings-To-State-Which-Party-Is-Allowed-To-List-Child-As-Essential-Occupier-in-HDB-Flat-Application.aspx>

⁵⁹ For instance, the Enhanced CPF Housing Grant (EHG) for first-timers is dependent on their income tiers, with the income cap set at \$9,000 per month and the highest grant amount amounting to \$80,000. In contrast, the income ceiling for the Step-Up CPF Housing Grant for second-timers is \$7,000 and the amount granted is set at \$15,000.

AWARE, *An Omnibus*, 103.

⁶⁰ Citizen marriages refer to those involving at least one Singaporean citizen.

National Population and Talent Division, Strategy Group, Prime Minister’s Office, *Population in Brief 2021* (Singapore: NPTD, 2022), 24, <https://www.population.gov.sg/files/media-centre/publications/population-in-brief-2021.pdf>

(I) Immigration status

The State argues that the practice of not publicising detailed criteria for LTVP/+, PR and citizenship application or reasons for rejection is consistent with “immigration authorities across the world”.⁶¹ Even then, Singapore's criteria is considerably vaguer than those of Commonwealth countries such as Australia and the United Kingdom. Currently, ICA’s website only lists factors for consideration, without indicating how each is measured.⁶² Though ICA has stated that this is to “prevent attempts to game the system”, the practice should be balanced against transnational families’ need for stability.⁶³

(II) Family violence

In 2016, 203 PPO applications were filed by migrant wives.⁶⁴ AWARE Helpline data suggests that migrant spouses are particularly vulnerable to spousal abuse: From 2016 to 2018, 27.5% of migrant spouse callers—compared to 13% of Singaporean callers—experienced family violence.⁶⁵

(III) Employment

Migrant spouses are not automatically granted the right to work.⁶⁶ LTVP/+ holders with an LOC cannot have more than one employer at a time, and cannot do ad-hoc, app-based work.⁶⁷ These restrictions disadvantage mothers in particular, who often need flexibility to juggle work and caregiving.

(IV) Housing

Citizens married to non-residents are treated as singles when applying for flat purchase grants. To apply for rental housing, transnational couples must make an appeal to HDB.⁶⁸

⁶¹ UN CEDAW, *Sixth periodic report*, 40.

⁶² Rather than stipulating specific language proficiency and residence requirements, the factors listed on ICA’s website include “individual’s family ties to Singaporeans, economic contributions, qualifications, age, family profile and length of residency”.

“Becoming a Singapore Citizen”, Immigration & Checkpoints Authority, Government of Singapore, accessed on 28 June 2022, <https://www.ica.gov.sg/reside/citizenship/apply>

⁶³ Brenda Tham, “Help available for foreign spouses of Singaporeans”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 28 May 2019, <https://www.straitstimes.com/forum/letters-in-print/help-available-for-foreign-spouses-of-singaporeans>

⁶⁴ These applications filed by migrant wives against their husbands constituted 7% of all PPO applications in 2016. “Official Report: Thirteenth Parliament, Second Session, Volume 94, No 115 ”, Singapore Parliament, accessed on 28 June 2022, <https://sprs.parl.gov.sg/search/fullreport?sittingdate=6-1-2020>

⁶⁵ Though this data is not generalisable, it is likely that migrant spouses are more vulnerable compared to their Singaporean counterparts because migrant spouses must depend on their spouses to apply for and renew their LTVP/+ as long as they are married. They cannot be sponsored by other Singaporean citizens.

⁶⁶ The introduction of the PLOC for LTVP/+ holders eliminates the wait time for employers, thus addressing an issue of potential employers being put off employing LVTP/+ holders when they need workers to start immediately. However, migrant spouses on an STVP are not eligible for LOC and thus still do not have the right to work. AWARE, *An Omnibus*, 75-77 & 86.

⁶⁷ Including food delivery and private hire driving.

⁶⁸ “Eligibility”, Housing Development Board, Government of Singapore, accessed on 28 June 2022, <https://www.hdb.gov.sg/residential/renting-a-flat/renting-from-hdb/public-rental-scheme/eligibility>

Migrant spouses cannot be co-owners and thus cannot automatically inherit their matrimonial homes in the event of their Singaporean spouses' deaths.⁶⁹

Recommendations:

- Grant all migrant spouses LTVP+ if they qualify; publish clear and transparent eligibility criteria for LTVP/+, PR and citizenship.
- Allow abused migrant spouses to renew LTVP/+ independently of citizen spouses.
- Grant automatic right to work; lift LTVP/+ holders' employment restrictions.
- Ease housing access with clear, timed routes to PR status.

ARTICLE 24

A. VAW

(I) Under-reporting

Between 2017 and 2020, about 9,200 reports of sexual assault were made.⁷⁰ However, under-reporting remains a problem: 70% of SACC clients do not file formal reports. In an analysis of 775 SACC cases, the top reasons for not reporting were fear of being disbelieved and worry about family and/or friends' reactions.⁷¹

In our experience, other reasons for under-reporting include (i) FME access only being granted upon filing a police report;⁷² (ii) under-21 victim-survivors requiring parental consent to undergo FME; and (iii) victim-survivors' fear of undergoing a polygraph test.⁷³

Recommendations:

- Train IOs and medical professionals in trauma-informed and survivor-centred investigative strategies, before assigning them sexual violence cases.⁷⁴

⁶⁹ AWARE has encountered cases where the flat ownership went to another Singaporean family member, e.g. an in-law, who may already have been a joint-owner.

⁷⁰ These cases included rape, sexual assault by penetration, outrage of modesty and sexual offences involving children and vulnerable victims.

Jessie Lim and Ching Yee Jong, "New police command to help sexual crime and family violence victims", *The Straits Times*, Singapore Press Holdings Ltd. Co., 12 April 2022, <https://www.straitstimes.com/singapore/courts-crime/new-police-command-for-sexual-crime-and-family-violence-to-be-formed-by-2023-to-help-victims>

⁷¹ These cases were seen by SACC between 2015 and 2020. AWARE, *An Omnibus*, 132.

⁷² Victim-survivors typically require time to process overwhelming feelings of shock, anxiety, guilt and shame, and thus are not emotionally ready to file a police report immediately.

⁷³ Examples of cases seen by SACC can be found on pages 216-217 of AWARE's Omnibus report.

⁷⁴ Refresher courses and evaluations should be conducted regularly. Additional training should be provided to these professionals to equip them with skills to handle cases involving children, LGBTQ+ victim-survivors and persons with disability.

AWARE, *An Omnibus*, 134-137 & 225-227.

- Allow all victim-survivors to undergo FME (i) regardless of whether a police report has been filed; and (ii) without parental consent.
- Remove polygraph tests from the police investigation process.

(II) TFSV

A Telegram group chat titled “SG Nasi Lemak”, in which explicit and non-consensually obtained and/or distributed images were shared, surfaced in 2018.⁷⁵ At its peak, it comprised over 44,000 members, yet only four arrests were made in relation to this. In March 2021, similar group chats resurfaced.⁷⁶

Since 2016, AWARE has seen a consistently high proportion of TFSV cases.⁷⁷ A 2022 poll also found that 31% of respondents experienced and/or witnessed gender-based online harms.⁷⁸

Recommendations: Under MCI’s proposed Code of Practice for Online Safety:⁷⁹

- Include all non-consensual intimate content under the “sexual content” category.
- Clearly explain the take-down process and ensure easy access.
- Specify the timeframe for compliance with take-down orders.

⁷⁵ Clement Yong, “Police investigating Telegram chat group suspected of sharing obscene videos, photos of girls”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 4 October 2019, <https://www.straitstimes.com/singapore/courts-crime/police-investigating-telegram-chat-group-suspected-of-sharing-obscene-videos>

⁷⁶ Charlotte Chong, “Chat groups circulating obscene images of women in S’pore re-emerge on Telegram”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 5 October 2021, <https://www.straitstimes.com/singapore/chat-groups-circulating-obscene-images-of-women-in-singapore-re-emerge-on-telegram>

⁷⁷ AWARE began tracking TFSV cases seen at SACC in 2016. These cases constitute 18% of SACC cases on average.

“Image-based sexual abuse featured in 7 in 10 cases of technology-facilitated sexual violence seen by AWARE in 2021”, AWARE, AWARE, 20 April 2022, <https://www.aware.org.sg/2022/04/image-based-sexual-abuse-featured-in-7-in-10-cases-of-technology-facilitated-sexual-violence-seen-by-aware-in-2021>

⁷⁸ “Sunlight AfA Releases Topline Findings from Poll on Online Harms at Webinar”, Ministry of Communications and Information, Government of Singapore, 25 March 2022, <https://www.mci.gov.sg/pressroom/news-and-stories/pressroom/2022/3/sunlight-afa-releases-topline-findings-from-poll-on-online-harms-at-webinar>

⁷⁹ The Code was proposed in MCI’s public consultation paper on enhancing online safety for users in Singapore. “PUBLIC CONSULTATION ON ENHANCING ONLINE SAFETY FOR USERS IN SINGAPORE”, REACH, Government of Singapore, 13 July 2022, <https://www.reach.gov.sg/Participate/Public-Consultation/Ministry-of-Communications-and-Information/public-consultation-on-enhancing-online-safety-for-users-in-singapore>