



# AN OMNIBUS ON GENDER EQUALITY

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**AWARE'S RECOMMENDATIONS  
FOR SINGAPORE'S 2020-2021  
GENDER EQUALITY REVIEW**

**aware**  


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# Introduction

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The Association of Women for Action and Research (AWARE) welcomes this historic review on gender inequality in Singapore. We commend the government for organising national conversations to hear first-hand, from the community, about experiences of gender-based discrimination, barriers and violence, as well as recommendations on how best to address these problems. The sheer number of participants that have taken part in these discussions is an encouraging sign that Singapore is ready for significant changes to achieve gender equality.

AWARE is proud to present our submission to the Committee overseeing the review. The omnibus report is a culmination of our research and advocacy since 1985 on gender equality. Our arguments and policy recommendations are based on (i) primary research data from interviews conducted with single mothers, low-income women, female family caregivers to older persons, migrant spouses, migrant domestic workers and more; (ii) our experience supporting vulnerable women, e.g. victims of sexual violence, through our Women's Care Centre and Sexual Assault Care Centre; (iii) extensive secondary and policy research, including of other countries' approaches to gender equality; and (iv) consultations with stakeholders such as academics, policymakers and other community organisations. Many of our recommendations are not new; where applicable, we have updated them in response to latest policy developments.

The report takes an explicitly intersectional approach to highlight the ways in which marginalised communities of women, e.g. single mothers, migrant wives and disabled women, face gendered and other forms of intersecting barriers. Gender equality can only be achieved when all women are free from discrimination and violence. We are happy to have worked with HOME, Disabled People's Association and Project X on this submission. They have each contributed to these respective sections of the report: on migrant domestic workers (Part 1; Section 3; Issue 3.3), disabled women (Part 1; Section 3; Issue 3.2) and violence against sex workers (Part 2; Section 4; Issue 4.4).

# PART 1

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Part 1 of the report contains three sections: The first section, “Women, work and care”, deals with the gender pay gap, challenges that low-income women face and reasons why women are under-represented on corporate boards. Section 2, “Supporting older women”, transitions from the labour-related issues discussed in Section 1 to focus specifically on the problem of retirement inadequacy among older women and the ensuing risks for younger cohorts if root problems are not adequately addressed. Section 3, “Gender-based and other forms of discrimination”, delves into the various forms of discrimination that pregnant women, disabled women, migrant women, single parents, LGBTQ+ persons and Muslim women face.

Section 1:

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**Women,  
work and care**

## Issue 1.1

# Gender pay gap

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One significant site of inequality for women is the workplace, where they face gender-based discrimination and where their labour is under-valued. This inequality is reflected in the latest gender pay gap statistics released by the Ministry of Manpower (MOM) in 2020. There are two key gender pay gap figures: the adjusted figure and the unadjusted figure, each reflecting a different facet of wage inequality.

First, the unadjusted pay gap reflects the problem of men being over-represented in higher-paying occupations and sectors, while women are over-represented in lower-paying ones. At 16% in 2018, the unadjusted pay gap has remained largely unchanged over the last decade and is higher than the OECD average of 13%.<sup>1</sup>

Sectors in which women are concentrated are often lowly paid. The top three industries in which women are over-represented are: Health & Social Services (77.2%); Community, Social & Personal Services (56.8%)<sup>2</sup>; and Accommodation & Food Services (55.8%). The latter two sectors are among the lowest paying ones in Singapore.<sup>3</sup> Women are also over-represented in three out of five of the lowest paying sectors (Accommodation & Food Services; Community, Social & Personal Services; Arts, Entertainment and Recreation).<sup>4</sup>

On the other hand, the adjusted pay gap measures adherence to the principle of “equal pay for equal work”. In Singapore, the figure has dropped from 8.8% in 2002 to 6% in 2018. The remaining gap, adjusted for differences in “available measures for human capital and labour market factors”,<sup>5</sup> indicates that women are still paid less than men for performing similar work.

Studies on the gender pay gap internationally have generally identified occupational segregation, women’s caregiving load and gender discrimination as factors contributing to the gender pay gap. Below, we elaborate on the impact of caregiving and discrimination on women’s labour outcomes.

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<sup>1</sup> 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](https://www.oecd.org/els/LMF_1_5_Gender_pay_gaps_for_full_time_workers.pdf)

<sup>2</sup> Average wage in Accommodation and Food Services is \$2,300 (the lowest), and \$3,250 in Community, Social & Personal services (fourth lowest).

Table 22 - Median Gross Monthly Income from Work of Full-Time Employed Residents Aged Fifteen Years and Over by Industry and Sex, June 2019, Manpower Research and Statistics Department, Ministry of Manpower, 1 January 2020, <https://stats.mom.gov.sg/Pages/Labour-Force-in-Singapore-2019-Employment.aspx>

<sup>3</sup> Ibid

<sup>4</sup> Out of 15 defined categories in the national Labour Force Survey

<sup>5</sup> Eileen Lin, Grace Gan and Jessica Pan, Singapore’s Adjusted Gender Pay Gap (Singapore: Ministry of Manpower, 2020), [https://stats.mom.gov.sg/iMAS\\_PdfLibrary/mrsd-Singapores-Adjusted-Gender-Pay-Gap.pdf](https://stats.mom.gov.sg/iMAS_PdfLibrary/mrsd-Singapores-Adjusted-Gender-Pay-Gap.pdf)

## Impact of caregiving

In Singapore, outdated beliefs about gender roles are still held by a majority of the population: According to a national survey conducted by Blackbox in 2020, more than 6 in 10 respondents agreed that women are better suited for caregiving roles than men. Family policies too reflect and reify women's supposed role as caregivers: Mothers get 16 weeks of government-paid maternity leave, while fathers get two weeks of government-paid paternity leave. This is despite the fact that parents have equally important roles to play in child-raising. Working fathers can currently apply to share up to four weeks of their wife's 16 weeks of leave, but even then, there is a significant disparity in the amount of paid leave that is granted to each parent.

Unsurprisingly, we see a significant gap in how much men and women in Singapore contribute to caregiving: According to findings from the Singapore Longitudinal Early Development study, mothers spend twice as much time as fathers with their young children (aged up to six) on weekdays, with a smaller time gap on weekends.<sup>6</sup>

Shouldering the bulk of unpaid caregiving and domestic work limits women's choices and opportunities, as prevailing work cultures and arrangements are incompatible with the demands of caregiving. In AWARE's 2018 study on the financial impact of eldercare on family caregivers, 63% of the 22 caregivers interviewed experienced a negative change in employment status and income because of caregiving. To cope with caregiving, they either switched from full-time to part-time work, stopped work entirely or cut back on the number of projects as a self-employed person. As a result, these 13 caregivers suffered a 63% loss in income on average.<sup>7</sup> This translated into an average loss of \$582,572 over four years, or an average annual loss of \$56,877.<sup>8</sup>

The sacrifices that women make for caregiving and domestic work are evident in national statistics. In 2020, women formed 62.6% of those outside the labour force.<sup>9</sup> Housework was cited as the most common reason for these women being outside the labour force, with 21.5% of 689,400 women citing it as the main reason.<sup>10</sup>

<sup>6</sup> Amelia Teng, "Women take on more childcare, even when in full-time work: Poll", The Straits Times, Singapore Press Holdings Ltd. Co., June 22, 2020, [https://fass.nus.edu.sg/cfpr/wp-content/uploads/sites/17/2020/09/22Jun2020\\_ST.pdf](https://fass.nus.edu.sg/cfpr/wp-content/uploads/sites/17/2020/09/22Jun2020_ST.pdf)

<sup>7</sup> Twenty-one respondents were working before they became caregivers. Four were excluded from this calculation because their changes in employment and income were not due to caregiving, and another four were excluded because they did not provide sufficient information for us to calculate the loss in income.

<sup>8</sup> The average number of years during which these caregivers experienced a change to their work situation and income is four years. The average income loss per year they experienced is \$56,877.

<sup>9</sup> Ministry of Manpower, Residents Outside the Labour Force Aged Fifteen Years and Over by Main Reason for Not Working, Age and Sex, June 2020 (28 January 2021), Ministry of Manpower, <https://stats.mom.gov.sg/Pages/Labour-Force-in-Singapore-2020-Persons-Outside-the-Labour-Force.aspx>

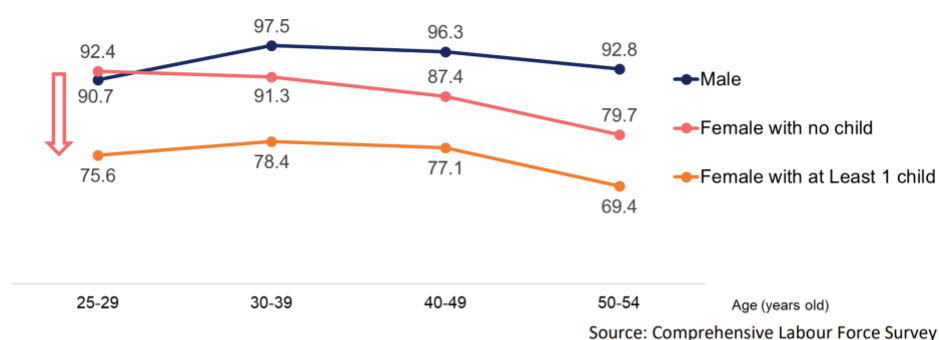
<sup>10</sup> Ibid



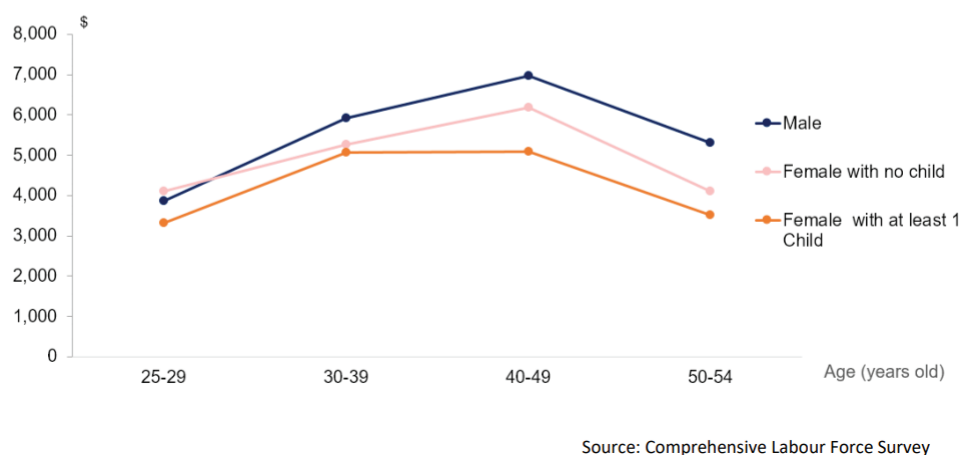
This was in stark contrast to men, only 0.24% of whom cited housework as the main reason.<sup>11</sup> Similarly, 15.9% of women were outside the labour force due to caregiving responsibilities, in contrast to 2.5% of men.<sup>12</sup> We can also observe the effects of caregiving by comparing the labour force participation rates (LFPR) and income levels of women with children with that of men and childless women.

Figure 1: Charts from the MOM pay gap report depicting the labour outcomes of women with children, childless women and men.<sup>13</sup>

**Chart 18: Labour Force Participation Rate, June 2018**



**Chart 19: Median Gross Monthly Income of Full-Time Resident Employees, June 2018**



As we can see, women with children have the lowest LFPR and incomes compared to childless women and men. Researchers have termed the career penalty suffered by women with children the “motherhood penalty”. Its effects include being placed on career tracks with lower promotional opportunities, earning lower wages upon returning to work after childbirth, and facing discrimination based on family responsibilities.

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Lin, Gan and Pan, “Singapore’s adjusted gender pay gap”

Finally, caregiving also affects women's ability to return to the labour market. On a national level, those providing caregiving to families (excluding childcare) or relatives have been out of work for a median time period of nine years.<sup>14</sup> Seventy-five per cent of such caregivers are aged 50 and above.<sup>15</sup> Their ability to re-enter the job market after not being employed for close to a decade tends to be limited, as job conditions would have changed significantly in that time; their skills may also have become obsolete. As a result, these women's career progression is interrupted and they tend to command lower wages than men (and women) who have not had to take a break from their careers.

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<sup>14</sup> "Written Answer by Mrs Josephine Teo Minister for Manpower to Parliamentary Question on women out of the labour force", Ministry of Manpower, Ministry of Manpower, 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-women-out-of-the-labour-force>

<sup>15</sup> Ibid

## Gender discrimination and devaluation

Gender discrimination and devaluation affect the gender pay gap and women's labour outcomes in a number of ways.

According to the 2020 Blackbox survey, female respondents indicated that the top three areas where women are most negatively affected by male bias are:

1. Pay and salary levels (27%, vs 15% of men who indicated this)
2. Job promotion opportunities (20%, vs 11% of men who indicated this)
3. Job and career opportunities (19%, vs 13% of men who indicated this)

In particular, women with caregiving responsibilities often experience a biased assessment of their performances by their employers and peers: Almost half of Singaporeans (49%) agreed that women are not as committed to work after childbirth, according to the same survey. Conversely, 68% agreed that fathers are more committed to work after childbirth. Such perceptions are borne out in reality in the way employers grade mothers' work performances. AWARE's Workplace Harassment and Discrimination Advisory, which saw 48 cases related to maternity discrimination in 2020, has had clients whose pay was reduced after they became mothers, and clients who were demoted without prior constructive conversation with their employers.

The effects of gender devaluation can also be observed in how wages of occupations change when these occupations move from being male- to female-dominated. Although such studies have not been conducted in Singapore, insights can be drawn from research elsewhere. In the United States, a national longitudinal study found that when women moved into occupations and fields in large numbers, those jobs began paying less, even after controlling for human capital and productivity-related factors.<sup>16</sup> Similarly, in a study observing the feminisation of occupations and change in wages in the U.K., Germany and Switzerland, the authors concluded that wage disparities across male-dominated and female-dominated occupations are more likely due to gender devaluation rather than productivity-related factors.<sup>17</sup> Specifically, the wage penalty effect is observed when women make up more than 60% of the labour share in an occupation.<sup>18</sup> In other words, the way that women's labour is priced in the labour market is significantly influenced by gender bias, with women's skills being under-valued as a result.

<sup>16</sup> Claire C. Miller, "As Women Take Over a Male-Dominated Field, the Pay Drops", The New York Times, March 18, 2016, <https://www.nytimes.com/2016/03/20/upshot/as-women-take-over-a-male-dominated-field-the-pay-drops.html>

<sup>17</sup> Emily Murphy and Daniel Oesch, "The Feminization of Occupations and Change in Wages: A Panel Analysis of Britain, Germany, and Switzerland", *Social Forces* 94, no.4 (2015)

<sup>18</sup> Ibid

## Why we should care about the gender pay gap

Gendered differences in labour participation, performance assessment and remuneration result in gender inequality in financial resources. In Singapore, where individuals are expected to depend primarily on themselves (and their families) for survival, rather than collective support, this inequality has a bearing on women's ability to meet their needs financially, and thus deserves particular attention. According to CPF statistics, about four in 10 active CPF members who turned 55 in 2017 did not hit the Basic Retirement Sum (BRS) of \$83,000 in their Retirement Accounts.<sup>19</sup> Women have more difficulty meeting the BRS:

Table 1: BRS attainment of active CPF members by gender<sup>20</sup>

Year that member turned age 55	Proportion of active CPF members of each gender who set aside their cohort BRS at age 55	
	Male	Female
2016	63%	52%
2017	66%	53%
2018	67%	56%

As observed in the table above, a smaller proportion of women than men are able to achieve the BRS upon turning 55 years old. The difference in proportion is relatively stable, at around 12% on average, suggesting that the gap has not improved significantly in recent years. According to MOM, inactive CPF contributors constitute one-third of those eligible for the Matched Retirement Savings Scheme—aimed at helping Singaporeans aged 55 to 70 who have yet to meet the CPF BRS to save more for retirement.<sup>21</sup> Out of this group, the number of female inactive CPF contributors is 2.5 times that of male inactive CPF contributors, illustrating the existence of a gender gap in CPF savings both among active and inactive CPF contributors.<sup>22</sup>

<sup>19</sup> Linette Lai, "Minister gives details of CPF retirement payouts", The Straits Times, Singapore Press Holdings Ltd. Co., February 20, 2019, <https://www.straitstimes.com/politics/minister-gives-details-of-cpf-retirement-payouts>

<sup>20</sup> "Written Answer by Mrs Josephine Teo, Minister for Manpower, to Parliamentary Question on CPF Basic Retirement Sum", (Ministry of Manpower, Ministry of Manpower), 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>

<sup>21</sup> 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. Inactive CPF members would therefore refer to those who have not received at least one CPF employment contribution in the current or any of the preceding three months.

Management Information Department, Analysis of CPF Members' Balances by Gender, (Singapore: Central Provident Fund, 2017), [https://www.cpf.gov.sg/Assets/members/Documents/CPFTrends\\_AnalysisofCPFMembersBalancesbyGender2017.pdf](https://www.cpf.gov.sg/Assets/members/Documents/CPFTrends_AnalysisofCPFMembersBalancesbyGender2017.pdf);

"Breakdown by Gender and Current Employment Status of Singaporeans Eligible For Budget 2020 Matched Retirement Savings Scheme and Average And Median Balances in Cpf Accounts", Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-5811>

<sup>22</sup> Ibid

## Issue 1.2

# Women's representation at the top

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Women have been persistently under-represented on boards in Singapore. The overall representation of female directors on boards listed on the Singapore Exchange (SGX) only crossed the double-digit mark as recently as June 2017, when it stood at 10.3%.<sup>23</sup> As at the end of 2020, the largest 100 primary-listed companies on SGX achieved a 17.6% participation rate of women on boards, only 1.5 percentage points up from the year prior.<sup>24</sup> This is a far cry from the Council for Board Diversity's (CBD) goal of achieving 20% female board participation by end 2020.<sup>25</sup> Moreover, women made up only 16% of board appointments across all SGX-listed companies in 2020, while the proportion of all-male boards remained at 48% from the year prior.<sup>26</sup> This is disappointing, considering that the gender gap between university graduate cohorts has significantly narrowed, with women constituting 49.7% of the resident population aged 25 years and above with university qualifications. The low female representation on boards, despite similar rates of educational attainment, points to structural barriers that obstruct women's ascent up the corporate ladder in spite of their qualifications.<sup>27</sup>

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<sup>23</sup> BoardAgender and Human Capital Leadership Institute, 20 by 2020: Gender Diversity on Singapore Boards – A Path to Action (Singapore: BoardAgender and Human Capital Leadership Institute, 2018), 4, [https://boardagender.org/wp-content/uploads/2018/02/20\\_by\\_2020-A\\_Path\\_to\\_Action-BA\\_HCLI\\_2018.pdf](https://boardagender.org/wp-content/uploads/2018/02/20_by_2020-A_Path_to_Action-BA_HCLI_2018.pdf)

<sup>24</sup> Rei Kurohi, "More women named to boards in public, private and people sectors", The Straits Times, 12 April 2021, <https://www.straitstimes.com/business/more-women-named-to-boards-in-public-private-and-people-sector>

<sup>25</sup> Sue-Ann Tan, "New council aims to get more women on boards", The Straits Times, 17 January 2019, <https://www.straitstimes.com/singapore/new-council-aims-to-get-more-women-on-boards>.

<sup>26</sup> Council for Board Diversity, Progress seen in women's participation on boards of people, private and public sector organisations: Council for Board Diversity (Singapore: Council for Board Diversity, 2021), <https://www.councilforboarddiversity.sg/wp-content/uploads/2021/04/2021-04-12-CBD-NewsRel-Progress-seen-in-women-on-boards-of-all-sectors.pdf>

<sup>27</sup> "Education & Training: Resident Population Aged 25 Years And Over Who Have Attained University Qualification", Ministry of Social and Family Development, Ministry of Social and Family Development, accessed on 29 April 2021 <https://www.msf.gov.sg/research-and-data/Research-and-Statistics/Pages/Education-Training-Resident-Population-Aged-25-Years-and-Over-who-have-Attained-University-Qualification.aspx>

Gender-diverse boards have been shown to have a positive impact on the economic performance and sustainability of organisations. Firstly, introducing gender diversity is one way to diversify opinions in the boardroom. It has been suggested that having members of excessively similar backgrounds in any group puts them at risk of “groupthink”, whereby the group’s desire for conformity leads to ineffective and potentially irrational decision-making.<sup>28</sup> Conversely, debating and evaluating a wider range of alternative perspectives can enable a board to make more informed decisions, based on ideas that may have gone unconsidered if the board was more homogeneous.<sup>29</sup> Similarly, gender-diverse boards have been found to generate better risk-management strategies to assess returns on investments, due to the diversity in opinions shared.<sup>30</sup> Moreover, a gender-equal board potentially represents the marketplace more accurately, thus helping the board to better understand the organisation’s target audience and facilitating the organisation’s success within the market.<sup>31</sup> Correspondingly, studies have found an association between gender-diverse boards and enhanced financial performance, as well as increments in firm value and share prices.<sup>32</sup>

Importantly, there are arguments to suggest that a critical mass of 30% is needed in order for any minority group to have a significant voice and the ability to exert influence on a board. Without sufficient representation, female board members are at risk of being marginalised, which means their presence could have a nearly intangible impact on decision-making. A 2008 study found that when a board had three or more female directors, gender became less of a barrier during meetings—the female directors’ presence became “normalised”, enabling them to feel more comfortable to share their opinions and raise issues.<sup>33</sup>

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<sup>28</sup> Andrew Howard, “Groupthink and Corporate Governance Reform: Changing the Formal and Informal Decisionmaking Processes of Corporate Boards”, *Southern California Interdisciplinary Law Journal* 20, no. 425 (2010-2011): 427, <https://clp.usc.edu/why/students/orgs/ilj/assets/docs/20-2%20Howard.pdf>

<sup>29</sup> Sonja S. Carlson, “Women Directors: A Term of Art Showcasing the Need for Meaningful Gender Diversity on Corporate Boards”, *Seattle Journal for Social Justice* 11, no. 1 (2012): 344, <https://digitalcommons.law.seattleu.edu/sjsj/vol11/iss1/22>

<sup>30</sup> Marion Hutchinson, Janet Mack and Kevin Plastow, “Who selects the ‘right’ directors? An examination of the association between Board selection, gender diversity and outcomes”, *Accounting and Finance* 55, no. 4 (2014), <https://doi.org/10.1111/acfi.12082>

<sup>31</sup> Carlson, “Women Directors,” 346

<sup>32</sup> Kevin Campbell and Antonio Mínguez Vera, “Gender Diversity in the Boardroom and Firm Financial Performance”, *Journal of Business Ethics* 83, no. 3 (2008): 446-7, [https://www.researchgate.net/publication/23534553\\_Gender\\_Diversity\\_in\\_the\\_Boardroom\\_and\\_Firm\\_Financial\\_Performance](https://www.researchgate.net/publication/23534553_Gender_Diversity_in_the_Boardroom_and_Firm_Financial_Performance); Nancy M. Carter and Harvey M. Wagner, Report: The Bottom Line: Corporate Performance and Women’s Representation on Boards (2004–2008) (North Carolina: Catalyst Inc., 2011), 1, [https://www.catalyst.org/wp-content/uploads/2019/01/the\\_bottom\\_line\\_corporate\\_performance\\_and\\_womens\\_representation\\_on\\_boards\\_2004-2008.pdf](https://www.catalyst.org/wp-content/uploads/2019/01/the_bottom_line_corporate_performance_and_womens_representation_on_boards_2004-2008.pdf)

<sup>33</sup> Alison M. Konrad, Vicki Kramer and Sumru Erkut, “Critical Mass: The Impact of Three or More Women on Corporate Boards”, *Organizational Dynamics* 37, no. 2 (2008): 154, [https://www.researchgate.net/publication/256923992\\_Critical\\_Mass\\_The\\_Impact\\_of\\_Three\\_or\\_More\\_Women\\_on\\_Corporate\\_Boards](https://www.researchgate.net/publication/256923992_Critical_Mass_The_Impact_of_Three_or_More_Women_on_Corporate_Boards); Carlson, “Women Directors”, 350-4

In 2020, although 82 of the top 100 listed companies on SGX had at least one woman on their board, only 16 had 30% or more female representation on their boards.<sup>34</sup> This speaks to slow progress ensuring balanced representation of men and women on boards, and avoiding tokenism by maintaining that essential critical mass.<sup>35</sup>

The under-representation of women on boards in Singapore may be explained by a myriad of reasons:

## Recruitment relies on personal networks

Firstly, there is a heavy reliance on personal networks for board appointments due to a lack of formal search and nomination processes.<sup>36</sup> Findings from a 2014 survey illustrate this: Eighty-nine per cent of the 780 SGX-listed companies surveyed reportedly utilised personal networks for recruitment of directors, with 42% of them using this method as their sole recruitment tool. While the CBD has recommended that companies utilise executive search firms and board matching services, there is no formal requirement for companies to do so.

In contrast with formal search and nomination processes, the reliance on personal networks for recruitment is highly biased. Several studies have found that individuals who share similar characteristics, such as ethnicity, gender and educational backgrounds, are more likely to form social ties.<sup>37</sup> As such, the reliance on personal networks for recruitment contributes to the reproduction of specific profiles of board members, and artificially narrows the pool of potential candidates that could be recruited. This is supported by a 2018 report that found that boards typically express a preference for candidates whose profiles resemble that of outgoing directors, as opposed to candidates who possess skills that the board currently lacks.<sup>38</sup> Given that boards have traditionally been dominated by men, this recruitment method could explain the skewed gender representation on boards and the difficulties women face in being appointed to boards.

<sup>34</sup> "Progress seen in women's participation on boards of people, private and public sector organisations : Council for Board Diversity", Council of Board Diversity, Council of Board Diversity, 12 April 2021, <https://www.councilforboarddiversity.sg/statistics/as-at-dec-2020>

<sup>35</sup> Carlson, "Women Directors", 350-4

<sup>36</sup> Diversity Task Force, *Gender Diversity On Boards: A Business Imperative* (Singapore: Diversity Task Force, 2014), 19, [https://www.msf.gov.sg/media-room/Documents/DTF%20Report\\_Gender%20Diversity%20on%20Boards.pdf](https://www.msf.gov.sg/media-room/Documents/DTF%20Report_Gender%20Diversity%20on%20Boards.pdf)

<sup>37</sup> Peter V. Marsden, "Homogeneity in confiding relations", *Social Networks* 10, no. 1 (1988), <https://www.sciencedirect.com/science/article/abs/pii/037887338890010X?via%3Dihub> ; Miller McPherson, Lynn Smith-Lovin and James M Cook, "Birds of a feather: Homophily in Social Networks," *Annual review of sociology* 27, no. 1 (2001): 419-429, [https://pdfs.semanticscholar.org/258c/8adfb357ed20cc03b5c2229eb773924bc08.pdf?\\_ga=2.228101021.1683876328.1614058847-2011372703.1614058847](https://pdfs.semanticscholar.org/258c/8adfb357ed20cc03b5c2229eb773924bc08.pdf?_ga=2.228101021.1683876328.1614058847-2011372703.1614058847)

<sup>38</sup> BoardAgender and HCLI, 20 by 2020, 24

Moreover, a 2018 survey suggested that there are differences in the opportunities that men and women have to establish networks. Most respondents in both senior leadership positions and mid-level roles noted that networking played a major role in their career progression.<sup>39</sup> However, many women reported being less able to engage in networking sessions that took place after work hours as these interfered with family time.<sup>40</sup> Compared to their male counterparts, these working women still felt obligated to prioritise their families over work, and thus had to forgo networking opportunities that could potentially help them advance in their careers. Additionally, it is noteworthy that some women also expressed discomfort at attending out-of-office networking sessions, due to the activities being conducted and behaviours displayed by their male counterparts during such events.<sup>41</sup> One respondent revealed that during an out-of-office networking session involving karaoke, she witnessed married men doing “things that they (were) not supposed to do” and was subject to sexist remarks.<sup>42</sup>

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<sup>39</sup> INSEAD Emerging Markets Institute, *Gender Equality in Asian Corporate Leadership* (Singapore: INSEAD Emerging Markets Institute, 2018), 22, <https://www.insead.edu/sites/default/files/assets/dept/centres/emi/docs/gender-report-emi-march-2018.pdf>

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Ibid



## Boards are not renewed frequently enough

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In 2016, the average directorship tenure in Singapore (9.4 years for male directors and 7.4 years for female directors) was significantly longer than that of the region, which ranged from 3.1-8.7 years and 2.4-5.8 years respectively.<sup>43</sup> These figures suggest that boards in Singapore are relatively entrenched, meaning that board renewal occurs less frequently and aspiring female directors had fewer opportunities to be appointed.<sup>44</sup>

In recent years, however, an increasing number of new candidates have been introduced into the existing pool of directors. In 2020, 48% of directors appointed to boards across all SGX-listed companies were first-time directors.<sup>45</sup> Disappointingly, only 16.6% of these first-time directors were women.<sup>46</sup> This is unsurprising, though, as the entrenchment of boards also manifests in the preferences expressed during board recruitment. Increasing the number of women on boards could potentially create a feedback loop that could help to sustain a more balanced ratio of men and women on boards. This is supported by statistics from CBD that indicate that out of all SGX-listed companies, 23% of those with women on the nominating committee had boards comprising 30% or more women.<sup>47</sup> In contrast, only 5% of companies without women on the nominating committee achieved this level of female board representation,<sup>48</sup> highlighting the importance of having balanced gender representation on boards.

While increasing female representation on boards—and equality in representation—is a goal that we should continue to strive towards, we must not assume that having diverse representation on boards necessarily translates into opportunities for women at the bottom of wage distribution. After all, the under-representation of women at the top of the corporate ladder is a mere symptom of the current unequal state of our workplaces.

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<sup>43</sup> Marleen Dieleman, Muhammad Ibrahim and Jacqueline Khor, Korn Ferry Diversity Scorecard 2016 (Singapore: Centre for Governance, Institutions and Organisations, 2016), 32, <https://bschool.nus.edu/images/CGIO/Korn-Ferry-Diversity-Scorecard-2016-Final.pdf>

<sup>44</sup> BoardAgender and HCLI, 20 by 2020, 15

<sup>45</sup> Council for Board Diversity, Progress seen in women's participation on boards, 11.

<sup>46</sup> Ibid

<sup>47</sup> "Progress seen in women's participation"

<sup>48</sup> Ibid

## Issue 1.3

# Women at the bottom

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It is worth noting that MOM's gender pay gap figures do not include part-time work. If we include pay data from part-time work and other non-standard forms of employment, the unadjusted gender gap is likely to be much larger, as women are over-represented in such forms of work due to their need to juggle caregiving responsibilities. In 2019, women formed 62.4% of all part-time workers in Singapore. Fifteen per cent of employed women are in part-time employment, compared with only 7.8% of employed men. In 2019, the median monthly income (including employer CPF) of part-time workers was \$1,090—about a quarter of that of full-time workers (\$4,563).<sup>49</sup> Women also form more than half (62.3%) of all casual/on-call workers, whose median monthly income (including employer CPF) of \$1,593 is 67% lower than that of permanent employees. Furthermore, these official statistics could be an under-representation of the actual number of such workers. From our research on women in low-wage work, those performing informal or ad-hoc work tend to be omitted from official data for a few reasons: Their work may not require a licence; they are unregistered for tax purposes due to their low income; some do not recognise what they are doing as “work”. Nonetheless, we can glean from available data that women are already over-represented in these employment types.

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<sup>49</sup> Manpower Research and Statistics Department, Labour Force in Singapore 2019, (Ministry of Manpower, Singapore, 2019), T18

The challenges faced by low-wage female workers, particularly in non-standard forms of employment, are worth specific attention. These women enjoy fewer protections under existing labour frameworks (and/or they are less aware of their labour rights), have limited access to wage support schemes, and are less able to tap on strategies that higher-income women employ to distribute their caregiving loads, e.g. hiring migrant domestic workers. In 2017, AWARE conducted in-depth interviews with 47 low-income mothers on their experiences with work and care. The research revealed three main challenges (please refer to the report for more details):

### 1. Difficulties with accessing childcare:

High compliance costs were incurred in accessing the full range of childcare subsidies available to low-income families, including having to fulfil the work criteria. There was a lack of formal childcare services outside of usual operating hours, and operating hours did not match work hours.

### 2. Lack of decent work<sup>50</sup> opportunities:

Many of the opportunities available to them offered low pay, provided zero or inadequate employment benefits such as CPF and leave, and offered no protection against discrimination, exploitation or wrongful dismissal. Many respondents were disadvantaged from birth; their education was often cut short so that they could work to supplement their low household incomes. Low educational levels (typically secondary school and below) meant that our respondents were only eligible for jobs that were typically low-paying, ad-hoc, lacking in employment benefits and which provide little to no job security nor progression.

### 3. Inability to qualify for wage support:

Many respondents were in informal work arrangements and not officially registered as self-employed persons, thereby losing out on the Workfare Income Supplement, which is meant to support low-income persons.

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<sup>50</sup> According to the International Labour Organization, decent work “involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”. “Decent Work,” International Labour Organization, last accessed 12 May 2021, <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

# Recommendations to promote more gender-inclusive and equal labour markets

The International Labour Organization (ILO) has conceptualised closing the gender pay gap as creating “equal, inclusive and transparent” labour markets, including for persons in non-standard forms of employment, domestic workers and migrants.<sup>51</sup> ILO’s strategy includes social policies outside the labour market to specifically address the effects of women’s caregiving load on their labour force participation. The four mechanisms identified to facilitate women’s participation are: paid leave, affordable childcare provision, flexible work options and care credits for social protection (or, alternatively, “disconnecting social protection from employment status”).<sup>52</sup>

Based on the insights of ILO’s study on international best practices at closing the gender pay gap and our analysis of Singapore’s context, we propose the following recommendations:

## Theme A: Policies to create inclusive labour markets

The first two recommendations under Theme A are aimed at creating more transparent labour markets, which makes discrimination harder to get away with. This is followed by recommendations to improve labour conditions and protection of low-wage workers, as well as to promote female representation at the top.

### 1 **Require employers to publish disaggregated salary and bonus data.**

Pay secrecy contributes to unequal pay. Employers can hide income disparity—including discrimination-related disparity—when employees lack the necessary information to negotiate for better pay. On the other hand, making pay information public, or granting employees the right to information, would mean that employers have to justify differences in pay. Justifications based on discriminatory reasons would naturally be harder to make. Further requirements for pay audits or assessments could then be a next step towards correcting pay gaps. According to Australia’s Workplace Gender Equality Agency, the pay gap is largest when pay is secret (20.6%) and almost non-existent when made public.<sup>53</sup>

<sup>51</sup> Jill Rubery and Aristeia Koukiadaki, *Closing the gender pay gap: a review of the issues, policy mechanisms and international evidence*, (Geneva: International Labour Office, 2016), [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_540889.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_540889.pdf)

<sup>52</sup> Ibid

<sup>53</sup> Ibid

## 2 Establish monitoring and regulatory mechanisms.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee has recommended that Singapore reduce the gender wage gap by regularly reviewing wages in sectors in which women are concentrated, and establishing effective monitoring and regulatory mechanisms for employment and recruitment practices to ensure that the “equal pay for equal value” principle is adhered to in all sectors.

One such mechanism Singapore could consider adopting would be Quebec’s Pay Equity Act (1996). The Act requires employers to address differences in compensation for those who occupy positions in predominantly female job classes. It applies to companies with at least 10 employees, and provides different obligations which increase with the size of the enterprise. Companies with 10 to 49 employees must identify female- and male-dominated job classes within their enterprise and determine the required adjustments to achieve equal pay for work of equal value. Those with more than 50 employees must set up a pay equity plan. The plan must be developed in four steps: (i) identifying female- and male-dominated job classes; (ii) describing job evaluation methods and instruments; (iii) estimating the wage gap and (iv) setting a procedure for pay adjustment. Since its implementation, the Act has been assessed to be effective and well-received by employers, with the majority paying less than \$5,000 in indirect costs to comply with the Act. It was also cited as a significant factor in reducing the gender wage gap from 16.1% in 1997 to 13.9% in 2004.<sup>54</sup>

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<sup>54</sup> Andrée Côté and Julie Lassonde, Status report on pay equity in Canada, (Canada: National Association of Women and the Law, 2007), <https://nawl.ca/wp-content/uploads/attachments/200709NAWLReportPayEquity.pdf>

### 3 Improve wage conditions of low-wage workers.

#### (i) Introduce the PWM to women-concentrated sectors.

Studies have linked the implementation of a minimum wage to a reduction in gender pay gaps, especially at the bottom of the wage distribution, given that women are over-represented in low-paying jobs.<sup>55</sup> They have also found that “countries with a higher minimum wage relative to median earnings have lower gender earning gaps than countries with a low value minimum wage or no minimum wage”.

The MOM gender pay gap report noted that the majority of occupations with a higher female share saw “very small” increases in income from 2002 to 2018, as opposed to male-dominated occupations which saw greater increases. The wage stagnation experienced by certain occupations (and sectors) for over a decade suggests a need for government intervention to raise wages, as has already been done with the PWM for cleaning and security sectors. Since Singapore will not be implementing a national minimum wage anytime soon, we urge that women-concentrated sectors, e.g. care sectors, be prioritised as the government considers expanding the PWM to more sectors.<sup>56</sup>

Analysis of wage levels in the cleaning and security sectors from 2008 to 2016 shows that the PWM was “associated with basic wages being 11% and 18% higher” in the respective sectors.<sup>57</sup> The PWM has been characterised as a “sectoral minimum wage” or a “minimum wage plus” as it comes with a skills ladder that is supposed to allow workers to earn higher wages through training and upgrading of skills. However, a study by Ng et. al published in 2018 revealed that the PWM “does not function to move a particular worker up the wage ladder” (at least at the point when their research was conducted between 2015 and 2016), because employers were apparently “appointing different types of workers to different levels required by the PWM” instead.<sup>58</sup>

<sup>55</sup> Olivier Bargain, Karina Doorley, and Philippe Van Kerm, Minimum Wages and the Gender Gap in Pay: New Evidence from the UK and Ireland (Germany: Institute of Labor Economics, 2018), <http://ftp.iza.org/dp11502.pdf>; Aleksandra Majchrowska and Paweł Strawiński, “Impact of minimum wage increase on gender wage gap: Case of Poland”, *Economic Modelling* 70 (2018), <https://www.sciencedirect.com/science/article/pii/S0264999317306661>

<sup>56</sup> Fiona Lam, “Singapore to expand Progressive Wage Model to more sectors”, *The Business Times*, Singapore Press Holdings Ltd. Co., October 5, 2020, <https://www.businesstimes.com.sg/government-economy/singapore-budget-2020/singapore-to-expand-progressive-wage-model-to-more-sectors>

<sup>57</sup> Kenneth Ler and Ivan Png, “Impact of Progressive Wage Model”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 28 February 2018, <https://fass.nus.edu.sg/ecs/wp-content/uploads/sites/4/2020/11/Impact-ST-pA18-28-Feb-1.pdf>

<sup>58</sup> Irene YH. Ng, Yi Ying Ng, and Poh Choo Lee, “Singapore’s restructuring of low-wage work: Have cleaning job conditions”, *The Economic and Labour Relations Review* 29, Issue 3 (2018), <https://journals.sagepub.com/doi/10.1177/1035304618782558>

In our view, one way to address this phenomenon is to, in the long run, adopt a national-level minimum wage that is periodically reviewed and adjusted to account for inflation rates and wage stagnation. With such a system, wage growth can be enjoyed by individual workers by virtue of the fact that they are working and deserve at least a minimum level of wage, rather than having to prove themselves worthy by how increasingly productive they can be.

Certainly, the minimum wage or PWM alone cannot address all the factors contributing to the gap, but it should be introduced to jobs that are presently already low-paying and female-dominated, to at least correct for the gap at the bottom and raise wages for all low-wage workers in those sectors.

### **(ii) Enhance Workfare Income Supplement (WIS).**

The government aids low-wage earners through a wage supplement scheme—Workfare Income Supplement (WIS)—which covers both employees and self-employed persons over 35 years of age. WIS recognises that low-income workers require supplementary support to build their savings for retirement, housing and healthcare, through cash payments and CPF contributions.

To maximise WIS's potential in supporting low-income workers, it should be enhanced in the following ways:

#### **(a) Reduce the WIS age requirement**

Our interviews with low-income mothers reveal that those with lower education levels tend to not be able to move into significantly better paying jobs over time. There is also a risk that their situation of financial hardship may necessitate their own children to repeat what they have done, i.e. stop formal education early to help increase the family income, thereby trapping them in a poverty cycle. In recognition of this, we recommend that the WIS age requirement be lowered so as to enable low-income families to break the cycle of poverty and start accumulating savings from a younger age.

The suggestion to revise the WIS age requirement has been raised in Parliament before, with MOM responding that WIS is targeted at older workers, and that younger workers have the “potential”—e.g. through higher education and skills upgrading opportunities—to move into higher-paying jobs.<sup>59</sup> Again, we stress that training is not equally accessible to all, given the relatively low training participation rates by those in lower education groups.

<sup>59</sup> Min Zhang Lim, “Parliament: Highest qualification for 4 in 5 of 30,000 S’porean low-wage workers is post-secondary level or lower, says Zaqy”, The Straits Times, Singapore Press Holdings Ltd. Co., 3 November 2020, <https://www.straitstimes.com/singapore/politics/parliament-post-secondary-level-highest-qualification-for-4-in-5-of-30000>

Moreover, while the education attainment rates in Singapore have generally improved over the years, there still remain some 40,000 young Singaporeans (25-34 years old) who do not have post-secondary education qualifications. In 2019, 42.7% of residents 25 and older who were not attending educational institutions as full-time students did not have post-secondary education qualifications, as compared to 59.3% in 2009. The figure is considerably smaller among younger people, with those without post-secondary qualifications forming between 7% and 8% of the population between 2017 and 2019, a drop from 12% in 2009. There is also a gender gap in education attainment: In 2019, 46.4% of women 25 and older did not have post-secondary education qualifications, compared to 38.7% of men, although the respective figures and gap are significantly lower among the younger population. The median salary of these workers generally falls below the \$2,300 WIS ceiling.

Table 2: Median gross monthly income from work (excluding employer CPF) of full-time residents by highest qualification attained and age, June 2019.

<b>Age (years)</b>	<b>Below secondary education level</b>	<b>Secondary education level</b>
25 to 29	\$1,900	\$2,275
30 to 34	\$2,000	\$2,631

These education attainment trends lend merit to the belief that most of the younger generation would be able to attain higher education qualifications and therefore possibly access better jobs. Nonetheless, we should pay heed to the 40,000+ young persons who may still face limitations in their options because of their education, and those who are currently already earning low incomes due to these limitations.



## (b) Reducing the barriers for self-employed persons (SEPs) to be eligible for WIS

Before they can qualify for WIS, low-income SEPs have to make MediSave contributions for the current work year.<sup>60</sup> This is a deterrent to some as the amount that they are required to contribute is greater than the cash payout (see figure below). Based on our experiences supporting low-income families during the Circuit Breaker period, those in poor financial situations tend to use any cash they receive (from work or financial support) to meet day-to-day needs. Since the amount they earn is already so low, they are unlikely and often unable to put it aside as savings, when daily needs must be met first. We therefore recommend that the requirement for MediSave contribution be waived as a precondition to receiving WIS for low-income SEPs.

Figure 2: Calculation of WIS payout for self-employed person

Your WIS for Work Year 2020 as a Self-Employed					
Age	Annual Net Trade Income	Your MediSave Contributions <sup>1</sup>	WIS to Receive in Cash <sup>2</sup>	WIS to Receive in CPF MediSave <sup>3</sup>	Total WIS to Receive
50	\$3,600	\$189	\$60	\$540	\$600

1. Declare full-year income and contribute to MediSave by last Friday of March 2021 to receive 2020 WIS payment on 30 April 2021 (via bank crediting).

2. The minimum cash payment is \$10 per payment.

3. The minimum CPF payment is \$120 per year and it will be credited to MediSave Account.

## 4 Develop a labour framework on the rights and benefits of workers in non-standard forms of employment.

Many women in Singapore are also in non-standard forms of employment, which excludes them from most forms of labour protection and benefits. The government encourages workers to undergo training and upskill their way into higher-paying jobs and formal employment. However, there are limitations to such an approach. For one, data from the MOM Labour Force Survey suggests that training participation rates are not equal across education lines, despite availability of subsidies, with participation rates being lower among the lower educated. In 2019, just 18% of those with below secondary education and 32% of those with secondary school education participated in training. The percentages increase with each level of highest qualification attained, so in contrast, 65.7% of those with degrees went for training.

The low training rates among those who would arguably benefit most from moving into higher-paying work suggest that relying on training is not good enough. We therefore call for more direct intervention to improve the labour conditions of, in particular, casual workers.

Some countries like Australia and New Zealand legally recognise casual workers as a specific category of workers, with clearly spelt out rights and obligations. Based on these countries' experiences, we recommend that the following protections and benefits be provided for casual workers in Singapore:

#### **(a) Practice pay loading**

Casual workers should be entitled to a higher base rate of pay to compensate for them not accruing certain entitlements, such as CPF contributions, annual leave or childcare leave and redundancy entitlements. Australia has a helpful pay guide with five different methods for employers to calculate loading for their casual workers. One of the methods estimates a loading of 25% on the hourly wage a permanent employee is expected to receive for the same job. In New Zealand, the government recognises that it may not be practical for casual workers to take annual holidays because they do not have set hours. Instead, they recommend that an employee and employer agree to an extra 8% to be paid on top of their wages.

#### **(b) Provide leave benefits and protection for long-term casual workers (after six months of employment); give long-term casual workers (after 12 months of employment) the right to convert to a permanent contract**

Casual workers who have worked regularly and for a longer term (for example, the same days for a long period) with their companies should be given the same annual leave, parental leave, unpaid caregiving leave and wrongful dismissal rights as permanent employees.

Countries such as Australia allow long-term casuals who have worked regularly to take parental leave and to request flexible working arrangements. In New Zealand, casual employees who have worked for six months are entitled to sick leave and bereavement leave.

Finally, all casual employees should have the right to ask to change their employment contracts to contracts of service if they can show a regular pattern of work and have been employed for 12 months or more.

## 5 Legislate right for all workers to request flexible working arrangements (FWAs).

The availability and normalisation of flexible work is important for working caregivers, allowing more women to stay in the labour force. In the past few years, more employers have been offering FWAs, but data on take-up rates and research on the implementation of FWAs suggest that organisational culture in Singapore is still largely unsupportive of flexible working.

It was revealed in Parliament that about 85% of employers in Singapore offered FWAs on a formal or ad-hoc basis in 2019.<sup>61</sup> While it is encouraging that most employers offer some form of FWA, a 2017 survey suggests that the take-up rate of FWAs in Singapore is low.<sup>62</sup> According to the survey, about seven in 10 employees say their companies offer FWAs out of the office—but only half of the respondents are able to take advantage of the policies. Many had concerns that they would not be perceived as hard-working if they were not in the office.<sup>63</sup> A study on the implementation of FWAs (part-time work in this particular study) found that the organisational cultures of workplaces in Singapore did not normalise or formalise FWAs. Employers were also “wary” about the change in face-time with employees under FWAs, which could “potentially complicate employee assessment and surveillance”.<sup>64</sup> Studies have also shown that employers have been hesitant or at times proactive in denying FWA requests on the basis of disability — despite the fact that FWAs have shown to greatly assist employees with disabilities in work productivity and hence benefiting the overall company/organisation.<sup>65</sup>

However, the culture around flexible working has shifted dramatically since the onset of the COVID-19 pandemic, which has forced many workplaces to adapt to working from home and to adopt FWAs. FWAs have thus become the norm and no longer the exception.

<sup>61</sup> Justin Ong, “Parliament: 85 per cent of employers offered flexi-work arrangements in 2019”, *The Straits Times*, October 15, 2020, <https://www.straitstimes.com/singapore/politics/parliament-85-per-cent-employers-offered-flexi-work-arrangements-in-2019>

<sup>62</sup> Human Resources Director, “How many SG employees are in flexible working arrangements?”, HRD, 6 April 2017, <https://www.hcamag.com/asia/news/general/how-many-sg-employees-are-in-flexible-working-arrangements/149210>

<sup>63</sup> Ibid

<sup>64</sup> Pauline T. Straughan and Mindy E. Tadai, “Addressing the implementation gap: An integrated approach to identifying barriers and facilitators to flexi work arrangements in Singapore,” *Asia Pacific Journal of Human Resources* 56, no. 4 (2016): 6, [https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3456&context=soss\\_research](https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3456&context=soss_research)

<sup>65</sup> See Section 3.2

Employers and employees have experienced how FWAs can work, and so the conditions are ripe to legislate the right to request for FWAs. Employers must seriously consider all requests—therefore putting proper channels and processes in place to make the assessments—and make a business case for rejecting a request.

In recent years, there have been suggestions in Parliament to legislate the right for workers to request FWAs. In response, MOM has said that this move may lead to “unintended consequences”, such as employers refusing to hire jobseekers “who are likely to exercise their rights, such as parents and seniors”.<sup>66</sup> Similar sentiments have been used to explain hesitance to legislate the right for workers with disabilities to request FWAs and other accommodations.<sup>67</sup> However, we argue that rather than allow employers to make hiring decisions in such a way to begin with, the pre-emptive solution should be to implement comprehensive anti-discrimination laws that would forbid discrimination based on family responsibilities, disabilities, accommodation requests made due to disability etc.

## 6 Introduce temporary, progressive gender quota on boards of publicly listed companies.

At present, there is no regulation in Singapore that mandates companies to appoint female board members to ensure gender representation. Instead, an informal “name and shame” system is in place whereby the Council of Board Diversity (CBD) releases an annual ranking of the top 100 companies listed on the Singapore Exchange (SGX) in terms of the female representation on their boards. However, this existing system has had no discernible impact on the decidedly sluggish pace of increase in female representation on Singapore’s corporate boards as evidenced previously.

The CEDAW Committee has recommended that Singapore apply temporary special measures, including quotas on boards, so as to facilitate the achievement of equal gender representation on boards in the short term. The government is currently reluctant to impose a gender quota for fear this would undermine the principle of meritocracy and equal opportunity.<sup>68</sup> There is also concern that female directors’ positions on boards might solely be attributed to their gender, thus potentially undermining their legitimate

<sup>66</sup> Rachel Phua, “Government to roll out new measures to help companies adopt flexible work arrangements”, Channel NewsAsia, Mediastory Pte Ltd., March 3, 2020, <https://www.channelnewsasia.com/news/singapore/budget-2020-parental-care-leave-flexible-work-arrangement-12496070>.

<sup>67</sup> See Section 3.2

<sup>68</sup> Consideration of reports submitted by States parties under article 18 of the Convention, Fifth periodic report of States parties due in 2015: Singapore (UN Committee on the Elimination of Discrimination against Women, 2015), 10, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW\\_C\\_SGP\\_5\\_6007\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf)

<sup>69</sup> Ibid

<sup>70</sup> UN CEDAW, Concluding observations, 4

professional achievements.<sup>69</sup> However, such a quota is meant as a temporary measure. There are many women who are as qualified as their male counterparts for board positions but are not considered because of a host of structural and cultural factors.<sup>70</sup>

A mandated quota would require boards to look for qualified women candidates instead of relying on their traditional networks, in effect reopening board positions for women who have been shut out of opportunities. Hence, the goal of achieving gender balance through the imposition of quotas remains aligned with the principle of meritocracy.

In Italy, an incremental, temporary gender quota for boards of companies listed on the Italian stock exchange was introduced in 2012. Board appointments for companies in Italy usually occur every three years. Following the implementation of the gender quota, boards were to reserve a minimum of one-fifth of seats for each gender during the first board renewal after August 2012. During the second renewal, a minimum of one-third of seats were to be reserved for each gender.<sup>71</sup> The quota expired with the third renewal of board appointments.<sup>72</sup> Companies that failed to achieve the mandated board representation were first issued a warning by the regulatory board of the Italian stock exchange; any further failure to comply could result in companies being fined EUR 100,000-1,000,000, and having their future board appointments invalidated.<sup>73</sup> Between 2013 and 2017, an 80% increase in the number of female board seats was observed. Following the success of this temporary quota, the Italian government announced in 2020 that it would be extended for three more board renewals and raised to 40%.<sup>74</sup>

We recommend that Singapore adopt a similar timed approach to implementing a progressive gender quota for all publicly listed companies. Companies could be given a grace period of one to two years to achieve targets on their own, before the target becomes mandated. At the same time, all other measures put forth in this section should be adopted to collectively ensure equal gender representation on boards in the long run.

<sup>71</sup> Agata Maida and Andrea Weber, *Female Leadership and Gender Gap within Firms: Evidence from an Italian Board Reform* (Germany: Institute of Labor Economics, 2019), <http://ftp.iza.org/dp12099.pdf>

<sup>72</sup> Maida and Weber, "Female Leadership," 6

<sup>73</sup> Giovanni S. F. Bruno, Angela Ciavarella and Nadia Linciano, *Boardroom gender diversity and performance of listed companies in Italy* (Italy: Commissione Nazionale per le Società e la Borsa, 2018), 17, quoted in International Labour Organization, *Improving gender diversity in company boards* (International Labour Organization, 2020), 9, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---act\\_emp/documents/briefingnote/wcms\\_754631.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---act_emp/documents/briefingnote/wcms_754631.pdf)

<sup>74</sup> Maida and Weber, "Female Leadership", 6; UN Women, *Spotlight On Public Policy: Italy* (UN Women, 2020), 1, [https://www.weeps.org/sites/default/files/2020-12/CaseStudy\\_%20Italy\\_Final.pdf](https://www.weeps.org/sites/default/files/2020-12/CaseStudy_%20Italy_Final.pdf)

## **Theme B: Social policies outside the labour market**

Creating more inclusive labour conditions addresses part of the work-caregiving conflict that has resulted in women's relatively poor labour outcomes. Much more work needs to go into shifting the distribution of care in society, including rethinking the reliance on family units as the primary site for care. The recommendations under this theme concern paid leave policies and policies on formal caregiving services aimed at reducing the caregiving burden on women. Next, we propose social security policies to recognise and compensate women for their labour at home, and to minimise the financial penalty they experience. Finally, we call for a review of the ban on social egg freezing to support women, including low-income women, in choosing how and when to bear children.

### **1 Equalise maternity and paternity leave.**

Fathers in Singapore are entitled to two weeks of government-paid paternity leave. The take-up rates in the last few years have been low, falling from 47% in 2016 to 35% in 2018.<sup>75</sup> The figures are significantly lower for the take-up rate of shared parental leave: Less than 10% of eligible fathers used shared parental leave from 2014 to 2018.<sup>76</sup>

According to a comparative analysis of fathers' utilisation of paternity and parental leave across 24 European Union countries, fathers were more likely to take leave when it was designed with the following features:<sup>77</sup>

- High income replacement (at or near 100% of income) to make it affordable for fathers to take time off;
- Individual rather than family-based entitlement, targeted specifically at fathers on a use-it-or-lose-it basis;
- Leave timed around the time of birth or linked to the mother's return to employment.

<sup>75</sup> Linette Lai and Zhuo Tee, "6 in 10 dads did not take paternity leave last year, says MSF", The Straits Times, August 7, 2019, <https://www.straitstimes.com/politics/6-in-10-dads-did-not-take-paternity-leave-last-year-says-msf#:~>

<sup>76</sup> Ibid

<sup>77</sup> Janna van Belle, Paternity and parental leave policies across the European Union (California: RAND Corporation, 2016), [https://www.rand.org/pubs/research\\_reports/RR1666.html](https://www.rand.org/pubs/research_reports/RR1666.html)

Singapore's paid leave policies fulfil the first and third criteria, but the design of its shared component may partly explain the low take-up rate. The use-it-or-lose-it ("father's quota") component—found in Iceland and Sweden, for instance—compels fathers to use the leave so as to not let the leave go to waste. We recommend that, rather than let fathers share up to four weeks of the mothers' maternity leave, we should equalise maternity and paternity leave. The current gap in quantum reinforces the idea that mothers ought to be primary caregivers of children. In reality, however, both men and women want to play an equal role in caregiving: According to the Blackbox survey, almost all respondents agreed that men and women should contribute equally to the physical and emotional care of their children. Policies need to help parents achieve this.

A significant factor in fathers' utilisation of paternity leave in Singapore is workplace culture. A study commissioned by the National Population and Talent Division in 2019 found that most fathers in Singapore want to use their paternity leave and play a bigger role in caregiving, but a lack of support from supervisors and colleagues affects their decisions and abilities to do so.<sup>78</sup> Employers therefore have a key role to play in normalising the use of such leave among fathers.

## 2 Introduce six days of paid leave for the care of elderly relatives.

Working caregivers include those who are caring for elderly parents and other family members. As Singapore's population ages and family sizes shrink, the care burden on adult children (particularly single daughters) will grow more acute. Hence, eldercarers should be accorded similar scope as parents to care for their dependents. Our 2018 research on older, female eldercarers (mentioned earlier in the report) revealed that many of our respondents did not seem to have the option of working flexibly, nor did they have access to paid leave for caregiving. To bring their care recipients to medical appointments or attend to their emergency needs, our respondents had to use their own annual leave or even take unpaid leave. Some also described the company culture surrounding leave-taking, even for caregiving reasons, as "unfriendly".<sup>79</sup>

<sup>78</sup> "Parliamentary reply by Minister Josephine Teo on the utilisation of Paternity Leave in the public and private sectors", Strategy Group, Prime Minister's Office, 6 April 2020, <https://www.strategygroup.gov.sg/media-centre/parliamentary-replies/parliamentary-reply-by-minister-josephine-teo-on-the-utilisation-of-paternity-leave-in-the-public-and-private-sectors>

<sup>79</sup> AWARE, Make Care Count, (Singapore: AWARE, 2019), [https://www.aware.org.sg/wp-content/uploads/Aware\\_Eldercare-Research-Report-8-10-19.pdf](https://www.aware.org.sg/wp-content/uploads/Aware_Eldercare-Research-Report-8-10-19.pdf)

Paid leave for caregiving for family members who are not children is not legislated. According to MOM, 20.3% of companies now offer paid family care leave as opposed to 5.9% in 2008.<sup>80</sup> While we are encouraged by this increase, the rate remains quite low, considering that there is already significant demand for such leave and we can only expect the demand to increase with our ageing population.

In a study that reviewed paid-leave policies in 42 OECD and non-OECD countries, at least 28 offer additional leave entitlements for the care of other family members. Conditions for taking leave, length and payment vary. Some countries confine the leave to serious or terminal illness, while others offer leave in the case of ordinary illness. Countries with paid elder/family-care leave include Australia, Germany, the Netherlands, Japan and Canada.

We recommend legislating six days of paid leave for the care of elderly relatives. Presently, six days of childcare leave is already available to those caring for children. Alternatively, a longer quantum of dependent care leave could be provided so that caregivers of other family members, e.g. disabled children or siblings, can also benefit from it.

However, we also recognise that business costs to employers should be kept as low as possible to remain fair to them. This could be done by restricting the leave to those who are residing with the elderly person/dependent they are caring for. Such leave should also be made available to self-employed persons, who now already have access to government-paid childcare leave.

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<sup>80</sup> Fann Sim, "More companies offering flexible work arrangements: MOM report", Channel NewsAsia, Mediacorp Pte Ltd 16 January 2019, <https://www.channelnewsasia.com/news/singapore/manpower-flexible-work-arrangement-annual-leave-report-11128916>



### 3 Make children services free for low-income families.

Since 2018, some changes have been implemented to make childcare more affordable. In 2020, the partner operator scheme was expanded to include a total of 324 childcare centres, up from 250 centres.<sup>81</sup> The maximum fee that partner operators can charge for full-day childcare services has been set at \$760 monthly since January 2021, \$40 lower than the previous fee cap of \$800.<sup>82</sup> Families with a monthly income of \$3,000 or less can now pay as little as \$3 a month for full-day childcare services at an Anchor Operator centre after accessing maximum and enhanced subsidies.<sup>83</sup> While we welcome these changes, there remain high compliance costs involved in the subsidy system.

In order to qualify for the maximum amount, mothers must be working a minimum of 56 hours per month. However, the informal and ad-hoc nature of work that low-income mothers tend to engage in may not always allow them to meet this requirement. Producing proof of work may be difficult if they do not have an employer, and the sporadic nature of their work may mean that they are unable to meet the 56-hour mark every month.

While it was announced in 2019 that non-working mothers with children aged 24 months and below may be eligible for the full subsidy as well, this is only granted on a case-by-case basis.<sup>84</sup> Moreover, this support is only provided until the applicant's youngest child turns 24 months old.<sup>85</sup>

A high administrative cost is also incurred in targeting subsidies. Childcare operators AWARE interviewed in 2017 reported that appealing for additional subsidies entails a fair amount of paperwork and back-and-forth with the Ministry of Social and Family Development (MSF), parents and social workers (if applicable). The Early Childhood Development Agency (ECDA) also tracks the employment status of applicants and requires childcare operators to provide updates whenever these applicants' work situations change. An operator we spoke to believed that this extra paperwork

<sup>81</sup> Amelia Teng, "More childcare centres join government-funded scheme to lower fees", The New Paper, Singapore Press Holdings Ltd. Co., 26 November 2020, <https://www.tnp.sg/news/singapore/more-childcare-centres-join-government-funded-scheme-lower-fees>

<sup>82</sup> Ibid

<sup>83</sup> Hwee Min Ang, "Additional subsidies for pre-schools to increase from January 2020", Channels NewsAsia, August 28, 2019, <https://www.channelnewsasia.com/news/singapore/pre-school-subsidies-fees-increased-income-josephine-teo-11848782>

<sup>84</sup> "Better support for parents of preschoolers and the early childhood sector," Early Childhood Development Agency, 5 March 2019, <https://www.ecda.gov.sg/PressReleases/Pages/BETTER-SUPPORT-FOR-PARENTS-OF-PRESCHOOLERS-AND-THE-EARLY-CHILDHOOD-SECTOR.aspx>

<sup>85</sup> Ibid

could discourage operators from enrolling low-income children. In 2020, a new childcare Registration Management System (RMS) was introduced to streamline application processes for parents and childcare operators, which may eliminate some of the paperwork mentioned above.

Finally, access to enhanced subsidies is often contingent on applicants having a social worker. For mothers who are in exceptionally difficult situations, social workers can write a “letter of recommendation” to allow them to qualify for the enhanced subsidies, even if they are not able to achieve 56 hours of work per month.

However, not all low-income mothers have a social worker in the first place. One childcare operator we spoke to in 2018 said that Family Service Centres were unlikely to assign a social worker to a low-income mother who was only facing financial problems. Although parents could apply for further subsidies directly through the childcare centre, not all childcare centres may be willing to do the extra paperwork for them. Accessing the full range of subsidies therefore involves high compliance costs (to mothers) and administrative costs (to childcare operators), which may limit mothers’ access to them.

We recommend that every child from a low-income family (household income <\$2,500, or <\$650 per capita) be given free childcare, regardless of their mother’s employment status. In order to qualify, parents should only need to demonstrate their financial situations, as opposed to the current administratively onerous system whereby parents are obliged to prove extenuating circumstances to get the maximum amount of subsidies. This not only reduces the compliance costs for parents but also lowers administrative costs for childcare operators. Meeting caregiving needs first allows more mothers to work.

## 4 Provide more flexible childcare by licensing childminders.

The operating hours of childcare centres are incompatible with some mothers' working hours. As of August 2020, around 50 child care centres (or about 4% of centres) operated beyond 7 p.m. on weekdays, catering to the needs of parents who work outside standard hours.<sup>86</sup> MSF has recognised that not all parents are able to depend on informal arrangements, e.g. from neighbours and family, for help, and said it will assess the need and demand for night-time childcare, and the possibility of offering such programmes, particularly in areas where low-income families reside.<sup>87</sup>

In addition to increasing the supply of night-time services, we recommend that the ministry also consider licensing childminders in the community, who can be paid a fee for their services. One model it can study is the licenced childminders programme in the U.K. This model can be adapted to Singapore such that subsidies used for infant/childcare centres are made available for childminding services. ECDA should train and license childminders to ensure that the safety of children under their care is not compromised.

## 5 Introduce a Caregiver Support Grant with cash and CPF components.

The Home Caregiving Grant (HCG) was introduced in 2019 to help families defray the cost of long-term care. Although not specifically designed as a caregiver allowance or payment, recipients have the option of giving the cash to their caregivers, including their family members. We are encouraged by the introduction of this scheme, and hope that further recognition can be given to family caregivers for their labour. As such, the government should consider giving a grant specifically to family caregivers, with a cash and CPF component. (A detailed description of how the policy could be designed is found in our "Make Care Count" report.)

<sup>86</sup> "Night-Time Childcare", Ministry of Social and Family Development, 1 March 2019, <https://www.msf.gov.sg/media-room/Pages/nighttime-childcare.aspx>

<sup>87</sup> Ibid

In several European and Commonwealth countries, it is common for family or informal caregivers to receive a carer's payment or allowance. Some countries even have schemes to help caregivers outside the labour force build retirement savings. For example, caregivers in Germany who are not working receive pension credits. Such programmes may not necessarily be very financially burdensome for countries: In Ireland, which offers one of the most generous levels of payment to caregivers,<sup>88</sup> it was estimated that one-third, or 187,000, of all family carers receive a carer's payment.<sup>89</sup>

In 2014, the Irish government spent €806 million on carer payments, which comprised less than 1% of its GDP (€214.72 billion).<sup>90</sup> The country had a similar proportion of older persons aged 65 years and above (12%) as Singapore (12.4%).<sup>91</sup>

The suggestion to implement a caregiver allowance has been raised several times in Parliament in the last few years. The Ministry of Health has declined on the basis that it “may inadvertently monetise family support and filial piety”.<sup>92</sup> However, we are not aware of any empirical evidence to support this claim, based on countries that have adopted similar policies. Rather, from our experiences interviewing family caregivers, most would greatly welcome interventions to alleviate the financial penalty they incur when they compromise their employment in order to provide care. They also felt strongly about being recognised for the work they are doing as caregivers.

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<sup>88</sup> In terms of maximum amount, rather than eligibility criteria. The Irish scheme is means-tested.

<sup>89</sup> Órla Ryan, “The number of people receiving a carer's allowance has increased by 40%”, *The Journal Ireland* (15 June, 2014), <https://www.thejournal.ie/carers-allowance-ireland-1511817-Jun2014>

<sup>90</sup> *Ibid*

<sup>91</sup> National Population and Talent Division, Prime Minister's Office, Singapore Department of Statistics, Ministry of Home Affairs and Immigration & Checkpoints Authority, *Population in Brief 2014* (Singapore: National Population and Talent Division, 2014), 4, <https://www.population.gov.sg/images/PublicationImages/population-in-brief-2014.pdf>; “Population and Migration Estimates”, Central Statistics Office, 26 August 2014, <https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2014>

<sup>92</sup> “Provision of Caregiver Allowance”, Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-2393>

## 6 Review the ban on social egg freezing.

Presently, social egg freezing—i.e. freezing eggs to preserve fertility and delay childbearing—is banned in Singapore. The freezing of one’s eggs can only be allowed for medical reasons, such as to protect one’s eggs from the harmful effects of chemotherapy.

In 2020, the Minister for Social and Family said that the government was reviewing the possible extension of egg freezing procedures beyond medical grounds. Some reservations expressed by the government include the concern that legalising social egg freezing would lead to the unintended consequence of more women delaying parenthood.

However, fertility is not a purely biological decision. Surveys show that the decision to become a parent is influenced first and foremost by a person’s ability to find a suitable romantic partner and to achieve economic stability. It stands to reason that many women in Singapore are postponing childbearing until after they have achieved a measure of career success.

Thus, apart from implementing progressive labour policies, we hope that the government will review its ban on social egg freezing to support women, including low-income women, in choosing how and when to bear children.

## Section 2:

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# Supporting Older Women

In section 1, we have illustrated how unequal norms around caregiving and gender roles have resulted in women's relatively poor labour outcomes. These outcomes are also reflected in the gender gap in CPF savings and women's relative inability to reach the BRS—trends that are particularly noticeable among the older population. With rising healthcare costs, the ability of women to finance their own retirement deserves particular attention.

## Issue 2.1

# Retirement Inadequacy

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Women's financial insecurity is likely to worsen, given that more women will age and live alone in the coming decades. It is estimated that 83,000 elderly persons will be living alone by 2030, compared with the 47,000 seniors aged 65 and above in 2016.<sup>93</sup> According to the Centre for Ageing Research & Education (CARE), Singaporean women are consistently more likely to live alone than men due to their longer life expectancy and higher chances of remaining single and being widowed.<sup>94</sup> These demographic trends demand a re-examination of our reliance on family support for welfare and caregiving. We are particularly concerned about single, never-married daughters who often end up being the ones to care for their elderly parents. In 2010, a national survey on informal caregiving showed that 60% of family caregivers to older persons are women, and that a substantial proportion (26%) of caregivers are never married.<sup>95</sup> AWARE's 2019 study also found that childless unmarried women are disproportionately represented amongst informal caregivers.<sup>96</sup> How can future generations of women, especially those who have taken substantial breaks from paid work in order to become caregivers, be expected to rely on children for support when they do not have children?

The current positioning of families and children as our first line of care and support also threatens to entrench existing inequalities: Families with more resources are able to provide (or transfer) a higher level of material support to their members, compared to those with fewer resources. To prevent worsening inequalities, more collective forms of support should be institutionalised to guarantee the well-being of all.

In recent years, schemes such as Silver Support and the Pioneer Generation Package (PGP) have allowed more older persons to benefit from collective, non-contributory support. However, the overall approach to retirement adequacy is still largely based on individual effort and family support. The Matched Retirement Savings Scheme, one of the newest schemes to boost retirement savings of older persons, still requires a recipient's account to be topped up first (whether by themselves or other people, including family members) before they can receive government funds.

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<sup>93</sup> Elizabeth Linton, Bina Gubhaju and Angeliqne Chan, "Research Brief Series: 4 Home Alone: Older Adults in Singapore", Research Brief Series, no.4 (2018), [https://www.duke-nus.edu.sg/docs/librariesprovider3/research-policy-brief-docs/home-alone-older-adults-in-singapore.pdf?sfvrsn=6735541d\\_0](https://www.duke-nus.edu.sg/docs/librariesprovider3/research-policy-brief-docs/home-alone-older-adults-in-singapore.pdf?sfvrsn=6735541d_0)

<sup>94</sup> Ibid

<sup>95</sup> Angeliqne 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\(upload\).pdf](https://www.msf.gov.sg/publications/Documents/Informal%20Caregiver%20Survey%20Summary%20Report%20(upload).pdf)

<sup>96</sup> AWARE, Make Care Count

## Recommendations to improve welfare of older women

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The policy recommendations in this section go hand in hand with suggestions made in Section 1 that address the financial penalties throughout women's lifetimes. These recommendations in this section should thus be viewed as a continuum of support for women, and are geared towards ensuring women's well-being in their golden years.

### 1 Make Silver Support more inclusive.

Silver Support provides quarterly payouts to Singaporeans with low lifetime earnings and low funds in their CPF retirement accounts. In 2018, about 148,000 elderly persons received Silver Support payouts and 65% of them were female.<sup>97</sup>

In our 2017, 2018 and 2019 Budget recommendations, we called for enhancements to Silver Support, including to increase the level of payout to match average monthly basic expenditure of households per household member, and to remove "housing type" as eligibility criteria for HDB flat-dwellers. We are encouraged by changes that have since been made to the scheme: From January 2021, payout levels have been increased by 20% and the cut-off for household monthly income per person increased from \$1,100 to \$1,800.

When the scheme is next reviewed, we hope that the "housing type" criterion will be removed for HDB flat-dwellers, such that any differentiations between payout levels would depend only on the criteria of lifetime earnings and total CPF contributions. This is in recognition of the fact that the size of one's HDB unit is not a direct indication of the financial situation of the household and the claimant, as it may not take into account household size.

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<sup>97</sup> "Written Answer by Mrs Josephine Teo, Minister for Manpower, to Parliamentary Question on silver support scheme", Ministry of Manpower, Ministry of Manpower, 15 January 2019, <https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2019/0115-written-answer-by-mrs-josephine-teo-to-parliamentary-question-on-silver-support-scheme>



## 2 Expand the Pioneer Generation Package (PGP) to all people on reaching 65 years of age.

The PGP made healthcare more affordable for seniors and, in turn, their family members. For instance, most of the care recipients of respondents in our “Make Care Count” report were eligible for Pioneer Generation subsidies.<sup>98</sup> As a result, what the care recipient (and their family) pays after subsidies is relatively low—the average amount spent on recurring medical consultations, medication and outpatient treatments is \$290 a month, which is around nine per cent of the respondents’ average monthly household income.

More recently, the Merdeka Generation Package (MGP) was introduced for the next generation of seniors after the Pioneer Generation. It similarly includes a suite of healthcare subsidies, although they are at a noticeably lower level than what is offered in the PGP (see table below).

Table 3: Summary of PGP and MGP

	Pioneer Generation Package (PGP)	Merdeka Generation Package (MGP)
Outpatient Care	<ul style="list-style-type: none"> <li>• Additional 50% off subsidised services and medication at polyclinics and Specialist Outpatient Clinics (SOCs)<sup>99</sup></li> <li>• Subsidies at participating GP and dental clinics under Community Health Assist Scheme (CHAS)<sup>100</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Additional 25% off remaining bill for subsidised services and medication at Polyclinics and Public SOCs</li> <li>• Subsidies (at a lower rate compared to PGP) at participating GP and dental clinics under CHAS<sup>101</sup></li> </ul>
MediShield Life	Additional 40-60% subsidy for MediShield Life Premiums	Additional 5% subsidy for annual MediShield Life premiums, increasing to 10% after senior turns 75 years old
MediSave Top-ups	\$200 to \$800 annually for life (amount dependent on birth cohort)	\$200 every year, from 2019 to 2023 cohort
CareShield Life	\$4,000 in participation incentives to join CareShield Life	\$4,000 in participation incentives to join CareShield Life
Other Benefits	\$1,200 cash payout per year for those with moderate to severe functional disabilities under the Pioneer Generation Disability Assistance Scheme	One-time \$100 PAssion Silver card top-up

<sup>98</sup> Of our 22 respondents, 19 met the age criteria for the Pioneer Generation Package.

<sup>99</sup> Fees for SOCs are further subsidised up to 75% for lower- to middle-income Singaporeans.

“Overview”, Ministry of Finance, Government of Singapore, accessed on 20 May 2021, <https://www.pioneers.gov.sg/en-sg/Pages/Overview.aspx>

<sup>100</sup> Refer to <https://www.pioneers.gov.sg/en-sg/Pages/Overview.aspx> for subsidised rates

<sup>101</sup> See table under Benefit #3 Outpatient Care Subsidies for subsidised rates.

“Find out the MGP benefits”, Gov.sg, Government of Singapore, 30 June 2019, <https://www.gov.sg/article/mgp-benefits>

While these initiatives are welcome, their effectiveness is limited by the fact that they are one-off policies for specific cohorts of older persons. We recommend that the government study how these packages (or any individual components) can be extended to all upon reaching age 65, to create a universal healthcare scheme for future elderly generations.

Researchers have argued that ensuring good health in old age could build the basis for a “third demographic dividend” resulting from the societal contributions of older adults, whether through continued engagement in the labour force or volunteering.<sup>102</sup> Resources that go into the provision of universal healthcare should therefore be viewed primarily as an investment, rather than a cost to society.

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<sup>102</sup> Linda P. Fried, “Investing in Health to Create a Third Demographic Dividend”, *The Gerontologist* 56, no. 2 (2016), [https://academic.oup.com/gerontologist/article/56/Suppl\\_2/S167/2605367](https://academic.oup.com/gerontologist/article/56/Suppl_2/S167/2605367)

<sup>103</sup> Parliamentary reply by Deputy Prime Minister Mr Teo Chee Hean on extending benefits to spouses of female pensioners, Public Service Division, Prime Minister’s Office, 16 August 2016, <https://www.psd.gov.sg/press-room/parliamentary-replies/written-reply-to-parliamentary-question-on-extending-benefits-to-spouses-of-female-pensioners>

<sup>104</sup> Pensioner’s Handbook, Accountant-General’s Department (Pensions Branch), accessed on 1 June 2021, <https://www.agd.gov.sg/docs/default-source/default-document-library/pensioners-handbook.pdf>

### 3 Equalise pension benefits for all surviving female pensioners who retired before 1 January 2005.

Since 2005, all civil service officers, male and female, on the Medisave-cum-Subsidised Outpatient (or MSO) scheme can claim medical benefits for their spouses, and for their dependent unmarried children below the age of 18. Pensioners and serving officers on the older medical schemes can opt to convert to the MSO scheme at any time. However, few have done so, as the older medical schemes offer more generous benefits than the MSO scheme.<sup>103</sup>

Surviving female pensioners who retired before 1 January 2005 and who chose to remain on the older medical schemes are not eligible to claim medical benefits for their husband and children, while their male counterparts are.<sup>104</sup> This means that medical benefits for this group of female pensioners and their dependents are unequal to their male counterparts, and the effects of gendered discrimination from older policies continue to persist 'til today.

As of 2016, there are 8,400 surviving female pensioners who retired before 2005. Deputy Prime Minister Mr Teo Chee Hean cited that if medical coverage were to be extended to the dependents of all female pensioners and serving officers currently enrolled in the older medical schemes, the additional cost would exceed \$30 million annually.

However, it would be remiss to send the message that older female pensioners deserve less than their male counterparts. We recommend that the government equalise the benefits of the older medical schemes for all surviving pensioners.

<sup>103</sup> Parliamentary reply by Deputy Prime Minister Mr Teo Chee Hean on extending benefits to spouses of female pensioners, Public Service Division, Prime Minister's Office, 16 August 2016, <https://www.psd.gov.sg/press-room/parliamentary-replies/written-reply-to-parliamentary-question-on-extending-benefits-to-spouses-of-female-pensioners>

<sup>104</sup> Pensioner's Handbook, Accountant-General's Department (Pensions Branch), accessed on 1 June 2021, <https://www.agd.gov.sg/docs/default-source/default-document-library/pensioners-handbook.pdf>

## Section 3:

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# **Gender-based and other forms of discrimination**

## Issue 3.1

# Maternity Discrimination

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Maternity leave protection and benefits are provided for under Part III of the Child Development Co-Savings Act and Part IX of the Employment Act, including but not limited to:

### **(i) Entitlement to government-paid maternity leave**

Eligible working mothers are entitled to 16 weeks of paid maternity leave. For the first and second child, the first eight weeks of maternity leave are employer-paid. The last eight weeks are funded by the government. To be eligible, the child must be a Singaporean citizen and the employee must have worked for her employer for at least three consecutive months preceding the child's birth. If self-employed, the worker must have been engaged in a particular business, trade or profession for a continuous period of at least three months preceding the child's birth, and have lost income as a result of not engaging in her business, trade or profession during the maternity leave period.

### **(ii) Entitlement to maternity leave benefits**

Employers are required to pay maternity leave benefits to pregnant employees if they are dismissed without sufficient cause or retrenched at any stage of their pregnancy. To be eligible, the employee must have been working for the employer for at least three consecutive months and have obtained a doctor's certification on the pregnancy before any notice of dismissal is given.

In addition, employers are "expected" to abide by the Tripartite Guidelines on Fair Employment Practices.<sup>105</sup> Complaints of non-compliance are investigated by the Tripartite Alliance for Fair & Progressive Employment (TAFEP). Some complaints result in sanctions such as the curtailment of work pass privileges. The guidelines cover the areas of job advertisements, job application forms, job interviews, grievance-handling procedures, performance management, dismissals and retrenchment.

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<sup>105</sup> "Fair Consideration Framework", Ministry of Manpower, Government of Singapore, accessed 17 May 2021, <https://www.mom.gov.sg/employment-practices/fair-consideration-framework>

Despite the existing legal framework and mechanisms, pregnancy-related discrimination remains a serious problem. From 2016 to 2018, MOM received about 70 pregnancy-related dismissal appeals, including from those who were wrongfully dismissed or forced to resign, or denied maternity benefits.<sup>106</sup> Around 50 of these cases were found to be substantiated each year and resulted in compensation to the employees. However, these numbers are likely an under-representation of the scale of the problem. Based on the experience of AWARE's Workplace Harassment and Discrimination Advisory (WHDA), most clients do not file a report to MOM, TAFEP or the Tripartite Alliance for Dispute Management (TADM) when they experience discrimination.<sup>107</sup> In 2020, WHDA saw 67 cases of workplace discrimination, out of which 48 (71.6%) were maternity related cases. Among 14 WHDA clients who experienced maternity-related discrimination resulting in wrongful dismissals, we know of three that approached TADM. WHDA referred one client to TAFEP.

Clients shared that they do not file complaints because they fear TAFEP will not keep their complaints confidential, leading to employer retaliation. For example, a pregnant employee contacted us after her supervisor made snide remarks about her pregnancy "being an annual affair" and nitpicked her work after she announced her pregnancy, despite the consistent quality of her performance. (She had previously received very positive reviews throughout the years she worked for the company.) Yet she declined to approach TAFEP in part because she feared employer retaliation.

Furthermore, there is no legal protection nor recourse for pregnant employees who experience discrimination that does not amount to wrongful dismissal. This discrimination includes being treated harshly or assessed unfairly at work due to pregnancy, or being dismissed or demoted upon returning from maternity leave. Some respondents in our 2017 research with low-income mothers also reported experiencing pregnancy discrimination. For example, one mother said she was terminated on the 88th day of her full-time job after her employer learnt of her pregnancy, presumably so that the employer could avoid paying her maternity benefits, as is required for employees who have been working for at least three months.

<sup>106</sup> "Official Report: Thirteenth Parliament, Second Session, Volume 94, No 102", Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/fullreport?sittingdate=1-4-2019>

<sup>107</sup> Nonetheless, some clients may approach one of the aforementioned agencies without informing us.

## Overall recommendation for this section

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### 1 Introduce comprehensive anti-discrimination legislation.

There is no clear right to recourse for workers facing discrimination, and no legal duty for employers to avoid it. S14 of the Employment Act makes provisions for complaints to MOM in cases of wrongful dismissals. In our joint submission with the Disabled People's Association on the review of the Employment Act in 2018, we pointed out that the provisions on dismissal in the Employment Act then did not seem to generally allow for a dismissal to be disputed based on discrimination, as S14 did not actually define what “wrongful” dismissal is, leaving room for ambiguities and misunderstandings. In 2019, the Tripartite Guidelines on Wrongful Dismissals were published, stating that “dismissing an employee because of discrimination, e.g. against the employee’s age, race, gender, religion, marital status and family responsibilities or disability, is wrongful”.<sup>108</sup>

While a welcome clarification, the legal protection against discrimination remains limited to cases amounting to wrongful dismissals. As pointed out earlier, employees can still experience discrimination in hiring and promotion, but they enjoy no legal protections at these stages. They may make a complaint to TAFEP, who could investigate and mediate; however, in cases where mediation does not resolve the dispute, TAFEP cannot take enforcement measures such as reinstatement, compensation or punishment. (For those who have statutory or contractual salary-related claims, they can register their claims with TADM, which provides advisory and mediation services before claims can be heard at the Employment Claims Tribunals.)

MOM has been resistant to the idea of enacting anti-discrimination legislation, arguing that it would increase business costs and undermine Singapore’s economic competitiveness. However, we observe that countries with anti-discrimination laws, such as the United States, the U.K. and the Netherlands, remain globally competitive.

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<sup>108</sup> 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-on-wrongful-dismissal.pdf>

We strongly recommend that a comprehensive anti-discrimination legislation be enacted to forbid employers to discriminate on the basis of gender, race or ethnicity, religion, congenital or acquired disability, age, marital status, health status, sexual orientation and family or caregiving responsibilities. An independent body should be set up to monitor and enforce compliance.

In addition, the timeframe to make a claim in cases of wrongful dismissal should be increased from one month to three months. In our experience, one month is too short a period for victims as they would have first needed some time to understand the situation e.g. consulting WHDA before they are comfortable with filing a claim. In the United Kingdom, the time period to file a claim with the employment tribunal is three months less one day after the date of dismissal or the date when the notice period ran out.<sup>109</sup>

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<sup>109</sup> "Employment tribunals - winning your claim for unfair dismissal - the general legal tests", Citizens Advice, Citizens Advice, last reviewed 11 March 2021, <https://www.citizensadvice.org.uk/work/problems-at-work/employment-tribunals-from-29-july-2013/making-an-employment-tribunal-claim-is-it-worth-it/employment-tribunals-unfair-dismissal-claims/employment-tribunals-winning-your-claim-for-unfair-dismissal-the-general-legal-tests>



## Recommendations to protect pregnant women

### 1 Provide protection against dismissal after maternity leave.

New mothers who wish to return to their jobs should have the right to do so, yet protection against dismissal ends upon their return from maternity leave. WHDA has seen cases where new mothers are terminated upon returning from maternity leave. (Pseudonyms are used in these cases to protect our clients' identities.)

In February 2020, right before she was supposed to return to work upon the end of her maternity leave, Naya's\* Human Resource (HR) department informed her that there was no position available for her to return to and that they were looking for other positions to offer to her. Naya was then instructed to go on garden leave<sup>110</sup> in the meantime. At that point, she had been at the company for over 13 years and had exceeded performance expectations almost every year. The only exception was in 2019 when she had a difficult pregnancy and took a few days of hospitalisation leave. After she completed her garden leave, HR offered her a retrenchment package instead.

Li\* was a new mother and had been retrenched from her job when she approached WHDA for help in July 2020. Li had returned to work after her maternity leave. A week later, in the presence of her maternity cover, she was told that she was retrenched because of the pandemic-induced economic downturn. Her maternity cover, however, kept her job. Li thought that this was unfair and discriminatory, and that the company was giving her a bare minimum i.e. 15 days salary for each of the two years that she has worked in the company to appear above board. (MOM guidelines require a minimum of two weeks salary per year of service for retrenchment benefits.)

<sup>110</sup> "In Singapore, employees are sometimes placed on 'garden leave' while serving their notice period. Garden leave is a period of time where the employer requests an employee not to report for work although the employee's employment contract has not expired. Employers might wish to place their employees on garden leave to take them out of the office before the employee commences another job in competition with the employer." Siu Farn, Chew, "What is Garden Leave for Employees in Singapore?", Singapore Legal Advice, November 13, 2018, <https://singaporelegaladvice.com/garden-leave-employees-singapore>

Clients like Naya and Li who lose their jobs upon returning from maternity leave often find themselves in highly stressful situations. Not only are they still adjusting to the demands and pressures of parenthood, they have also suddenly lost a vital income source, which impacts the well-being of their entire family.

There should be protections for mothers to return to their jobs upon returning from maternity leave. In the U.K., if an employer does not let a mother return to work after maternity leave, or if they offer her a different job without a strong reason, that constitutes unfair dismissal and maternity discrimination. Employers cannot offer mothers a different job if:

- Their job still exists, e.g. has been given to someone else;
- Their job would still exist if they hadn't gone on maternity leave;
- The new job is not something they can do;
- The new job has worse conditions or pay than the previous one.

Similar provisions are in place in Australia, Japan, Canada, the Netherlands, etc. Employers should be prohibited from terminating an employee during her pregnancy, maternity leave or the three months after returning to work from maternity leave.

## 2 Employers should provide reasonable accommodations for pregnant employees.

Pregnancy brings about significant changes to one's body, which may require accommodations to be made so a pregnant worker can continue carrying out her work effectively. Currently, there are no legal obligations for employers to make reasonable accommodations for pregnant employees. WHDA has seen cases where the lack thereof has resulted in discrimination against the workers:

When she approached WHDA in January 2021, Divya\* was pregnant and had a doctor's note requesting that she work day shifts because of an eye issue making it unsafe for her to work at night while pregnant. She wrote to HR to request for day shifts and instead, they verbally suggested that she go on unpaid leave. They also informed her that they could not offer her a permanent position, as had been previously implied. Instead, she was offered a demotion and a pay cut.

Leah's\* job requires her to work in shifts, including 12h overnight shifts. When she found out she was pregnant, she shared the news with her supervisor, hoping that the shift roster could be adjusted so that she could work day shifts rather than night shifts. Leah experienced a difficult pregnancy and bad morning sickness. She felt physically weak and could not sleep well as a result of the pregnancy.

However, her request was denied as there was already a team member on permanent day shift, and Leah was told that the company could not afford to take her off the night shift.

While pregnant, Amira\* and another pregnant colleague worked on rotation, which required them to work at a desk that faced the sun directly. While Amira did not have an issue with this before she was pregnant, the sun's glare and heat was now causing her significant nausea and headaches. She almost fainted on some occasions due to the heat. Her other colleagues did not have to sit at desks near the sun. However, no reasonable accommodation was made for Amira even after she requested it.

Protections for pregnant employees should be made more holistic and employers should be legally obligated to provide reasonable accommodations. In Canada, the failure of an employer to provide reasonable accommodations for pregnant employees is considered discrimination.<sup>111</sup> In the U.K., employers must carry out workplace risk assessment for their pregnant employees, and remove or reduce any such risks.<sup>112</sup> If it is not possible for risks to be avoided, employers must offer sustainable alternative work or suspend a pregnant employee on full pay.

We recommend that the Employment Act be amended to include provisions on reasonable accommodations for pregnant employees, such as leave flexibility for prenatal visits or temporary reassignments to less strenuous positions.

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<sup>111</sup> "Guidelines For Accommodation Of Pregnancy In The Workplace", Human Rights Commission, Human Rights Commission, accessed on 20 May 2021, <https://thinkhumanrights.ca/education-and-resources/guidelines/guidelines-for-accommodation-of-pregnancy-in-the-workplace>

<sup>112</sup> "Health and safety during pregnancy and on return to work", Maternity Action, Maternity Action, accessed on 20 May 2021, <https://maternityaction.org.uk/advice/health-and-safety-during-pregnancy-and-on-return-to-work>

## Issue 3.2

# Discrimination against disabled women

## Barriers to employment

Securing, retaining and progressing in employment is critical for people with disabilities to be independent. Employment is a means to afford important resources, such as healthcare, transport, housing and social and recreational activities. It was reported that as of September 2019, less than 30% of persons with disabilities in Singapore were employed.<sup>113</sup> A 2015 study also found that a majority of employed persons with disabilities worked in shelters run by social service agencies.<sup>114</sup> Data on the salary earned by people with disabilities in such sheltered facilities in Singapore are not publicly accessible.<sup>115</sup> However, reports that have been released show that people with disabilities working in such sheltered facilities are largely underpaid—earning on average \$200-499 a month for full-time employment.<sup>116</sup>

Women with disabilities often face additional barriers when securing, retaining and progressing in employment. In 2018, the Disabled People's Association (DPA) published a study on “Discrimination Faced by People with Disabilities in the Workplace”, detailing the additional barriers that women with disabilities face in the employment cycle: from finding and securing, to retaining, to progressing in employment.<sup>117</sup>

<sup>113</sup> Sue-Ann Tan, “Parliament: More Than 25% of People with Disabilities Are Employed”, The Straits Times, Singapore Press Holdings Ltd. Co., 3 September 2019, <https://www.straitstimes.com/politics/more-than-25-of-people-with-disabilities-are-employed>

<sup>114</sup> Ranjana Raghunathan, Balambigai Balakrishnan, Catherine J Smith and Md Kadir Mumtaz, *People with Physical Disabilities in Singapore: Understanding Disabling Factors in Caregiving, Education, Employment and Finances* (Singapore: SMU Change Lab, 2015) [https://ink.library.smu.edu.sg/lien\\_reports/8](https://ink.library.smu.edu.sg/lien_reports/8)

<sup>115</sup> Disabled People's Association (DPA), *Convention on the Rights of Persons with Disabilities (CRPD) Parallel Report* (Singapore: DPA, 2019): 7, [https://www.dpa.org.sg/wp-content/uploads/2019/10/CRPD-Parallel-Report\\_DPA-Singapore.pdf](https://www.dpa.org.sg/wp-content/uploads/2019/10/CRPD-Parallel-Report_DPA-Singapore.pdf)

<sup>116</sup> Priscilla Goy, “Those in Sheltered Work Underpaid”, The Straits Times, Singapore Press Holdings Ltd. Co., 2 July 2015, <https://www.straitstimes.com/singapore/those-in-sheltered-work-underpaid>

<sup>117</sup> Each of the accounts and quotes from disabled women in this section is taken from DPA's “Discrimination Faced by People with Disabilities in the Workplace” 2018 study; for more: Disabled People's Association (DPA), *Discrimination Faced by People with Disabilities in the Workplace* (Singapore: DPA, 2018) <http://www.dpa.org.sg/wp-content/uploads/2018/07/Discrimination-Faced-by-People-with-Disabilities-at-the-Workplace-Study.pdf>

### (i) Finding and securing employment

While gender-based discrimination already results in women being over-represented in unemployment, lower-paying occupations and part-time and casual work, women with disabilities are doubly penalised in their journey to finding and securing employment. They face disability-related prejudices from their families and support programmes, along with discrimination by hiring managers and HR personnel.<sup>118</sup>

It is common for disabled people to express that their family members hold inaccurate, subconscious biases and prejudices about disability in a manner that harms disabled people. In the 2018 DPA study, persons with disabilities shared that a common barrier they faced was their family members' low expectations for their educational and career prospects—leading to frequent condescending and hurtful remarks, and a lack of support in finding and securing meaningful employment. One woman with cerebral palsy informed DPA that when looking for employment, her siblings believed that she should take up a profession that they thought would be “ideal” for her as a disabled woman, despite the profession being typically lower-paying and despite her different goals and aspirations.

Disabled people also often have negative experiences with many support services and programmes—e.g. social workers and government-run job-matching programmes—aimed at helping them find and secure employment. In the 2018 DPA study, disabled persons reported that many such government programmes would at best match them into lower-paying occupations and sectors such as custodial, F&B services, retail cashiers, etc.; however, these jobs often did not match their skills and interests. As one respondent commented, “They recommend jobs that truly require no passion. ‘Minimum wage’. Like, any job is good, as long as you have one.”

Many other respondents echoed similar sentiments. Moreover, persons with disabilities reported that they felt compelled to take up such occupations as the alternative presented to them was unemployment. The 2018 study also showed that disabled people often feel pressured to accept employment placements on a take-it-or-leave-it basis, and often feel disempowered. They have little or no say in their choice of vocation, often not having been given the chance to articulate their preferences at the employment placement services.

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<sup>118</sup> Ibid

When disabled people attempt to look for work by themselves, they are often met by explicit cases of disability-based discrimination from hiring managers and/or HR personnel. For instance, job seekers with disabilities have recalled instances when they were speaking to employers over the phone, only to have such employers hang up on them the moment they disclosed their disabilities. Other job seekers with disabilities recounted instances when they would show up for interviews and be told immediately to leave due to their disabilities, before the interviews even started. For example, a disabled woman who is a wheelchair user informed DPA that her interviewer said to her face, “No, no! Sorry, sorry. I didn’t know you are like that, handicapped.” Additionally, persons with psychosocial disabilities and mental health conditions have reported to DPA that when they disclosed their conditions on resumes and job applications, they would not receive interviews and/or job offers; however, when they withheld disclosure of their conditions, they succeeded in attaining interviews and/or job offers.

### **(ii) Retaining employment and career progression**

Persons with disabilities often face hostile working conditions and discriminatory work policies that place an unfair and undue burden on them to retain employment. A woman with depression recounted the following scenario to DPA regarding her first day on the job.

“First day of work. Boss had a talk with me in private, as I had disclosed my condition [depression] in resume. He told me straight... he had doubt in hiring me because of my condition. He began to imply that with all the meds available at the clinic, he’s worried. Though he was hesitant to state the worries specifically. Then he began to ‘lecture’ in a sense that people with depression are, in a way, selfish; people like us need to look outwards instead of focusing on own issues.”

Other disabled people have reported similar experiences. Such comments by employers reflect a poor and inaccurate understanding of disability: Many employers still view disability as something to “overcome” individually, a notion that goes against internationally held standards of disability inclusion. Other instances of discrimination include disparaging and condescending remarks made by employers, such as talking down to disabled employees. One disabled woman recalled her employer telling her that if they did not hire her, “nobody will”, and that persons with disabilities are “begging” for her job.

Disabled people also face similar forms of harassment and verbal abuse by their co-workers. For example, a deaf woman who communicates to her co-workers through writing informed DPA that she was verbally shamed by her colleagues—they would often call her demeaning and belittling names for taking longer to communicate, and were unwilling to accommodate her alternative forms of communication. Another example is a woman with schizophrenia and depression who informed DPA that in one of her jobs, she would be publicly shamed by her colleagues in front of customers whenever she made a mistake. Her supervisor would yell at her every morning until she “couldn’t take it”.

The hesitance or, in many cases, explicit refusal on the part of employers, supervisors or co-workers to grant disabled employees accommodations is a common occurrence that often results in unfair dismissals of disabled employees, or disabled employees having to resign. While there are government-sponsored grants and programmes to assist employers in hiring disabled people, it is reported that employers at times misuse or even abuse such grants and programmes.<sup>119</sup>

Moreover, disabled employees also face attitudinal and systemic barriers to career progression. For example, a woman who is a wheelchair user informed DPA that she had worked under an employer for a number of years with the understanding that she would eventually be transferred to another department that better suited her interests. However, she was denied the transfer after her employer declined to grant her the necessary accommodations for her to perform a task required by the new department. In her words:

“But the rest of the job, the majority of the job, I can do it. But they don’t do it, they don’t even think of that way! That means it shows that they are not sincere about hiring me... They should at least give me a chance to be interviewed!”

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<sup>119</sup> DPA, “Discrimination Faced by People with Disabilities in the Workplace”, 25-26



Others in DPA's 2018 study recounted similar experiences, whether the denial of reasonable accommodations to progress to a new role, or internalised biases on the part of supervisors about what disabled people can and cannot do. All this results in a lack of career progression or advancement. As one woman with low vision recounts:

“They don’t know... what is good partial field, they do not know what is bad partial field. They don’t know, they don’t understand... They find it weird when I look at the computer... quite near... they look at me as a slow worker, slow pace and... basically whatever information that they want to disclose... they trust more on the normal abled-body lah, not so much on me, because they feel that... because of my impairment... I cannot do that much.”

Such barriers have an impact on disabled people’s career prospects, and limit their job options. As detailed earlier in the report, progressing in employment or finding new work is often driven through personal networking—a process that systemically discriminates and disadvantages women, as the process of networking relies on access to pre-existing social ties and capital. Networking thus reproduces pre-existing social structures and forms of representation. In addition to such gender-based barriers, disabled women also face the aforementioned attitudinal barriers and discriminatory workplace practices, and these often lead to social exclusion in the workplace and a lack of access to social ties and capital.

### **(iii) Employment in the era of COVID-19 pandemic**

The COVID-19 pandemic has had a disproportionately negative impact on disabled people in Singapore, including their prospects to securing, retaining and progressing in employment. A recent report by a National Council of Social Service (NCSS) task force shows that while quality of life (QOL) indicators (i.e. indicators related to psychological well-being, independence and having social support) improved for most Singaporeans in Phase 2 of Singapore’s reopening of the economy, QOL indicators for demographics such as persons with disabilities have not improved since the circuit breaker period.<sup>120</sup> Pre-COVID-19, disabled people (in particular disabled women) were already systematically over-represented in lower-paying occupations—custodial, F&B services, retail cashiers, etc.

<sup>120</sup> Ministry of Social and Family Development (MSF), Emerging Stronger Together: A Guide Beyond COVID-19 (Singapore: MSF, 2021) <https://www.ncss.gov.sg/docs/default-source/ncss-publications-doc/pdfdocument/emerging-stronger-together-guide.pdf>

Studies show that these same occupations were the hardest hit by the pandemic. For instance, data from a 2020 labour market report by MOM shows that workers not in professional, manager, executive and technician (PMET) jobs—i.e. jobs in those aforementioned sectors and others—comprised 49.2% of Singaporeans who were retrenched in the second quarter of 2020 (the height of the pandemic in Singapore), up from 36.1% in the previous quarter.<sup>121</sup> Additionally, disabled people may face the reality of losing employment or income due to new work classifications and protocols in the era of COVID-19. For instance, many disabled people have pre-existing health conditions that result in compromised immune systems. Those who perform essential work such as custodial or food services may thus face having to leave their jobs due to the significant health risks. Additionally, many disabled people often face socio-economic challenges and if required to work from home, may not be able to afford the equipment required to do so.

Furthermore, disabled people face the additional problem of navigating physical access barriers brought about by the pandemic. Prior to the COVID-19 crisis, persons with disabilities already had to face a number of access barriers, e.g. unpredictable infrastructure, pathways and limited-access guides in public spaces.<sup>122</sup> During this pandemic, more forms of physical barriers have appeared. For instance, QR codes and scanners are often not placed at a standardised location (posing access barriers for the blind), or placed too high for wheelchair users or people with dwarfism. This impedes their abilities to physically travel to work.

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<sup>121</sup> Joanna Seow, "Lower Wage Workers in Singapore Hit Hard by Fallout of Pandemic", The Straits Times, Singapore Press Holdings Ltd. Co., September 15, 2020, <https://www.straitstimes.com/singapore/manpower/lower-wage-workers-here-hit-hard-by-fallout-of-pandemic>

<sup>122</sup> Goh Yan Han, "More Needed to Improve Accessibility in Public Spaces for Persons with Disabilities: Workgroup", The Straits Times, Singapore Press Holdings Ltd. Co., April 14, 2021, <https://www.straitstimes.com/singapore/more-needed-to-improve-accessibility-in-public-spaces-for-persons-with-disabilities>

## Recommendations to end discrimination against disabled persons

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### 1 Update and expand Singapore’s definition of disability to be more aligned with the social model of disability.

As this section illustrates, there is a general lack of awareness, understanding, acceptance and inclusion of disabilities and persons with disabilities in Singapore. Having ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2013, the government has the responsibility to ensure that discrimination on the basis of disability is prohibited. In particular, Article 27 of the CRPD states that the government should take appropriate steps to prohibit discrimination on the basis of disability throughout recruitment, hiring, career advancement and redress of grievances.

There are several measures the government can implement to take such “appropriate steps”. To start, it should update and expand its definition of disability. The current definition of disability employed by the government cites impairments as the reason for persons with disabilities facing challenges and barriers in gaining access to employment. However, the definition of disability outlined in the CRPD is based on the social model of disability—the notion that barriers are caused not by inherent impairment, but by society being designed for those without disabilities; therefore, society has a collective responsibility to remove those barriers. Applied to the issue of employment, an updated and more inclusive definition of disability to match the social model of disability found in the CRPD is a good first step—it will prepare employers to share that collective responsibility to remove barriers, rather than seeing a person’s disability as the cause of the barriers.<sup>123</sup>

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<sup>123</sup> DPA, CRPD Parallel Report, p. 8

Additionally, unlike the definition found in the CRPD, the definition of disability used by the government does not include people with psychosocial disabilities. As a result, people with psychosocial disabilities are prohibited from accessing some of the more comprehensive government support schemes, such as the Open Door Programme (ODP): a government-sponsored initiative that aims to promote the employment of persons with disabilities through helping employers finance workplace accommodations (such as workplace modifications, the purchasing of assistive technologies, and recruitment and job placement services).<sup>124</sup> As outlined in the various accounts in this section, people with psychosocial disabilities experience very similar social and societal barriers as those experienced by persons with physical, sensory, developmental and/or intellectual disabilities. People with psychosocial disabilities would thus greatly benefit from initiatives such as the ODP. Furthermore, studies show that it is not uncommon for persons with physical, sensory, developmental and/or intellectual disabilities to also have, or to acquire, psychosocial disabilities. It would thus benefit not only persons with psychosocial disabilities, but the overall disability community as a whole, for psychosocial disabilities to be included in Singapore's definition of disability. Currently, the Singapore government does provide separate support schemes for people with psychosocial disabilities; however, such schemes and initiatives are not as comprehensive, well-financed or well-known as the ODP.<sup>125</sup>

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<sup>124</sup> Ibid, p.5 - 14

<sup>125</sup> Ibid, p.6

## 2 Introduce comprehensive anti-discrimination legislation that covers disability, and ensure accessible channels for reporting and filing cases of discrimination.

As noted in Section 3.1, there needs to be comprehensive anti-discrimination legislation that protect job applicants and employees at all stages of the employment cycle: from securing to retaining and progressing in employment.<sup>126</sup> In addition to the recommendations outlined in Section 3.1, any anti-discrimination law enacted will need to include discrimination on the basis of disability, and reporting and filing channels for cases of discriminations must be accessible.

Recently, the government has updated TAFEP guidelines pertaining to disability-based discrimination. For instance, in January 2020, TAFEP updated its guidelines for fair employment practices to prohibit employers from requiring employees to declare mental health conditions on job application forms.<sup>127</sup> Such measures are important and should be commended. However, as the above accounts from disabled people illustrate, discrimination during the process of finding and securing employment manifests itself in various ways and extends beyond whether a disabled person has to disclose their disability. Many disabled persons, especially those with perceivable disabilities, have no choice but to disclose their disabilities during the hiring process. More importantly, such measures do not prohibit discrimination, i.e. they do little to address the biased and inaccurate attitudinal beliefs and practices employers may have in all stages of the employment cycle. This, along with other reasons outlined in Section 3.1, constitute reasons for comprehensive anti-discrimination legislation.

Furthermore, there should be legislation to ensure that reasonable accommodations are provided to persons with disabilities in the workplace. This is in alignment with Singapore's ratification of the CRPD, as article 27.1(i) notes that state parties of the CRPD should take "appropriate steps, including through legislation, to, inter alia, ensure that reasonable accommodation is provided to persons with disabilities in the workplace". The government has taken important steps to encourage employers to provide reasonable accommodations to employees with disabilities, e.g. through the ODP. However, as the accounts in this section illustrate, non-binding guidelines and optional programmes such as the ODP are insufficient to ensure reasonable accommodations and subsequently ensure non-discrimination in employment or in the workplace.

<sup>126</sup> See "Recommendations" under Section 3.1

<sup>127</sup> Nurhuda Syed, "Singapore Tackles Mental Health Discrimination", Key Media, 21 January 2020, <https://www.hcamag.com/asia/specialisation/mental-health/singapore-tackles-mental-health-discrimination/210846>

In addition to strong and comprehensive anti-discrimination legislation, safe and accessible channels need to be in place for disabled persons to report grievances and/or incidents of discrimination. Many persons with disabilities have been conditioned (whether explicitly or implicitly) to be beneficiaries of charity and are not always comfortable with giving feedback, be it positive or negative. In addition, where Disabled People's Organisations (DPOs) may have affiliations with state agencies (i.e. through funding support), disabled beneficiaries of DPOs may find it challenging to raise critical or contentious issues. Even if they do want to give feedback, these channels are not always accessible to those with disabilities. For example, some people who are deaf or hard of hearing use Singapore Sign Language as their first language and they may not be as proficient in written language. There are no telecommunication (or video) relay services available in Singapore, nor are there enough skilled sign language interpreters to meet demand.

### **3 Improve the effectiveness and efficacy of existing employment placement programmes and employment schemes.**

The government can take the following steps to improve the effectiveness of existing employment placement programmes and employment schemes:

#### **(a) Improve awareness**

The government can take steps to increase awareness of employment schemes among employers and persons with disabilities. Today, many persons with disabilities remain unaware of the existence of such schemes. Among employers, misconceptions about how to make reasonable adjustments for persons with disabilities remain, which makes it more difficult for persons with disabilities to be integrated into the labour market. For example, there is the misconception that employees with disabilities are ineligible for insurance coverage during their term, and that costs to accommodate them are high.<sup>128</sup>

<sup>128</sup> DPA, CRPD Parallel Report, p.8

### **(b) Improve funding models and employ proper and inclusive data collection methods**

As outlined earlier, many employment placement programmes and employment schemes have the unintended consequence of systemically over-representing disabled people in lower-paying occupations. One reason for this can be traced back to the funding model of such services, which gauges the effectiveness of the programme based on the number of successful job placements alone, and excludes criteria such as job fit and client (employee) satisfaction or turnover.<sup>129</sup> The government could consider using a more holistic evaluation mechanism to measure the effectiveness of social service agencies (SSAs) in matching persons with disabilities to jobs.

The government should also collect additional employment-related data from persons with disabilities, such as their job satisfaction levels, duration of job stints, professional and emotional well-being, and acquisition of new skills and knowledge.<sup>130</sup> This information would not only assist job applicants with disabilities, but also highlight any recurring or systemic problems that may need to be addressed with more robust regulation, policy and/or legislation.<sup>131</sup> These improvements to data collection would also allow SSAs to design their services and actions to better meet the needs of job applicants with disabilities. For example, SSAs could then work with employers on an action plan to accommodate the needs of employees on a sustainable and long-term basis, and collaborate with a more diverse range of employers.<sup>132</sup> As with reporting instances of malfeasance and discrimination, such data collection methods must also be safe and accessible to disabled persons.

These recommendations are also applicable to sheltered facilities. As many disabled persons are employed in sheltered facilities, more consistent and comprehensive data regarding income, job satisfaction levels, etc. can be collected and shared by SSAs to ascertain if these facilities are accomplishing the goal of assisting persons with disabilities in career progression. Internationally, disability advocates have expressed concerns that sheltered facilities have the unintended consequences of isolating persons with disabilities.

<sup>129</sup> DPA, *Discrimination Faced by People with Disabilities in the Workplace*, p. 18

<sup>130</sup> DPA, *CRPD Parallel Report*, p.9

<sup>131</sup> *Ibid*

<sup>132</sup> *Ibid*

A report by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) that outlined recommendations to strengthen employment prospects for persons with disabilities in Asia and the Pacific echoes these sentiments. In the report, UNESCAP notes that while some sheltered facilities may have good intentions, the focus should be on integrating persons with disabilities into the open market: “Rather than promoting sheltered workshops, governments can serve their citizens with disabilities better by removing barriers towards their employment in the open labour market”.<sup>133</sup>

## 4 Promote equity in employment in the era of COVID-19 and beyond.

Ensuring accessibility when designing social distancing and safe-entry measures is one way to assist persons with disabilities who still need to travel or commute during the pandemic. Additionally, for those who need to work from home, optimal support needs to be provided. The government has taken commendable measures in this regard by introducing the NEU PC Plus programme, offering persons with disabilities the opportunity to attain needed work-from-home technologies at an affordable price.<sup>134</sup> However, it should be noted that this programme mainly covers PCs and broadband access; there might be other work-from-home modifications that persons with disabilities require that are not covered in this programme.

The government has also taken important steps to provide financial assistance during the pandemic: via the Temporary Relief Fund, the COVID-19 Support Grant and the Self-Employed Persons Income Relief Fund (SIRS). They should consider increasing the amount given to, and extending the duration of the relief for, persons with disabilities; they could also expand eligibility to include those with higher household incomes. Those with disabilities often have higher healthcare and personal care costs, which may well increase during the pandemic when services are disrupted by circuit breaker measures and alternative and/or emergency care arrangements have to be made. In addition, some persons with disabilities rely on informal and temporary work arrangements and as such do not strictly fit into the eligibility requirements of SIRS.

<sup>133</sup> UNESCAP, Strengthening Employment Prospects for Persons with Disabilities in Asia and the Pacific (UNESCAP, 2016) [https://www.unescap.org/sites/default/files/publications/SDD%20Disability%20Glance%202015\\_Final\\_0.pdf](https://www.unescap.org/sites/default/files/publications/SDD%20Disability%20Glance%202015_Final_0.pdf)

<sup>134</sup> Infocomm Media Development Authority, “NEU PC Plus”, IMDA.gov, <https://www.imda.gov.sg/programme-listing/neu-pc-plus>



Finally, the government needs to ensure that all current and post-pandemic relief initiatives are fully accessible to assistive technologies such as screen readers. Currently, government-sponsored job training programmes such as SkillsFuture credit are not accessible to screen readers. More needs to be done to take into account the realities of disabled persons.<sup>135</sup>

## Violence and abuse against women with disabilities

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Women with disabilities are more likely to face physical, sexual, emotional, verbal, psychological and economic abuse compared to non-disabled women. Globally, studies show that women with disabilities are on average thrice more likely to be the victims of rape, twice as likely to be the victims of domestic violence and other forms of gender-based violence, and overall more likely to experience abuse over a longer period and attain more severe injuries compared to women without disabilities.<sup>136</sup> Such studies highlight deeply concerning trends around the unique and systemic ways that women with disabilities face violence and abuse. They also highlight how current systems in place around the world are wholly inadequate to protect the safety of women with disabilities against violence and abuse.

In many cases, perpetrators of violence and abuse are caregivers and/or family members of women with disabilities. Many disabled women often feel trapped in abusive environments due to often being socially and/or financially dependent on their caregivers and/or family.<sup>137</sup> Studies in various countries also show the disturbing trend of members of the media and at times the general public displaying empathy for the perpetrators of such abuse towards disabled women (especially if the perpetrators are the victim's caregivers).<sup>138</sup>

Women with disabilities face many barriers to reporting cases of violence and abuse. Formal reporting procedures in place to assist victims of violence and abuse tend to be inaccessible to disabled women. For instance, many reporting procedures still rely on verbal forms of communication, posing barriers to deaf and non-verbal autistic people.<sup>139</sup>

<sup>135</sup> Reena Rajasvari, "Pandemic Has Dealt Blow to People with Disabilities", The Straits Times, Singapore Press Holdings Ltd. Co., May 27, 2020, <https://www.straitstimes.com/forum/pandemic-has-dealt-blow-to-people-with-disabilities>

<sup>136</sup> UN Women, Fact Sheet: Ending Violence Against Women and Girls with Disabilities, (UN Women, 2017) <https://untf.unwomen.org/en/digital-library/publications/2017/08/ending-violence-against-women-and-girls-with-disabilities>

<sup>137</sup> Ibid

<sup>138</sup> David Perry, Timotheus Gordon, Zoe Gross, Kristina Kopic, Vilissa Thompson, and Kathleen Seidel, Media Coverage of the Murder of People with Disabilities by Their Caregivers, (Ruderman Family Foundation, 2017)

<sup>139</sup> Ibid

Additionally, many sex education programmes, reproductive health services and sexual assault awareness campaigns around the world exclude disabled people (disabled women in particular, and women with intellectual disabilities).<sup>140</sup> Many women with disabilities (particularly women with intellectual disabilities) also report that they are not believed—whether by social workers, law-enforcement personnel or peers—when speaking up about and seeking assistance for abuse they have experienced due to their disabilities.<sup>141</sup>

In Singapore, the abuse of “vulnerable adults” (which includes people with disabilities) appears to be on the rise in recent years, with 209 cases investigated in 2019, up from 199 in 2018, and almost double the 107 cases investigated in 2016.<sup>142</sup> Centres dealing with abuse involving disabled people share that although they have noticed a rising trend in cases of violence and/or abuse, the figure is still relatively small because incidents often go unreported. According to Care Corner Project StART, this may be due to a lack of understanding regarding the nature and severity of violence against and abuse of disabled persons. When Care Corner Project StART focused efforts on including disability in their prevention awareness efforts, the number of reports increased—implying a possible correlation between under-reporting and a lack of mainstreamed disability-inclusive violence and abuse prevention efforts.<sup>143</sup>

The two cases below are examples of abuse of disabled women in Singapore in recent years:<sup>144</sup>

In December 2017, a Singaporean couple, Tan Hui Zhen and Pua Hak Chuan, was jailed for the torture and death of Annie Ee, a 26-year-old waitress who was intellectually disabled. Ee, estranged from her family, had first met Tan when they were teenagers; they reunited in 2013. Ee moved into the apartment of Tan and Phua later that year. However, Tan and Phua would soon abuse the trust of Ee, violently abusing and assaulting Ee on a regular basis. The abuse lasted for eight months: from August 2014 to April 2015, when Ee tragically died at the hands of her abusers. During the eight months, the couple would also economically abuse Ee by making her surrender her monthly salary of \$1,200 to them.

<sup>140</sup> United Nations, A/72/227 General Assembly | Report by the Secretary General, (United Nations, 2017)

<sup>141</sup> UN Women, Fact Sheet: Ending Violence Against Women and Girls with Disabilities

<sup>142</sup> Theresa Tan, “Abuse of the Elderly and Adults with Disabilities on the Rise”, The Straits Times, Singapore Press Holdings Ltd. Co., April 14, 2020, <https://www.straitstimes.com/singapore/abuse-of-the-elderly-and-adults-with-disabilities-on-the-rise>

<sup>143</sup> Theresa Tan, “More Cases of Vulnerable Adults Being Abused by their Families”, The Straits Times, Singapore Press Holdings Ltd. Co., March 13, 2016, <https://www.straitstimes.com/singapore/more-cases-of-vulnerable-adults-being-abused-by-their-families>

<sup>144</sup> Selina Lum, “Couple Tortured Intellectually Disabled Woman for Months Until She Died”, The New Paper, November 28, 2017, <https://www.tnp.sg/news/singapore/couple-tortured-intellectually-disabled-woman-months-until-she-died>; Shaffiq Alkhatib, “8 1/2 Years Jail for Woman Who Abused Family Friend Till Near Death State, Twisted Her Toes with Pliers”, The Straits Times, Singapore Press Holdings, February 3, 2021, <https://www.straitstimes.com/singapore/courts-crime/8-12-years-jail-for-fifth-person-linked-to-case-involving-woman-who-was>

In February 2021, members of a family were charged and jailed for abusing and torturing a 30-year-old woman with an intellectual disability. The victim first got to know the family as she went to school with one of the siblings, and moved in with the family in 2016 after running away from home. However, members of the family started to abuse the victim and admitted later on that it was easy to make the victim their “slave” (in their words): making the victim do household chores with no pay while slapping or hitting the victim if she did something “wrong”. From mid-2016 to January 2018, the abuse and acts of violence escalated and included pouring boiling hot water on the victim, knocking her teeth out with a hammer, urinating in her food and making her eat off the bathroom floor. It was not until mid-January 2018, when the victim was near death, that an ambulance was called. The victim was rushed to an ICU, where doctors noted that the victim had attained large scalp lacerations, cuts on her face and lips, deformities in both ears, damage to her cornea and burns on 30% of her body from the year and a half of abuse. The victim had to undergo 8 hours of resuscitation in the emergency room and was discharged from the hospital three months later with permanent injuries.

In addition, Singapore’s CEDAW Parallel Report also cited cases of violence perpetrated by family members, domestic workers or care staff, against older women who acquire disabilities as they age.<sup>145</sup> MSF has also said that more than half of the vulnerable adults it has assisted were aged 60 and above, and that most are women.<sup>146</sup> These cases exemplify several key issues with Singapore’s current system to protect women with disabilities in cases of violence and abuse.

<sup>145</sup> Coalition Report of National NGOs for the 68th Session of the United Nations Committee on CEDAW, Many Voices, One Movement ((2017), pp. 28-29

<sup>146</sup> Min Zhang Lim, “Vulnerable adults get greater protection now”, The Straits Times, Singapore Press Holdings, January 7, 2019, <https://www.straitstimes.com/singapore/vulnerable-adults-get-greater-protection-now>

## Recommendations to protect disabled women and girls from violence

### 1 Address the underlying structural conditions that create vulnerabilities for persons with disabilities.

The government has ratified both the CEDAW and the CRPD. Under CEDAW, the government is required to enact policies and legislation to protect the rights of women, including the rights of women with disabilities. Under the CRPD, the government should ensure that there are mechanisms in place for persons with disabilities to make reports.

There are several legislations in place to protect women and girls with disabilities from violence. First, under S65 of the Women's Charter, judicial applications for protection orders may be made by victims of family violence. Relatives, caregivers or appointed persons can make the application on behalf of an "incapacitated victim".<sup>147</sup> S144 criminalises the act of permitting the sexual exploitation of women and girls with intellectual disabilities on one's premises.<sup>148</sup>

Next, the enactment of the Vulnerable Adults Act (VAA) in 2018 provides further legislative protection against violence. The Act is intended to protect adults, including women with physical and mental disabilities, by granting MSF officials more power to intervene in cases of suspected abuse and neglect by family members and caregivers.<sup>149</sup> It also confers protection from legal liability to whistleblowers who report cases of suspected abuse and neglect in good faith.<sup>150</sup>

Finally, the Penal Code was updated in 2019 to introduce new offenses for causing or allowing the serious injury or death of vulnerable groups, such as persons with disabilities.<sup>151</sup>

However, legislation alone cannot guarantee the safety of disabled girls and women. The VAA and Penal Code lay out a framework for criminal penalties to be meted out to perpetrators of abuse after the fact, but more robust policies and changes within the system are necessary to optimise prevention of violence against or abuse of women with disabilities from the start.

<sup>147</sup> Section 65 of the Women's Charter (Cap. 353, Rev Ed 2009)

<sup>148</sup> Section 144 of the Women's Charter (Cap. 353, Rev Ed 2009)

<sup>149</sup> Ministry of Social and Family Development (MSF), Strengthening the Protection of Vulnerable Adults (Singapore: MSF, 2018) <https://www.msf.gov.sg/media-room/Pages/Strengthening-the-Protection-of-Vulnerable-Adults.aspx>

<sup>150</sup> Ibid

<sup>151</sup> Neo Rong Wei, "Criminal Law Reform Bill: A Look at Key Changes in the Penal Code", TODAY Online, May 6, 2019, <https://www.todayonline.com/singapore/criminal-law-reform-bill-look-key-changes-penal-code>

Recommendations on tackling violence against women are elaborated in part two of the omnibus report. Specific to protecting disabled women and girls, though, we recommend ensuring that all violence prevention programmes, campaigns and policies be designed to be disability-inclusive. As the two case studies quoted above show, many of the factors that make women with disabilities particularly vulnerable to cases of violence and abuse are structural: non-inclusive reporting procedures; social conditions that result in women with disabilities having to live with and rely on perpetrators of violence and abuse for day-to-day support; lack of education, understanding and awareness of the nature and severity of such crimes, etc. The underlying conditions that create vulnerabilities for disabled persons must be addressed.

## 2 Mainstream disability into violence and abuse prevention efforts.

In order to create a safer environment, the general public needs to play an active role in recognising and calling out signs of abuse. Yet, recent high-profile cases suggest that public understanding of violence and abuse do not adequately take disability into account.

In the case of Ms Ee, she was tortured and subjected to regular beatings by her flatmates over a period of eight months. However, throughout the period of abuse, Ms Ee had come into contact with neighbours, colleagues and, on separate occasions, a clinic assistant and doctor.

Yet no one raised their concerns to the police.<sup>152</sup> Similarly, in the case of the 30-year-old woman with an intellectual disability who was tortured by members of a family, it was reported that there were bystanders who came into contact with the victim throughout the one and a half years that she was confined and severely abused. Yet it was only when the victim was near death and sent to the hospital when the truth about her abuse was made known.<sup>153</sup>

Such cases highlight the need to mainstream disability into violence and abuse prevention efforts. To do so, violence and abuse prevention programmes, campaigns and initiatives must reflect the unique realities and inequalities that disabled women face on a daily basis. Furthermore, a human rights approach to disability that adopts the social model of disability should be well-integrated into mainstream training programmes for professionals undergoing training to become social workers, victim-care officers, investigating officers, medical professionals and other members of the criminal justice system.

<sup>152</sup> Lum, "Couple Tortured Intellectually Disabled Woman for Months Until She Died"

<sup>153</sup> Alkhatib, "8 1/2 Years Jail for Woman Who Abused Family Friend till Near Death State, Twisted Her Toes with Pliers"

Disability should also be mainstreamed into sex education and reproductive health education services to create awareness of under-discussed realities that disabled women and girls face. For instance, young women with disabilities (especially intellectual and/or developmental disabilities) around the world are often forcibly sterilised at a rate far higher than any other demographic.<sup>154</sup> Yet the issue of forced sterilisation is rarely brought up when issues pertaining to reproductive health or gender-based violence are discussed.<sup>155</sup>

Finally, in addition to prevention programmes, there needs to be more trauma support and psychological support for women with disabilities.<sup>156</sup> As with non-disabled women, women with disabilities often go years without disclosing incidents of violence and abuse. However, women with disabilities may find it even more difficult to talk about experiences of violence and abuse compared to their non-disabled counterparts. Equitable access to trauma support—with the necessary disability sensitivity and etiquette—should be made available not only during the processes of reporting abuse, but beyond. As with previous recommendations, such support should be mainstreamed and not relegated to one or two centres.

### **3 Ensure that all reporting mechanisms are accessible to and inclusive of persons with disabilities.**

Reporting mechanisms, systems and procedures need to be accessible to ensure that disabled persons can safely report cases of violence and abuse. For instance, varying communication systems can be in place to accommodate non-verbal forms of communication and reporting. For example, the Singapore Police Force already has an SMS service on top of its telephone service. With mobile phone usage being commonplace today, SMS reporting should be made available across national emergency services and women’s social support organisations.

Reporting cases of violence and abuse is usually a daunting process, often followed by lengthy processes and criminal justice protocols. Victim-survivors with disabilities need to be assured of the right to access accommodations throughout such processes. For example, deaf victim-survivors need to be able to have access to a sign language interpreter throughout the whole process, while those with print disabilities need to be able to have access to alternative formats, such as screen reader-accessible documents and so on.

<sup>154</sup> OHCHR, “Forced sterilization of Young Women Must End”, Press Release, October 24, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22289&LangID=E>

<sup>155</sup> Ibid

<sup>156</sup> United Nations, A/72/227 General Assembly | Report by the Secretary General

The reporting process may be especially difficult for those with intellectual disabilities. For victims-survivors with intellectual disabilities, supported decision-making arrangements need to be granted to them throughout the process. The term “supported decision-making arrangements” refers to the practice of an individual with a disability having a “supporter” who assists them in making everyday decisions while prioritising the autonomy of the disabled person.<sup>157</sup> This stands in contrast to what is common in many countries: substitute decision-making arrangements, i.e. a person appointed to make decisions on behalf of the disabled person.<sup>158</sup> Substitute decision-making arrangements have come under significant criticism by disability advocates and UN entities for removing decision-making rights of persons with intellectual/cognitive disabilities—at times unnecessarily, prematurely or even harmfully.<sup>159</sup> Given that global studies show that perpetrators of violence and abuse of disabled persons tend to be in close relation with their victims (e.g. flatmates, caregivers, etc.), we recommend that supported decision-making arrangements be in place where possible. Several jurisdictions have already begun to recognise supported decision-making arrangements under their respective laws, including Ireland, several states in the U.S., Peru, Argentina and Croatia, amongst others.<sup>160</sup>

Finally, studies internationally show that victim-survivors with disabilities often encounter investigating officers (IOs) and medical professionals who are not trained in disability sensitivity or etiquette.<sup>161</sup> Just the mere mention of IOs or medical professionals in criminal justice processes may discourage victims-survivors with disabilities from coming forward—as studies around the world show, women with disabilities often have their accounts disbelieved or minimised when interacting with police and/or medical professionals.<sup>162</sup> Therefore, IOs and medical professionals should be trained in disability sensitivity and etiquette, and victims-survivors with disabilities should be granted the right to be interviewed by and attended to by these trained professionals. Avenues to request such IOs and medical professionals should also be made known and accessible.

<sup>157</sup> Shih-Ning Then, Terry Carney, Christine Bigby, and Jacinta Douglas, “Supporting Decision Making of Adults with Cognitive Disabilities: The Role of Law Reform Agencies – Recommendations, Rationales, and Influence”, *International Journal of Law and Psychiatry* 61 (2018): 64-75. <https://www.sciencedirect.com/science/article/pii/S0160252718301523#screen-reader-main-content>

<sup>158</sup> Ibid

<sup>159</sup> Ibid; UN DESA, “Chapter 6: From Provisions to Practice: Implementing the Convention – Legal Capacity and Supported Decision Making”, UN DESA, <https://www.un.org/development/desa/disabilities/resources/handbook-for-parliamentarians-on-the-convention-on-the-rights-of-persons-with-disabilities/chapter-six-from-provisions-to-practice-implementing-the-convention-5.html>

<sup>160</sup> Then et. al., “Supporting Decision Making of Adults with Cognitive Disabilities”

<sup>161</sup> UN Women, Fact Sheet: Ending Violence Against Women and Girls with Disabilities

<sup>162</sup> Ibid

## **4** Collect and publish gender- and disability-disaggregated data and research.

To optimise the above recommendations, more data disaggregated by gender and disability is necessary. Collecting and disaggregating data according to gender and disability will only assist efforts to ensure that women with disabilities are not left out of initiatives to combat gender-based violence and abuse. For instance, the recently published data on family-related domestic violence during the circuit breaker is a good place to begin in efforts to inform SSAs and DPOs on gender-based and disability-based cases, and allow them to respond accordingly.



## Issue 3.3

# Discrimination against migrant women

## (a) Migrant wives

Around one in four of all citizen marriages, i.e. marriages involving at least one Singaporean citizen, is between a non-resident foreigner and a Singaporean citizen.<sup>163</sup> Seventy per cent of these migrant spouses are women, mostly from neighbouring countries in Asia.<sup>164</sup> They tend to be married to lower-income Singaporean men and have limited social capital and support systems in Singapore.<sup>165</sup> A recent national study on cross-national families found that families with a Singapore-born husband and a wife born overseas have the lowest per capita family income (\$1,709), compared with \$2,611 for families where both parents are born here, and \$3,062 for families with a foreign-born father and Singapore-born mother.<sup>166</sup>

As non-residents, migrant spouses depend wholly on their citizen spouses for the right to reside in the country if they are not on a work visa. The latest publicly available data shows that from 2012 to 2016, 13,900 migrant spouses of Singaporean citizens were granted a Long-Term Visit Pass (LTVP), out of 16,600 applications. The aforementioned national study on cross-national families found that 55% of the 655 foreign-born mothers interviewed had attained permanent residency and 26% had become Singapore citizens, after an average of eight years of marriage, but 17% of them still held LTVP/+.<sup>167</sup> This suggests that many such couples have to deal with the stresses and difficulties arising from uncertain residency status for almost a decade before the migrant spouse acquires PR or citizenship.<sup>168</sup> For female migrant spouses in particular, this means years of insecurity, compounding their vulnerability to family violence.

Below we comment on four challenges that migrant spouses face:

- (i) vulnerability to family violence,
- (ii) uncertainty and stress related to their immigration status,
- (iii) limited access to employment and (iv) housing.

<sup>163</sup> National Population and Talent Division, Strategy Group, Prime Minister's Office, Singapore Department of Statistics, Ministry of Home Affairs Immigration & Checkpoints Authority, and Ministry of Manpower, Population in Brief 2020 (Singapore: National Population and Talent Division, 2020), 23, <https://www.population.gov.sg/files/media-centre/publications/pib-2020-final.pdf>

<sup>164</sup> Ibid

<sup>165</sup> Yi'En Cheng, Brenda S.A. Yeoh, and Juan Zhang, "Still 'Breadwinners' and 'Providers': Singaporean Husbands, Money and Masculinity in Transnational Marriages," *Gender, Place & Culture* 22, no. 6 (2014), doi.org/10.1080/0966369x.2014.917282

<sup>166</sup> Theresa Tan, "New study sheds light on cross-national families in S'pore", *The Straits Times*, Singapore Press Holdings Ltd. Co., 18 January 2021, <https://www.straitstimes.com/singapore/new-study-sheds-light-on-cross-national-families-in-spore>

<sup>167</sup> Ibid

<sup>168</sup> The LTVP+ is available for up to five years and renewable but there is no guarantee of successful renewal.

## Vulnerability to family violence

Having to depend on their spouses for the right to remain in the country contributes to the vulnerability of migrant spouses. From 2016 to 2018, at least 137 migrant wives called AWARE's Women's Helpline; these women were non-residents who were married or previously married to Singaporean citizens.<sup>169</sup> Family (usually spousal) violence was experienced by more than 25% of these callers. Many callers reported being threatened with the cancellation of their visas or visit passes by their spouses: a form of psychological abuse to prevent them from seeking help or reporting abuse to the police. For example, one caller to the Women's Helpline reported that her husband would threaten to cancel her LTVP and return her to her home country whenever he was angry with her. Another caller said that her husband had threatened to kill her if she told anyone about his beating her. That caller said she did not want to report him for fear that he would not renew her LTVP. Indeed, fear of losing their right to stay forces many migrant spouses to compromise their own safety and stay in abusive marriages.

In 2016, the Family Justice Courts received 2,811 Personal Protection Order (PPO) applications, of which 203 applications (7%) were filed by migrant wives against their husbands.<sup>170</sup> One hundred and one orders (50%) were issued.<sup>171</sup> Due to incomplete data, it is not possible to compare the rates of spousal violence experienced by women across citizenship status. However, we can reasonably expect migrant spouses to be in a particularly vulnerable situation when they experience violence at the hands of those whom they depend on for their right to stay in the country.

Furthermore, the aforementioned national study found that foreign-born wife and citizen husband couples experienced the highest rates of family conflict, compared to other family types.<sup>172</sup> Our own Helpline data also suggests higher rates of family violence experienced by migrant spouses, as compared to Singaporean women, although this data is not generalisable: From 2016 to 2018, 13% of Singaporean women who called the Helpline experienced family violence, while 27.5% of migrant spouse callers experienced the same. While the higher rate could be due to migrant spouses having a better awareness of domestic violence than local spouses, or more information on how to seek help, we find this unlikely to be the case—in our experience, migrant spouses generally lack information about their rights and how to assert them.

<sup>169</sup> Callers are not asked specifically about the citizenship status of their spouse. Of those that volunteered the information, 137 said that their spouses (or ex-spouses) were Singaporean citizens.

<sup>170</sup> "Official Report: Thirteenth Parliament, Second Session, Volume 94, No 115", Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/fullreport?sittingdate=6-1-2020>

<sup>171</sup> Ibid

<sup>172</sup> Theresa Tan, "New study sheds light on cross-national families in S'pore", The Straits Times, Singapore Press Holdings Ltd. Co., 18 January 2021, <https://www.straitstimes.com/singapore/new-study-sheds-light-on-cross-national-families-in-spore>

## Uncertainty and stresses experienced by transnational families and migrant spouses

In late 2019 and early-to-mid 2020, AWARE interviewed 31 members of transnational families recruited through a public call-out.<sup>173</sup> A common theme across these interviews was frustration, anxiety and worry on the part of transnational couples and migrant spouses, because of the opacity of Singapore's immigration policies.

“Whenever I hear ‘ICA’ now I just get terrified and very anxious. I spent all these years making so many appeals for my pass to be extended so I can stay here. If I were alone it’s OK, but I have my daughter and I can’t bear to be separated from her. I developed depression over the years because of the constant stress... even now when you say ‘ICA’ I get scared.” - **Lifen\***

At the point of the interview, Lifen was on an LTVP+, which she had only managed to secure three years prior. She had been married to a Singaporean man for 13 years and depended on a series of short-term visit passes for her right to reside in the country.

“ICA I ask, why you want to reject? Three times I apply [for LTVP] already. Why you want to reject me? [My husband] never pay money, you know. I am working, last time working \$100 something, MSF give me \$400 something. Then the money is very difficult for me. I pay \$30, \$30. You why reject, reject, reject? I ask the reason also, the reason I can’t tell you. Spouse only.” - **Roohi\***

At the point of the interview, Roohi was going through divorce proceedings while on a Social Visit Pass. She got married in 2007; in 2014, Roohi’s husband left the family home and abandoned her and their two children, thus affecting her ability to renew her LTVP. In 2016, her renewal application failed. When she tried to find out why, she was told by an ICA officer that ICA could only reveal the reason to her spouse.

From 2016 to 2019, an average of 2,210 citizen children were born each year to foreign mothers who were not PRs.<sup>174</sup> As at 31 December 2019, about 13,400 Singapore children under the age of 21 had a foreign parent who was residing in Singapore on either an LTVP or a Work Pass.<sup>175</sup>

<sup>173</sup> Respondents included migrant spouses, citizen spouses of migrants and adult children of transnational couples. Couples could be married or divorced.

<sup>174</sup> Written Reply to Parliamentary Question on Children Granted Singapore Citizenship Born to Mothers with PR Status and Foreign Mothers without PR Status, by Mr K Shanmugam, Minister for Home Affairs and Minister for Law”, Ministry of Home Affairs, Ministry of Home Affairs, 5 March 2020, <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-children-granted-singapore-citizenship-born-to-mothers-with-pr-status-and-foreign-mothers-without-pr-status-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law>

<sup>175</sup> “Written Reply to Parliamentary Question on Singaporeans Under 21 Years of Age with a Foreign Parent who has Not Been Given PR Status, by Mr K Shanmugam, Minister for Home Affairs and Minister for Law”, Ministry of Home Affairs, Ministry of Home Affairs, 5 March 2020, <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-singaporeans-under-21-years-of-age-with-a-foreign-parent-who-has-not-been-given-pr-status-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law>

Without permanent residence, migrant spouses—and by extension their children—are constantly in a state of distress. For instance, Lifen\*, a migrant spouse, had to be separated from her young child in 2008 when she had to return to China for a month because her extension of stay application was not granted.

Transnational couples bemoan the fact that eligibility criteria for LTVP/+ and Permanent Residence is opaque. Renewal of LTVP/+ is not guaranteed, although latest data show that rejection rates have been low (less than 1%) for selected periods in 2019 and 2020.<sup>176</sup> Reasons for LTVP/+ or Social Visit Pass (SVP) renewal rejection were mostly because the sponsor or the applicant was found to have “adverse records”, or was not able to “demonstrate the ability to support the family financially”,<sup>177</sup> but these reasons are not always made clear to applicants. Similarly, reasons for PR application rejections are not provided. This not only results in uncertainty and stress, but also feelings of resentment and bitterness towards the system, which is perceived to be arbitrarily rewarding some families over others.

“Every rejection letter, you don’t know what you’re doing right or wrong. Trial and error. What can we do next? We appealed again... Our frustration is mostly with the process... We’re not super low-income, so that’s quite confusing. Sure, we’re not very high, but Moe\* is in a good job... We’ve been married for more than five years so maybe they’re trying to see how long... I don’t know. It’s a lot of speculation.” - Laura\*

Laura is a Singaporean who married a Myanmar national, Moe, in 2014. He has tried to apply for PR four times over six years. The couple has grown increasingly frustrated with each failed attempt as there is no explanation as to why the applications failed. They find themselves having to submit the same documents over and over again to no avail.

“Rare country, Singapore. Other country usually have specific criteria, they go by points. Here, you are at the mercy of ICA. That’s why there are so many rumours coming out because so many people are trying.” - Ye-Jun\*

Ye-Jun is a Korean national who married a Singaporean in 2017. He has been on an LTVP since then and has been waiting for almost a year regarding the outcome of his PR application.

<sup>176</sup> From February to July in 2019 and 2020, ICA received 4,503 and 4,243 applications respectively for renewal of Long-Term Visit Pass (LTVP) from foreign spouses of Singaporeans. In both years, about 0.4% of applications were rejected. Over the same period, ICA received 987 and 1,554 applications respectively for renewal of Long-Term Visit Pass Plus (LTVP+) from foreign spouses of Singaporeans, of which 0.9% and 0.5% respectively were rejected.

<sup>177</sup> Official Report: Fourteenth Parliament, First Session, Volume 95, No 6”, Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/fullreport?sittingdate=4-9-2020>

<sup>177</sup> Ibid

“Most of the time I go to Malaysia. Even though the immigration police at Woodlands always scold, but so far he accept. I remember only once he give three days [to stay in Singapore]... Sometimes U-turn, sometimes stay one night [in Malaysia]. But mostly U-turn lah. Morning enter, afternoon go back.” - Yati\*

Yati is an Indonesian national who married a Singaporean man in 2004. She was only granted an LTVP+ in 2017 after her divorce. Prior to that, she spent 12 years travelling back and forth to her home country as she did not have a long-term pass from 2004 to 2016. It was very troublesome for her as she had to bring her children along on these trips. She believes ICA rejected her because of her then-husband's unemployed status, but she cannot be sure.

## Access to employment

The right for migrant spouses to work has improved over the years. Prior to December 2018, LTVP/+ holders needed their employers to apply for Letters of Consent (LOCs) for them to work in Singapore. Most of the respondents who were LTVP/+ holders with LOCs found this process to be relatively smooth. From 2016 to 2018, an average of 14,000 non-resident spouses holding LTVP/+ were employed in Singapore each year with LOCs issued by MOM. However, some experienced a long waiting period (more than a month) while waiting for their LOCs to be approved. This could also put off potential employers who need workers to start immediately. Although hiring LTVP/+ holders does not contribute to a company's foreign worker quota, some said that employers either did not know this, or still preferred hiring PRs or citizens over non-Singaporeans, making it difficult for them to secure a job.

“Because we are only LTVP. Difficult for us to get job. Like, work food stall, work what, sometimes not accepted. We must be under company. Because we are LTVP only, sometimes they don't want. Because we have to wait for LOC one month. Sometimes they don't want to take.” - Ika\*

Ika is an Indonesian mother with a 19-year-old son and 16-year-old daughter, both Singaporeans. She married a Singaporean in 2000, and has been on year-long LTVPs since. She expressed that it is difficult to get a job as an LTVP holder. Her last job as a cleaner paid her \$1,350 in basic pay.

Dian\* is a divorced mother of two Singaporean children. She was married to a Singaporean for 10 years. Before the onset of COVID-19, she was working as a cleaner, and earned \$1,400 every month. She took up several ad-hoc informal jobs ironing clothes at people's houses to earn extra money to fund her children's expenses. However, she was forced to stop working during the Circuit Breaker period.

“For this LTVP(+). If possible, because sometimes when I work, it's not certain the job is suitable. Always got problem if I want to, like, change jobs. Always take up time... Sometimes companies also don't want [pass holders]. Some want, some don't want. So if I use PR, it's easier to work those that are suitable.”

Dian feels that for LTVP+ holders, there are very few jobs. Most of the jobs available are low-paid cleaning jobs. Dian hopes that more can be done to improve the job opportunities for migrants living in Singapore.

Since December 2018, LTVP/+ holders who are spouses or unmarried children (under 21 years old) of Singaporeans/PRs and who wish to work can apply for Pre-Approved LOCs (PLOCs). PLOC holders can work for any employer who is only required to notify MOM at the start of employment.<sup>178</sup> This is a welcome change and could address some of the issues mentioned above, e.g. by eliminating the wait time for employers who wish to hire an LTVP/+ holder. However, this right to work has not yet been extended to all migrant spouses. Those who are on a short-term visit pass still cannot work.

Furthermore, there are restrictions on the work that LTVP/+ holders can do. For one, they are not allowed to have more than one employer at a time. This means that they cannot, for example, hold two part-time jobs concurrently. Secondly, they are not allowed to do ad-hoc, app-based work, e.g. food delivery, private hire driving. Such restrictions create challenges for mothers in particular, who often need flexibility to juggle work and caregiving.

<sup>178</sup> “Official Report: Fourteenth Parliament, First Session, Volume 95, No 11”, Singapore Parliament, accessed on 20 May 2021, <https://sprs.parl.gov.sg/search/fullreport?sittingdate=2-11-2020>

“I work you know? I support my husband for nine years six months. [He] once also never give me money before. I’m the one who have to give him money. After that I tell lawyer lah at court, I say I never get husband’s maintenance. I’m the one giving money. I’m the one supporting him... My kids are growing.” - Yati\*

When Yati first came to Singapore in 2004, she did not manage to secure an LTVP and worked illegally selling kueh, for which she went to jail in 2009 because she was unable to pay the fine. She had worked illegally because her Singaporean husband did not support her and the children financially. After obtaining an LTVP post-divorce, she was able to work legally and supported herself and her children by working as a cleaner.

Mothers like Yati\* should not have to resort to working illegally when the right to work is a fundamental human right. She had citizen children to provide for and needed to work because her husband did not support the family financially, but for 12 years she could not legally work because she did not have an LTVP. The bottom line is that transnational families’ options are severely limited when one party has no legal right to work.

## Limited housing options

Transnational couples have limited housing options as they are barred from applying under most public housing schemes. Citizens married to non-PRs can purchase HDB flats, but they are treated as singles for the purposes of housing grants, and migrant spouses cannot be co-owners. This means that public housing will be more expensive to these couples, compared to Singaporean couples, and the migrant spouse cannot automatically inherit the matrimonial home in the event of the Singaporean spouse’s death.

Laura and Moe are currently living in a three-room HDB flat, bought under Laura’s name. They would like to start a family but are held back by the small size of the flat. At the same time, it is difficult for them to purchase a bigger flat because only Laura’s income is taken into consideration in the purchase and loan applications. They doubt that her income alone is high enough to secure a loan for a bigger flat.

Anne\*, an Indonesian, and her Singaporean husband were homeless for a period of time. After Anne's husband sustained an injury, their family of four were kicked out by his father and they were forced to spend a night at Changi beach. The following day, an MSF officer arranged for them to live in a shelter for seven months. Anne's husband used the money from selling the house from a previous marriage to get a rental unit. The family of four are now renting from the open market. It was difficult to get stable housing due to Anne's citizenship status.

"Good news is we have a rental house.. Before this he got house with the ex-wife then they sell because of divorce, correct? So when again do not get PR, one of your children [not] Singaporean, then they no allowed you to buy the house."

Transnational couples must make an appeal to HDB if they are applying for public rental housing—the eligibility criteria states that the main applicant must be a Singaporean and the application must include at least another Singaporean citizen or PR in their basic family nucleus (see Figure 3 below).<sup>179</sup> It was revealed in Parliament in September 2019 that about 7%, or around 3,300 of the families living in public rental flats are transnational families, defined as households headed by Singaporeans married to foreigners.<sup>180</sup>

Figure 3: Screenshot of eligibility criteria for public rental housing<sup>181</sup>

## Eligibility

You can rent a flat under the Public Rental Scheme as a family or a single.

Scheme	Eligibility Criteria
Family Scheme	<ul style="list-style-type: none"> <li>• You must be a Singapore Citizen (SC)</li> <li>• You must include at least another SC or a Singapore Permanent Resident (SPR) in your basic family nucleus</li> <li>• Your family nucleus must comprise any of the following:               <ul style="list-style-type: none"> <li>◦ You and your spouse</li> <li>◦ If single, you and your parents</li> <li>◦ If widowed/ divorced*, you and your children under your legal custody (care and control)</li> <li>◦ Fiancé and fiancée</li> <li>◦ If orphaned, you and your siblings (at least 1 parent was an SC or SPR)</li> </ul> </li> </ul> <p><i>*If the care and control of your children under the age of 21 is shared with your ex-spouse, you must obtain his/ her written agreement before you can list your children in a flat application. If you face difficulties in obtaining the agreement or have a question for us, please contact us via our <a href="http://www.hdb.gov.sg/efeedback">www.hdb.gov.sg/efeedback</a>.</i></p>

<sup>179</sup> "Eligibility", Housing Development Board, Government of Singapore, accessed 17 May 2021, <https://www.hdb.gov.sg/residential/renting-a-flat/renting-from-hdb/public-rental-scheme/eligibility>

<sup>180</sup> "Written Answer on transnational families living under Public Rental Scheme", Ministry of Social and Family Development, Government of Singapore, 3 September 2019, <https://www.msf.gov.sg/media-room/Pages/Transnational-Families-Living-Under-Public-Rental-Scheme.aspx>

<sup>181</sup> "Eligibility", Housing Development Board, Government of Singapore



Migrant spouses who are single parents face even greater uncertainty with regard to their housing options. Widowed migrant spouses have shared with us their concerns about their right to remain living in the properties (often HDB flats) left behind by their citizen husbands. According to the Minister for National Development, a non-citizen spouse can retain the flat following the demise of the Singaporean spouse-owner if he/she becomes a Singaporean or PR within a one-year period, or if he/she includes in the application a Singaporean or PR family member who is at least 21 and satisfies the ownership eligibility rules and conditions.<sup>182</sup> If the non-citizen widow or widower has Singaporean children who are minors, HDB can consider exercising flexibility, on a case-by-case basis, for the flat to be held in trust by a Singaporean or PR trustee, on the condition that the flat is given to the Singaporean children when they reach 21 years old.<sup>183</sup> In some of the cases we have seen, however, the ownership of the flats went to another Singaporean citizen family member, e.g. an in-law who may already have been a joint-owner. There is no guarantee that the migrant spouse (and their children) would be able to continue residing in their home, as the owners may want to sell the property, or simply not want them to live there anymore. This creates great uncertainty and anxiety for the migrant spouses and their children as there is no guarantee of a roof over their heads.

If a family was already staying in an HDB rental flat before the demise of the citizen spouse, they were allowed “in general” to retain the flat upon the demise of the citizen spouse who had been the tenant of the flat.<sup>184</sup> In 2016, 31 public rental tenants were non-Singapore citizen (SC) or non-Singapore Permanent Resident (SPR) widows/widowers with Singaporean children.<sup>185</sup>

In our experience assisting single parents with their access to housing, divorced migrant spouses face even more restrictions than their citizen counterparts in accessing public housing, especially if they have failed to secure care and control of their Singaporean children.

<sup>182</sup> “Written Answer by Ministry of National Development on ownership of HDB flat of deceased Singaporeans with foreign spouses and children”, Minister for National Development, Government of Singapore, 10 October 2016, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-ownership-of-hdb-flat-of-deceased-singaporeans-with-foreign-spouses-and-children>

<sup>183</sup> Ibid

<sup>184</sup> “Written Answer by Ministry of National Development on housing options for single parents”, Ministry of National Development, Government of Singapore, 29 February 2016, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-housing-options-for-single-parents>

<sup>185</sup> Ibid

## Recommendations to protect the rights of migrant spouses

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Recent policy moves—e.g. the introduction of the PLOC and extension of the COVID-19 Solidarity Grant to LTVP+ holders—are positive signs that we are moving towards being more inclusive of migrant spouses and, by extension, their families. However, these improvements do not go far enough to address the structural causes of migrant spouses' vulnerabilities and disadvantages, which largely stem from their immigration status. Without a serious overhaul of the ways immigration policies treat migrant spouses, these women will likely continue to form one of the most disadvantaged groups in Singapore.

### **1 Do away with the LTVP so all migrant spouses of citizens will be on the LTVP+ if they qualify; publish clear and transparent eligibility criteria for LTVP+, Permanent Residency and citizenship.**

Of the available temporary passes (that are not employment-based), the LTVP+ offers the most security: It has the longest maximum period of validity, grants access to healthcare subsidies and comes with the right to work through a Letter of Consent. All migrant spouses of citizens should be on an LTVP+ to reduce the uncertainty experienced by themselves and their families over their right to reside in the country. In Australia, for instance, migrant spouses of citizens can apply for the temporary Partner visa, which allows successful applicants to reside in the country, work and enrol in the public health care scheme while their permanent Partner visa is being processed. They are thus guaranteed the right to reside until they can qualify for permanent residence status.

The ICA has pointed out most countries do not grant immigration facilities “automatically” to migrant spouses of citizens.<sup>186</sup> However, other countries generally publish transparent criteria for attaining partner/spousal visas, long-term/permanent residency and eventually citizenship. The criteria for a U.K. spouse visa, for instance, states that the applicant and spouse must have a combined income of at least £18,600 a year (among other requirements).<sup>187</sup> Subsequently, the application for indefinite leave to remain, i.e. permanent residency, includes a “Life in the U.K.” test to demonstrate good knowledge of the country’s language and lifestyle.<sup>188</sup> Similarly, in Germany, the criteria includes specific language proficiency levels and the passing of a citizenship test.<sup>189</sup>

In contrast, the criteria in Singapore is more vaguely defined. ICA states that it takes into account factors such as the “individual’s family ties to Singaporeans, economic contributions, qualifications, age, family profile and length of residency, to assess the applicant’s ability to contribute to Singapore and integrate into our society, as well as his or her commitment to sinking roots”.<sup>190</sup> There is no specificity to these criteria, e.g. how economic contributions or commitment to sinking roots are measured. ICA has said that this is to “prevent attempts to game the system”.<sup>191</sup>

In our view, measures to prevent the “gaming of the system” should be balanced against transnational couples’ and families’ need for stability in their family lives. As it stands now, these families, particularly the low-income ones, are heavily disadvantaged by the immigration system. Policies should facilitate the right to a family life of one’s own choosing, rather than penalise for not fitting the conventional mould. We therefore strongly recommend that for migrant spouses of Singaporeans, either automatically grant them an LTVP+ or let them apply for the LTVP+ based on a set of transparent criteria. Such criteria should not be onerous to prevent discriminating against low-income migrants who also have a right to enter marriages of their choosing.

<sup>186</sup> Jun Sen Ng, “Some foreign spouses on short-term passes worry about being separated amid Covid-19”, TODAY, Mediacorp Pte Ltd., 20 September 2020, <https://www.todayonline.com/singapore/some-foreign-spouses-short-term-passes-worry-about-being-separated-amid-covid-19>

<sup>187</sup> Home Office, HOME OFFICE - POLICY EQUALITY STATEMENT (United Kingdom: Home Office, n.d.), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/294067/family-migration-statement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/294067/family-migration-statement.pdf)

<sup>188</sup> Ibid

<sup>189</sup> “How To Get German Citizenship?”, Germany Visa, Germany Visa, accessed 20 May 2021, <https://www.germany-visa.org/immigration-residence-permit/german-citizenship>

<sup>190</sup> “Becoming a Permanent Resident”, Immigration & Checkpoints Authority, Government of Singapore, last updated 7 May 2021 <https://www.ica.gov.sg/reside/PR/apply>

<sup>191</sup> 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>

## **2 Establish clear, timed access to PR and citizenship for migrant spouses.**

Following from the first recommendation, we suggest that there be clear, timed access to PR and citizenship for migrant spouses. We have come across cases of migrant spouses who have been married to Singaporeans and have had children together for more than a decade, but fail to secure PR after multiple tries. Employment, housing and access to social benefits are all affected by the migrant spouse's residency status, to the detriment of the family's and children's well-being.

To provide more stability and support to these families, PR should be granted to all migrant spouses upon the birth of a citizen child, upon widowhood, or after a (maximum) set number of years (ideally less than five) on the LTVP+. Citizenship should be made available to all such PRs after a clearly defined and transparently published period.

Offering migrant wives a clear, timed route to PR will also ease their housing access in the long term and allow their family lives to proceed on a stable footing. It will also prevent divorced mothers and bereaved wives from having to leave their homes because they are ineligible to own or inherit them upon the death of the citizen spouse.

## **3 Allow abused migrant spouses to renew LTVP/+ independently of their citizen spouses.**

As long as they are married, migrant spouses must depend on their spouses to apply for and renew their LTVP/+; they cannot be sponsored by other Singaporean citizens. In situations where their passes expire or get cancelled, the non-resident spouse will usually be put on an SVP, which has to be renewed every month at ICA. However, renewal is completely at ICA's discretion, so this can be a stressful regular event for the migrant spouse. In addition, the SVP does not accord the right to work nor entitlement to any public benefits.

In some countries, special accommodation is made for abused migrant spouses, who can apply for residency status independent of their citizen spouses. In the U.K., those on a partner visa who can provide evidence that the relationship has broken down permanently because of domestic violence are able to apply for indefinite leave to remain.<sup>192</sup> In Canada, those experiencing spousal abuse can apply for a family violence temporary resident permit.<sup>193</sup> These visas and permits come with the right to work and entitlements to public benefits.

Drawing from the experiences of other countries with such provisions, we propose that abused migrant spouses be allowed to renew LTVP/+ independently of their citizen spouses. A still-married migrant spouse already on an LTVP/+ should be allowed to renew their own pass, or another Singaporean should be allowed to renew it, if there is evidence of domestic or family violence. The status quo is forcing some women to stay in abusive marriages because they do not want to lose their right to remain in the country.

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<sup>192</sup> "How to apply for leave to remain as a victim of domestic violence", Free Movement, Free Movement, accessed on 20 May 2021, <https://www.freemovement.org.uk/domestic-violence-immigration-route>

<sup>193</sup> "Temporary resident permit (TRP) for victims of family violence", Government of Canada, Government of Canada, updated 8 April 2021, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/permits/family-violence.html>

## 4 Ensure that all migrant spouses are informed of their rights, and of avenues of support.

Through our Helpline and legal clinic experience, we have observed that migrant spouses have poor knowledge of their rights, especially those pertaining to their residency status during and after divorce. There is also a common misconception that LTVP/+ can be cancelled unilaterally by citizen spouses, which creates a lot of fear in migrant spouses.

In a response to a *Straits Times* Forum letter we wrote in January 2021, the government made important clarifications<sup>194</sup> regarding some of these concerns (emphasis our own):

- For migrant spouses undergoing divorce proceedings, the ICA will “typically facilitate” the renewal of their LTVP/+ until the end of their divorce proceedings if they **have Singaporean children and local sponsors supporting their applications.**
- ICA will consider **mitigating factors** for migrant spouses undergoing divorce proceedings to stay in Singapore, should their Singaporean spouses choose not to renew their LTVP.
- The Singaporean spouse **cannot unilaterally cancel** the LTVP held by the migrant spouse without the latter’s consent. ICA requires both the Singaporean spouse-sponsor and migrant spouse to attend an interview to assess the cancellation request. Both parties must acknowledge and sign the necessary documents before ICA proceeds with the cancellation.

<sup>194</sup> Patrick Ong and Nancy Ng, “Forum: ICA will facilitate foreign spouses’ stay here during divorce proceedings”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 5 February 2021, <https://www.straitstimes.com/opinion/forum/forum-ica-will-facilitate-foreign-spouses-stay-here-during-divorce-proceedings>

These are welcome clarifications that will provide some relief to migrant spouses. Unfortunately, such information is not easily found (if at all) on the relevant government websites. In the course of our own research, we have had to write in or call agencies up for such information. For migrant spouses who do not speak English, it is going to be a lot more difficult to get accurate and complete information.

We have two recommendations to rectify this. First, the relevant government agencies should work together to publish a one-stop information page for migrant spouses and transnational couples, covering such areas as: their legal rights; the types of pass or visa they can apply for; the qualifying criteria, conditions, benefits and rights that come with each type of pass or visa; immigration status and divorce (for example what happens to LTVP/+ upon divorce); where they can seek help; their right to work, applications for PLOC and more. The website should come in different languages that match the needs of migrant spouses. Second, all migrant spouses should have to attend an information session, in a language they understand, that covers the aforementioned areas.

Marriage Preparation Programmes (MPP) supported by MSF should also cover such information, if they do not already do so. Currently, MPP is mandatory for some transnational couples to attend as part of the migrant spouses' LTVP application. Those who are not required to attend should nonetheless also be briefed on their rights. There are several points during a transnational couple's journey to starting family life in Singapore when the information session could be made available:

- Upon registration of marriage in Singapore;
- Upon application for an LTVP/+;
- Upon entering Singapore as a migrant spouse

## **5 Grant automatic right to work; lift restrictions on employment options for LTVP/+ holders.**

The right to work is a fundamental right and should be automatically granted, through the LTVP+ (recall recommendation 1 in this section), to migrant spouses, who often need an extra source of income to support themselves and their families. The introduction of the PLOC, while an administrative improvement, still provides no guarantee of the right to work. We understand from community organisations working with migrant spouses that in situations where the LTVP sponsor is not the Singaporean spouse, the application system automatically rejects the LOC application, thus necessitating an appeal. Granting the automatic right to work through an LTVP+ would eliminate unnecessary costs (i.e. time and human resources involved in appealing), and provide greater security for migrant spouses.

The restrictions on work options for LTVP+ holders should be lifted as women, especially those who are mothers, often need flexible work hours. LTVP/+ holders should be allowed to do app-based, ad-hoc work or to work for more than one employer at the same time. The latter scenario should be more administratively possible now that the PLOC has been introduced and the right to work for LTVP/+ holders is no longer tied to having an employer.

In the U.K., Canada and New Zealand, those on partner/spousal visas have the automatic right to work, with no restrictions on self-employment.



## (b) Migrant domestic workers

In June 2020, there were more than 250,000 migrant domestic workers (MDWs) employed in Singapore.<sup>195</sup> Migrant domestic workers constitute one of our most vulnerable populations, for several reasons: Their contracts make them wholly dependent on their employers; they are expected to live with their employers; many of them take out large loans to pay recruitment fees to find employment in Singapore in the first place. Earning a salary, however meager, is their only way of paying it back. Domestic workers are at risk of being exploited and abused by their employers, in ways that include non-payment of salary, lack of adequate rest, restrictions on their freedom of movement, and more.<sup>196</sup>

### Overwork; lack of adequate rest

In 2019 and 2020, we interviewed 25 MDWs to understand their experiences as caregivers for older persons in Singapore. Our findings confirmed some of these vulnerabilities, particularly their risk of being overworked and having inadequate rest. Our respondents reported working for 14.5 hours a day on average, without fixed periods of rest in between. They also reported sleeping an average of 8.8 hours a day, but this sleep was interrupted up to 10 times a night to perform caregiving activities, depending on the severity of their care recipients' nightly care needs. Sixty-two per cent (or 13) of our 21 respondents who reported disrupted sleep<sup>197</sup> said they had to wake up more than twice during the night.

These findings on working and sleep hours are consistent with data from surveys conducted by HOME and Transient Workers Count Too (TWC2), which found that the average reported working hours of MDWs they supported and interviewed were 14-16 hours.<sup>198</sup> Another 2016 survey by TWC2 revealed that 90% of 429 MDW respondents worked more than 10 hours a day, with the average being 13.9 hours per day. The MDWs surveyed indicated that they spent most of their waking hours working, with 75% noting that they had less than two hours a day to themselves. About 30% of respondents stated that they got less than eight hours of sleep per night.

<sup>195</sup> "Foreign workforce numbers", Ministry of Manpower, Government of Singapore, last updated on 30 March 2021 <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>

<sup>196</sup> UN CEDAW, Concluding observations

<sup>197</sup> The remaining eight respondents woke up one or two times during the night to provide caregiving. Four respondents did not have to provide caregiving during the night.

<sup>198</sup> Humanitarian Organisation For Migrant Economics and Transient Workers Count Too, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Shadow Report for Singapore, (Singapore: Humanitarian Organisation For Migrant Economics and Transient Workers Count Too, 2017), [http://twc2.org.sg/wp-content/uploads/2017/10/Cedaw\\_Singapore\\_2017\\_TWC2HOME.pdf](http://twc2.org.sg/wp-content/uploads/2017/10/Cedaw_Singapore_2017_TWC2HOME.pdf)

Since 2013, the law mandates that employers give MDWs a weekly rest day or offer compensation in lieu. In reality, many MDWs do not take a weekly rest day and receive compensation instead. The proportion of our respondents who did not take (i) a weekly rest day or (ii) a monthly rest day was 84% and 20% respectively. In interviews, many MDWs mentioned being compelled to forgo rest days or to perform some work on their rest days, e.g. bathing, dressing and feeding their care recipients, because employers often did not arrange for alternative caregiving arrangements.

Nationally, in the last four years, around 20% of MDWs—more than 50,000—agreed to be compensated for work done in lieu of a rest day at the point of their work permit applications.<sup>199</sup> According to MOM's 2015 MDW survey, 98% of respondents had at least one rest day a month.<sup>200</sup> However, according to another study conducted by HOME in the same year, only slightly more than half of the 800 MDWs surveyed said that they had a weekly day off.<sup>201</sup>

## No right to switch employers

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Currently, MDWs are reliant on employers' consent in order to switch employers. Employers are able to unilaterally dismiss and repatriate a domestic worker without giving any prior notice. MDWs require a letter of consent from their employers in order to transfer. Exceptions are made only if they are assisting authorities in investigations; even then, the right to work with a different employer is discretionary.

In 2020, fewer MDWs were allowed entry into Singapore due to COVID-19 restrictions. As a result, MOM amended the Employment of Foreign Manpower Act to allow employment agencies to take over the responsibility (e.g. purchasing of insurance, upkeep and medical costs) of an MDW whose employer wished to transfer her. This move was to encourage employers to transfer their MDWs without having to incur levies and other upkeep costs. However, under the changes proposed by MOM, employers retain the right to terminate their MDWs, with no regard for the MDW's wishes, and to give notice to the MDW. There may also be circumstances where an employment agency compels an MDW to take up employment that she does not desire, so that the agency does not continue to incur upkeep costs.

<sup>199</sup> The Online Citizen, "Over 10,000 foreign domestic workers in S'pore do not have off days in work contract", The Online Citizen, 27 March 2020, <https://www.onlinecitizenasia.com/2020/02/27/over-10000-foreign-domestic-workers-in-spore-do-not-have-off-days-in-their-work-contract>

<sup>200</sup> Ibid

<sup>201</sup> Humanitarian Organisation for Migrant Economics, "Guarantee weekly days off for domestic workers", Humanitarian Organisation for Migrant Economics, 21 February 2020, <https://www.home.org.sg/statements/2020/2/21/guarantee-weekly-days-off-for-domestic-workers-5pew5>

## Medical surveillance

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All female migrant workers on work permits are subjected to a compulsory medical examination every six months, during which they are tested for pregnancy<sup>202</sup> and illnesses, including syphilis, tuberculosis and HIV. If they test positive for any of these, they are deported and barred from working in Singapore. Employers are responsible for informing the MOM if pregnancy occurs.

Regulations prohibiting pregnancy create a culture of fear among MDWs who are afraid of losing their employment. They prevent MDWs from seeking help, and in some cases even result in them abandoning their newborn babies. MDWs who are pregnant may also go to great lengths to hide or terminate their pregnancies illegally, causing harm to themselves in the process.

## Employers' control and surveillance of MDWs

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The \$5,000 security bond conditions<sup>203</sup> imposed by the Singapore government place an undue financial burden on employers of MDWs to ensure that they “control and supervise” their foreign employees.<sup>204</sup> The existence of this bond heightens some employers' anxieties about the movements and activities of their MDWs and incentivises draconian control measures. These measures include the denial of rest days, as well as the confiscation and withholding of MDWs' mobile phones, passports and other key documents, in the hopes of preventing MDWs from becoming pregnant or contracting “prohibited” illnesses—which would mean employers have to forfeit their security bonds.

<sup>202</sup> It is an offence under the Employment of Foreign Manpower Act for an MDW to become pregnant during the course of her employment.

<sup>203</sup> A security bond is a binding pledge to pay the government if either the employer or their employed migrant domestic worker breaks the law or the conditions of the work permit. The bond is in the form of a banker's or insurer's guarantee.

<sup>204</sup> “Security bond requirements for foreign domestic worker”, Ministry of Manpower, Government of Singapore, accessed on 20 May 2021, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/security-bond>

<sup>204</sup> In reality, the security bond is forfeited in cases where employers have failed to repatriate their domestic workers when they are supposed to do so.

# Recommendations to end discrimination against MDWs

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## 1 Regulate working hours and define rest hours for MDWs.

We welcome the announcement in March 2021 that MOM will consider mandatory rest days for MDWs.

There is an urgent need for the working hours of MDWs to be reduced and regulated, and for MDWs to get sufficient rest. Minimum standards for adequate rest must be clearly defined. In addition, limits on working hours should be defined in a way that takes into consideration the nature of care work, given the growing number of MDWs who are employed to care for older people in Singapore. The International Labour Organisation's Domestic Workers Convention (ILO 189) recommends ways in which working and rest hours can be set for MDWs:

1. Mandate at minimum 24 consecutive hours of weekly rest. A number of countries, including Taiwan, Canada and the U.K., have implemented a mandatory rest day to allow domestic workers at least a day of uninterrupted rest. This often falls on either Saturday or Sunday.
2. Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

3. Regulate (i) the maximum number of hours per week, month or year that a domestic worker may be required to be on stand-by, and the ways these hours might be measured; (ii) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by stand-by; and (iii) the rate at which stand-by hours should be remunerated.

This is especially relevant for MDWs performing eldercare, given that they often have to attend to their care recipients at night (including on rest days). In healthcare, it is routine for medical doctors in hospitals to be put on call and have those hours counted as working hours, to be offset with rest days afterwards. It is also common for other types of workers who work overtime to claim a corresponding amount of off hours on another working day. These arrangements and provisions should similarly be applied to MDWs providing eldercare. Some countries such as France and South Africa have specifically legislated limits on and compensation for stand-by hours.<sup>205</sup>

4. Hours of work, including overtime and periods of stand-by, should be accurately recorded, and this information should be freely accessible to the domestic worker. British Columbia, for example, requires employers and live-in domestic workers to sign an employer contract that includes hours of work. The employer must keep a record of daily hours worked, even if the domestic worker is paid a salary instead of an hourly wage. The employer can have the worker record his or her hours on a timesheet. Employees should also keep their own records of all the hours they work.

To start, the provisions above should be included in the MOM guidelines for employers. In the long run, we recommend that the Employment of Foreign Manpower Act (EFMA) be amended to include provisions on 24 hours of continuous rest, compensatory rest periods for stand-by hours, maximum working hours, entitlements to paid sick leave, annual leave and overtime pay. The government should also consider ratifying ILO 189 and ensuring that EFMA provisions achieve at least minimum standards under the Convention.<sup>206</sup>

<sup>205</sup> International Labour Office, Domestic Work Policy Brief 2 (Luxembourg: International Labour Office, 2011)

<sup>206</sup> "Hiring domestic workers", Government of British Columbia, accessed on 9 November 2020, <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/domestic-workers>

## **2** Ensure the right for MDWs to switch employers freely.

We should move towards establishing the right for MDWs to switch employers freely, with clearly defined notice periods that employers and MDWs are to abide by. As a start, MDWs who have finished their contracts should be allowed to look for alternative employment without their employers' consent. This will effectively help them to negotiate salaries commensurate with their experience and skill sets, without the pressing need to either find employment or risk deportation.

## **3** Abolish the security bond system.

The government should provide support and care to pregnant work permit holders, rather than immediately terminating their employment and barring them from future employment. The security bond should also be reformed to act as a protective measure for MDWs. Forfeiture should be linked directly to specific employment violations committed by employers, instead of serving as a means for employers to control MDWs' movements and engage in moral policing. In the longer term, the security bond should be abolished, with alternative regulatory mechanisms adopted to ensure fair and effective repatriation of migrant workers.

## Issue 3.4

# Discrimination against single parents

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In 2019, 6.6% of all resident households in Singapore were single-parent households.<sup>207</sup> Between 2010 and 2019, close to 71,000 marriages ended in divorce.<sup>208</sup> Out of these divorces, an average 56% of the couples had at least one child under 21 years old, meaning that at least 39,760 children have been affected by divorce in the past decade.<sup>209</sup> In addition, 4,606 live births were registered without the father's name from 2010 to 2019.<sup>210</sup>

Women make up the majority of single parents in Singapore, heading 81.7% of all single-parent households in 2017.<sup>211</sup> Consequently, existing policies that affect single parents disproportionately impact women. Discrimination against single mothers has significant impacts on their children as well, since mothers are typically accorded custody in cases of sole custody.<sup>212</sup> This section will focus on the issues faced by unwed as well as divorced single parents in areas such as housing, access to benefits and intestate inheritance.

## Access to housing

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Single parenthood and divorce-related transitions can be very difficult for women and their children, both materially and emotionally. The most fundamental practical issue that families often have to deal with is housing.

In 2016 and 2017, we published a report based on interviews with 55 single mothers on the challenges they faced accessing public housing. These interviews surfaced several issues, some of which have been addressed by changes in policies since 2017 (see Figure 4 below). The remaining unresolved issues faced by unwed and divorced single parents will be discussed in detail in this segment.

<sup>207</sup> "M810661 - Resident Households By Household Living Arrangement And Age Group Of Youngest Child, Annual," Singapore Department of Statistics, 20 February 2021, <https://www.tablebuilder.singstat.gov.sg/publicfacing/createDataTable.action?refId=14917>

<sup>208</sup> Ministry of Social and Family Development, Intergenerational Effects of Divorce on Children in Singapore (Singapore: Ministry of Social and Family Development, 2020), 2, [https://www.msf.gov.sg/research-and-data/Research-and-Data-Series/Documents/Research\\_Series/MSF\\_Research\\_Series\\_Intergenerational\\_Effects\\_of\\_Divorce\\_on\\_Children\\_in\\_Singapore.pdf](https://www.msf.gov.sg/research-and-data/Research-and-Data-Series/Documents/Research_Series/MSF_Research_Series_Intergenerational_Effects_of_Divorce_on_Children_in_Singapore.pdf)

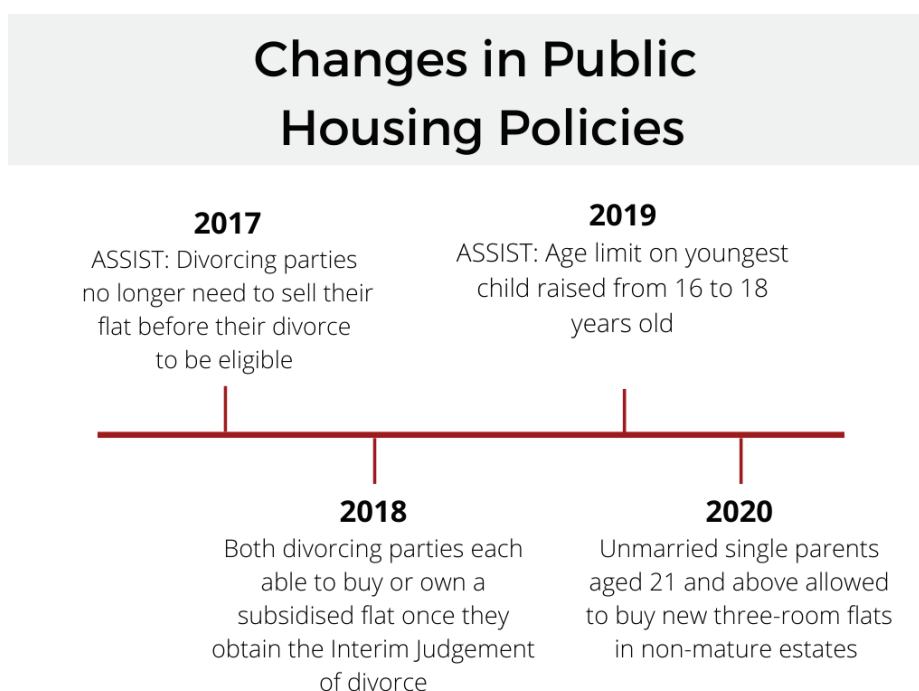
<sup>209</sup> Ibid

<sup>210</sup> Registry of Births and Death, Immigration and Checkpoints Authority, Report on Registrations of Births and Deaths in 2019 (Singapore: Immigration and Checkpoints Authority, 2019), 6, [https://www.ica.gov.sg/docs/default-source/ica/stats/annual-bd-statistics/stats\\_2019\\_annual\\_rbd\\_report.pdf](https://www.ica.gov.sg/docs/default-source/ica/stats/annual-bd-statistics/stats_2019_annual_rbd_report.pdf)

<sup>211</sup> Ministry of Social and Family Development, Families and Households In Singapore, 2000 - 2017, (Singapore: Ministry of Social and Family Development, 2019), 12, [https://www.msf.gov.sg/research-and-data/Research-and-Data-Series/Documents/Families\\_and\\_Households\\_in\\_Singapore-Statistics\\_Series\\_2000-2017.pdf](https://www.msf.gov.sg/research-and-data/Research-and-Data-Series/Documents/Families_and_Households_in_Singapore-Statistics_Series_2000-2017.pdf)

<sup>212</sup> "Statistics On Custody Arrangements For Divorce Cases," Ministry of Social and Family Development, Ministry of Social and Family Development, 9 July 2018, <https://www.msf.gov.sg/media-room/Pages/Statistics-on-custody-arrangements-for-divorce-cases.aspx>

Figure 4: Timeline of housing policy changes affecting single parents



### (i) Unwed mothers

Unwed mothers have limited access to public housing, as unwed mothers and their children are excluded from existing policies' definitions of a "family nucleus". Due to their marital status, unwed mothers are considered ineligible for priority schemes such as the Parenthood Priority Scheme (PPS) and Third Child Priority Scheme (TCPS). Before the policy changes announced in 2020, unwed mothers were only qualified to buy a flat under the Singles or Joint Singles Scheme upon turning 35 years old, or they had to appeal on a case-by-case basis to purchase HDB flats if they were below 35, with no access to housing grants.<sup>213</sup> Between 2014 and 2016, only one-fifth of single unwed parents under the age of 35 successfully appealed to buy a flat with their children.<sup>214</sup> Moreover, only 28 out of 121 unwed parents under 35 years old were granted flexibility to submit an application for a two-room Flexi flat between 2014 and July 2019.<sup>215</sup> In 2020, housing policies changed to allow those above 21 years old to purchase new three-room flats in non-mature estates.

<sup>213</sup> "Speech by Minister Lawrence Wong at the Committee of Supply Debate 2020 - Building our Future City and Home," Ministry of National Development, 4 March 2020, <https://www.mnd.gov.sg/newsroom/speeches/view/speech-by-minister-lawrence-wong-at-the-committee-of-supply-debate-2020---building-our-future-city-and-home>

<sup>214</sup> "Written Answer by Ministry of National Development on single unwed mothers purchasing or renting flats from HDB", Ministry of National Development, Government of Singapore, 3 April 2017, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-single-unwed-mothers-purchasing-or-renting-flats-from-hdb>

<sup>215</sup> "Written Answer by Ministry of National Development on HDB flat applications from single unwed parents under 35 years old", Ministry of National Development, Government of Singapore, 8 July 2019, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-hdb-flat-applications-from-single-unwed-parents-under-35-years-old>



Unwed mothers who lack sufficient financial resources—or are otherwise ineligible—to purchase a flat can (a) apply for public rental from HDB, (b) rent from the private rental market or (c) live with their families instead. However, each of these options presents its own challenges.

### (a) Public rental housing

From 2014 to May 2019, the success rate of unwed parents renting a public rental flat was 37.5%, with 380 out of 1,014 applicants having their requests granted.<sup>216</sup> Those unable to immediately secure a public rental flat can submit an appeal on a case-by-case basis. HDB has recently clarified that unwed mothers will not be automatically rejected on the basis of their marital status. Prior to this, our interview respondents experienced being deterred or outright rejected by HDB due to their marital status.

Through our interviews with single mothers in 2016, we found that almost half (or 18) of our respondents who attempted to apply for rental housing also faced difficulties due to their monthly incomes exceeding the income ceiling.<sup>217</sup> Between 2017 and 2018, 10% of all public rental housing applicants had a household income greater than \$1,500.<sup>218</sup>

Young unwed mothers' options are further restricted by the rule that applicants for public rental flats have to be at least 21 years old. While HDB has implemented a case-by-case flexibility with regard to these housing applications, these measures are discretionary and arbitrary, with little clarity on criteria used for assessments.<sup>219</sup> In 2021, as part of the application for unwed parents below 35 years old, these mothers will have to undergo an assessment at a Family Service Centre—another hoop to jump through to access housing.

One resident at AWARE's Support, Housing and Enablement (S.H.E.) Project<sup>220</sup> is a young unwed mother with one child. She previously lived in her family's overcrowded rental flat where her daughter got bullied by one of her siblings. She applied for rental housing and was initially rejected due to her age. However, she privately messaged Singapore's Prime Minister on Facebook regarding her situation in April 2019 and her application was subsequently approved in September 2019. They moved into a one-room rental flat in September 2020.

<sup>216</sup> "Written Answer by Ministry of National Development on applications for public rental flats from single unwed parents", (Ministry of National Development, Government of Singapore, 8 July 2019, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-applications-for-public-rental-flats-from-single-unwed-parents>)

<sup>217</sup> AWARE, Single Parents' Access to Public Housing (Singapore: AWARE, 2017), 8-9, <https://www.aware.org.sg/wp-content/uploads/Single-Parents-Access-to-Public-Housing.-Final-version..pdf>

<sup>218</sup> "Oral Answer by Ministry of National Development on applications for HDB rental flats," Ministry of National Development, Ministry of National Development, 14 January 2019, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/oral-answer-by-ministry-of-national-development-on-applications-for-hdb-rental-flats>

<sup>219</sup> "Helping Single Parent Households," Housing Development Board, Government of Singapore, accessed on 20 May 2021, <https://www.hdb.gov.sg/about-us/news-and-publications/publications/hdbspeaks/helping-singleparent-households>

<sup>220</sup> AWARE's longitudinal qualitative research project Support, Housing and Enablement (S.H.E.) provides housing to single mothers and low-income women while working with them to identify barriers to home ownership and examine whether housing stability has an impact on other aspects of their lives, i.e. personal growth, work, interpersonal relationships.

### (b) Private market rental

Those unable to secure a public rental flat have to turn to the pricier open market in order to rent flats or rooms. Twelve of our interview respondents found themselves in this plight after having their public rental flat applications rejected due to their monthly income exceeding the income ceiling.<sup>221</sup> For these single mothers, rental from the open market is not ideal—not only is it more expensive, but leases can be as short as a month. Such living situations can be highly disruptive: Having to move frequently leads to much emotional and financial stress, which is uncondusive for children. In our experience helping single parents appeal for housing, we have also come across cases where landlords have discriminated against single mothers and refused to rent to them.

### (c) Living with family

Finally, unwed mothers unable to secure their own housing may find themselves having to continue living with their families. (As mentioned, public rental applications are denied if applicants have been “assessed to be able to stay with family”.<sup>222</sup>) MND has previously stated that HDB assesses applications holistically by taking into consideration factors such as “applicants’ ability to afford alternative housing options, whether their family has space to accommodate them, as well as whether they face issues such as family conflict”.<sup>223</sup> But the assessment criteria of said factors remains opaque, which then contributes to unwed mothers’ uncertainty about the application process.

<sup>221</sup> AWARE, *Single Parents*, 8-9

<sup>222</sup> “Applications for public rental flats from single unwed parents”

<sup>223</sup> “Oral Answer by Ministry of National Development on applications by single parents for public rental flats,” Ministry of National Development, Government of Singapore, 5 August 2019, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/oral-answer-by-ministry-of-national-development-on-applications-by-single-parents-for-public-rental-flats>

## (ii) Divorced parents

Several changes to housing policies in recent years have facilitated divorced single parents' access to public housing. For the Assistance Scheme for Second-Timers (ASSIST), divorced single parents are no longer required to sell their flats before their divorces to be eligible for the scheme; the age limit of an applicant's youngest child has also been raised from 16 to 18 years old.<sup>224</sup> Additionally, the three-year time-bar policy for divorced single parents to buy subsidised flats has been removed, allowing both divorcing parties to each buy or own a subsidised flat once they have obtained the Interim Judgement of divorce, provided they have resolved ancillary matters on their matrimonial property and custody.<sup>225</sup> However, divorced parents with shared care and control of children under the age of 21 must obtain their ex-spouses' written agreement before they can list their children in flat applications under the Public Scheme.<sup>226</sup> In cases of acrimonious divorce, obtaining written consent from one's ex-spouse might be virtually impossible, hence this becomes an indefinite bar that obstructs these single parents from purchasing a public housing unit.

Compared to single unwed parent households, divorced single parents and the children under their legal custody and care and control are considered a family nucleus. However, many divorced single parents still experience limitations in housing options due to their former ownership of a public housing unit. While there are specific schemes such as ASSIST and the Step-Up CPF Housing Grant aimed at supporting second-timer applicants, the amount of financial assistance offered is markedly lower than that offered to first-timer applicants. This is detrimental to divorced single parents and their children, as divorce proceedings can be financially draining, leaving them in need of adequate governmental assistance to secure flats and establish stable home environments.

<sup>224</sup> "Joint MND-HDB Press Release: Measures to Support Housing Needs of Singaporeans", Housing Development Board, Government of Singapore, 7 March 2019, <https://www.hdb.gov.sg/cs/infoweb/about-us/news-and-publications/press-releases/joint-mndhdb-press-release-measures-to-support-housing-needs>; "Priority Schemes", Housing Development Board, Government of Singapore, accessed on 20 May 2020, <https://www.hdb.gov.sg/cs/infoweb/residential/buying-a-flat/new/eligibility/priority-schemes>

<sup>225</sup> "More Support To Meet The Housing Needs Of Singaporeans", Ministry of National Development, Government of Singapore, 6 March 2018, <https://www.mnd.gov.sg/newsroom/press-releases/view/more-support-to-meet-the-housing-needs-of-singaporeans>

<sup>226</sup> "HDB Flat"

Furthermore, divorced parents are subjected to additional resale levies if they have previously owned HDB flats. This further increases the amount that needs to be paid, making public housing less affordable for this group. The sale of a matrimonial flat may yield a profit, but this has to be split among the owners of the flat. What each divorced parent receives may not be sufficient to fund the purchase of a new flat. In our experience supporting single parents, most of these proceeds often go into paying off existing debts, such as the legal fees incurred from divorce. Divorced parents also need that sum of money to provide for their children, as they have become the sole breadwinners; many women stop work after getting married and having children, and thus need the financial resources to get back up on their feet post-divorce. HDB has clarified that it exercises flexibility, and that 535 divorced parents between 2018 and 2020 were granted a reduction in the resale levy payable, or permission to incorporate it into the flat price so that it need not be paid upfront in cash.<sup>227</sup> Even so, many divorced parents continue to face this additional financial penalty, as such leniency is only extended on a case-by-case basis.

For those unable to afford purchasing a unit, renting from HDB is often their alternative option. Between 2017 and 2018, around 40% of all rental applicants were divorced or widowed.<sup>228</sup> More specifically, from 2015 to 2019, 10,300 divorcees submitted requests to HDB to rent a flat, with about 1,600 rental flats being allocated to female divorcees with care and control of their children. It is important to note that in assessing divorced single parents' eligibility to rent, HDB takes into account the profits made from the sale of previously owned property. However, this assessment does not take into account the heavy financial burden of sole breadwinners who may be paying off hefty legal fees. As a result, many divorcees who desperately need HDB rental flats may be unable to get them.

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<sup>227</sup> "Written Answer by Ministry of National Development on number of appeals made for waiver of resale levy by (i) seniors applying for 2-room Flexi flats and (ii) single parents who form a family nucleus with their children, and number of successful appeals", Ministry of National Development, Government of Singapore, 26 February 2021, [https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-number-of-appeals-made-for-waiver-of-resale-levy-by-\(i\)-seniors-applying-for-2-room-flexi-flats-and-\(ii\)-single-parents-who-form-a-family-nucleus-with-their-children-and-number-of-successful-appeals](https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-number-of-appeals-made-for-waiver-of-resale-levy-by-(i)-seniors-applying-for-2-room-flexi-flats-and-(ii)-single-parents-who-form-a-family-nucleus-with-their-children-and-number-of-successful-appeals)

<sup>228</sup> "Applications for HDB rental flats"

## Recommendations to improve single parents' access to housing

### 1 Recognise single unwed parents and their children as a family nucleus to grant them equal access to housing.

Under HDB's Public Scheme, applicants must form a family nucleus with one of the following groups in order to be considered eligible:<sup>229</sup>

- Spouse and children (if any)
- Parents and siblings (if any)
- Children under their legal custody, care and control (for widowed/divorced persons)

The recent policy changes are encouraging, reflecting an increasing recognition of the challenges faced by unwed mothers in accessing housing, and giving them more options. However, unwed mothers and their children should ultimately be recognised as family nuclei and granted equal access to housing. Single unwed parents should not have diminished access to housing simply due to their marital status; they should not be forced to rely on the authorities' discretion to determine eligibility on a case-by-case basis. The existing approach also fails to meet the needs of unwed parents and their children as these families experience much uncertainty throughout the application process. In instances where they must appeal their cases, more stress and costs are imposed upon these families, exhausting them both emotionally and financially.

Moreover, as mentioned, unwed parents already struggle with the dual burden of having to juggle caregiving responsibilities and paid work to support their children. Limiting their access to housing only adds precarity to their financial and social situations, which can implicate their ability to provide a stable environment for their children.

The government has reiterated that "supporting Singaporeans in their marriage and parenthood journey" is a national priority. Expanding the definition of a family nucleus would reflect the diversification of family structures in our society today.

<sup>229</sup> "HDB Flat," Housing Development Board, Government of Singapore, accessed on 20 May 2020, <https://www.hdb.gov.sg/cs/infoweb/residential/buying-a-flat/new/eligibility/hdb-flat>

## 2 Increase the income cap for rental housing and set the cap on a per-capita basis.

The current cap on total household gross income for applicants of rental housing stands at \$1,500 per month.<sup>230</sup> While it has been stated (on HDB's website) that applicants whose monthly household income exceeds \$1,500 are still considered and assessed, the discretionary nature of the assessment criteria and the lack of transparency obstruct many applicants' access to housing.

In 2011, the \$1,500 income ceiling might have been considered adequate in covering "the lowest 20% income households".<sup>231</sup> However, given that the average monthly income of the bottom 10th percentile of all resident-employed households has been steadily rising over the last decade (reaching \$1,978 in 2020)<sup>232</sup>, it is clear that this income cap has not kept pace with Singapore's rising household incomes and has affected a significant portion of low-income families' access to rental housing.

Moreover, this income cap is unrealistically low as compared to the eligibility criteria for other government subsidies targeted at low-income households. For example, the cap on monthly household income to be considered eligible for ComCare Short-to-Medium Term Assistance is \$1,900.<sup>233</sup> MSF's Additional Subsidy for infant or child care is also extended to families with a gross household income of \$7,500 and below.<sup>234</sup> As evidenced by the criteria of these schemes, the existing income cap for rental housing is unusually low and exclusionary.

MND has clarified that the \$1,500 income cap is "not a hard cap or ceiling".<sup>235</sup> Instead, it is used as a guideline because "first-timer households with this income are generally able to buy a new flat with the help of [HDB's] generous housing grants", and that the government wants to "encourage them to own their own homes".<sup>236</sup> While a monthly household income of \$1,500 may be sufficient for first-time applicants who are newlyweds without children, the same cannot be said for single parents. This points to the need to raise the income cap and set it on a per-capita basis instead.

<sup>230</sup> "Eligibility"

<sup>231</sup> "Income Eligibility Criteria for Rental Housing", Singapore Parliament, Singapore Parliament, 21 November 2011, [https://sprs.parl.gov.sg/search/topic?reportid=007\\_20111121\\_S0007\\_T0004](https://sprs.parl.gov.sg/search/topic?reportid=007_20111121_S0007_T0004)

<sup>232</sup> Singapore Department of Statistics, Key Households Income Trends, 2020 (Singapore: Singapore Department of Statistics, 2020), 45, <https://www.singstat.gov.sg/-/media/files/publications/households/pp-s27.pdf>

<sup>233</sup> "ComCare Short-To-Medium-Term Assistance", Ministry of Social and Family Development, Ministry of Social and Family Development, accessed on 20 May 2020, <https://www.msf.gov.sg/Comcare/Pages/Short-to-Medium-Term-Assistance.aspx>

<sup>234</sup> "Subsidies and Financial Assistance", Ministry of Social and Family Development, Ministry of Social and Family Development, 2020, <https://www.ecda.gov.sg/Pages/Subsidies-and-Financial-Assistance.aspx>

<sup>235</sup> "Written Answer by Ministry of National Development on income ceiling under the public rental scheme for HDB flat", Ministry of National Development, Government of Singapore, 2 September 2019, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-income-ceiling-under-the-public-rental-scheme-for-hdb-flats>

<sup>236</sup> "Written Answer by Ministry of National Development on whether HDB will consider revising the eligibility criteria for HDB rental flats and increase the household income ceiling to align with ComCare assistance schemes", Ministry of National Development, 2 February 2021, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-whether-hdb-will-consider-revising-the-eligibility-criteria-for-hdb-rental-flats-and-increase-the-household-income-ceiling-to-align-with-comcare-assistance-schemes>

### 3 Lower minimum age criteria for public rental housing.

As mentioned, the existing minimum age criteria for renting a flat from HDB is 21 years old. This excludes unwed mothers under 21 years of age who desperately need to rent a HDB flat because they have been kicked out of their parents' homes and cannot afford private sector rents.

In our experience working with young unwed mothers, we have found that many are unable to live with their families because of strained relationships, space constraints, and/or violence. Denied access to public rental housing, these young unwed mothers and their children are caught in a perilous situation plagued with uncertainty.

HDB should consider lowering the minimum age criteria for public rental housing to 18 years old—the eligibility criteria implemented in Hong Kong.<sup>237</sup> This would increase the accessibility of public rental housing and minimise the uncertainty that young unwed mothers and their families have to endure.

### 4 Be more lenient in case-by-case assessment of applications for rental and purchase of public housing units.

The outcomes of the case-by-case assessments adopted to address single parents' access to housing suggest that the (opaque) criteria employed may be too strict: Between 2014 and 2016, only 20% of around 300 single unwed parents under the age of 35 were able to rent flats from HDB with their children.<sup>238</sup> A similar proportion successfully appealed to buy a flat with their children in the same period.<sup>239</sup> Applicants who were unsuccessful in their appeals were generally “assessed to be able to stay with family or afford alternative housing options”.<sup>240</sup>

<sup>237</sup> Hong Kong Housing Authority, Application Guide for Public Rental Housing (Hong Kong: Hong Kong Housing Authority, 2015), 2, <https://www.housingauthority.gov.hk/en/common/pdf/global-elements/forms/flat-application/HD273.pdf>

<sup>238</sup> “Single unwed mothers purchasing or renting flats from HDB”

<sup>239</sup> “Written Answer by Ministry of National Development on single unwed mothers purchasing or renting flats from HDB”, Ministry of National Development, Government of Singapore, 3 April 2017, <https://www.mnd.gov.sg/newsroom/parliament-matters/q-as/view/written-answer-by-ministry-of-national-development-on-single-unwed-mothers-purchasing-or-renting-flats-from-hdb>

<sup>240</sup> “Applications for public rental flats from single unwed parents”

The criteria used need to be more transparent and sympathetic to the household conditions and financial needs of single parents. For instance, applicants' claims of their family home environments being overcrowded and unconducive for their children should be taken into account, with clear and objective criteria used to assess this. The assessment criteria should also take into consideration the individual occupants' right to privacy. The need for privacy grows as children mature, so having to live with extended family in a crowded flat is not an ideal long-term arrangement.

To determine the applicants' ability to stay with family, reference can be made to HDB's existing regulations on the maximum number of tenants and occupants allowed in each flat for those who wish to rent their flats on the open market (see Figure 5 below).

Figure 5: Screenshot of HDB regulations for renting out a flat<sup>241</sup>

## Maximum number of tenants and occupants

Take note of the maximum number of tenants and occupants allowed in each flat when renting the flat/ bedrooms.

Flat Type	Renting of Flat	Renting of Bedroom(s)	
	Maximum Number of tenants Allowed in Each Flat <sup>^</sup>	Maximum Number of Bedroom(s) Allowed	Maximum Number of Occupants* Allowed in Each Flat <sup>^</sup>
1-room and 2-room	4	Owners are not allowed to rent out the bedroom.	
3-room	6	1	6
4-room and bigger	6	2	6

\* Include flat owners, authorised occupiers, and tenants

<sup>^</sup> Only bedrooms originally constructed by HDB can be rented out. All other parts of the flat (including partitioned rooms) cannot be used as bedrooms for tenants.

<sup>241</sup> "Regulations for Renting Out Your Flat", Housing Development Board, Government of Singapore, accessed on 20 May 2020, <https://www.hdb.gov.sg/residential/renting-a-flat/renting-from-the-open-market/regulations-for-renting-out-your-flat>



## 5 Make public housing more affordable by (i) enhancing housing grants and (ii) waiving the resale levy for divorced single parents with care and control of children.

The Step-Up CPF Housing Grant is aimed at supporting second-timers who wish to purchase a subsidised HDB flat. However, there is a significant disparity between the amount offered under this grant and the Enhanced CPF Housing Grant (EHG) for first-timers, presumably because second-timers have already had their share of the pie, so to speak. As shown in the table below, the amount that applicants can receive under EHG is dependent on their income tier, with the income cap set at \$9,000 per month and the highest grant amount amounting to \$80,000.<sup>242</sup> For the Step-Up CPF Housing Grant (SUHG), the income ceiling is \$7,000 and the amount granted is set at \$15,000.<sup>243</sup> This is significantly lower than the \$20,000 that first-timers within the same income bracket are granted under EHG.<sup>244</sup>

Table 4: Income tiers and their respective EHG amounts<sup>245</sup>

Average Monthly Household Income	EHG Amount
Not more than \$1,500	\$80,000
\$1,501 to \$2,000	\$75,000
\$2,001 to \$2,500	\$70,000
\$2,501 to \$3,000	\$65,000
\$3,001 to \$3,500	\$60,000
\$3,501 to \$4,000	\$55,000
\$4,001 to \$4,500	\$50,000
\$4,501 to \$5,000	\$45,000
\$5,001 to \$5,500	\$40,000
\$5,501 to \$6,000	\$35,000
\$6,001 to \$6,500	\$30,000
\$6,501 to \$7,000	\$25,000
\$7,001 to \$7,500	\$20,000
\$7,501 to \$8,000	\$15,000
\$8,001 to \$8,500	\$10,000
\$8,501 to \$9,000	\$5,000

<sup>242</sup> "First-Timer Applicants", Housing Development Board, Housing Development Board, accessed on 20 May 2020, <https://www.hdb.gov.sg/residential/buying-a-flat/new/schemes-and-grants/cpf-housing-grants-for-hdb-flats/firsttimer-applicants>

<sup>243</sup> "Second-Timer Applicants", Housing Development Board, Housing Development Board, accessed on 20 May 2020, <https://www.hdb.gov.sg/residential/buying-a-flat/new/schemes-and-grants/cpf-housing-grants-for-hdb-flats/secondtimer-applicants>

<sup>244</sup> "First-Timer Applicants"

<sup>245</sup> Ibid

Table 5: Eligibility criteria and grant amount under SUHG<sup>246</sup>

## Second-Timer Applicants

The Step-Up CPF Housing Grant is available to eligible second-timers applying for a second subsidised HDB flat.

Grant Type		Step-Up CPF Housing Grant
Flat Type Applied For		For flat applications received before May 2019 sales exercise: <ul style="list-style-type: none"> <li>A 3-room flat in a non-mature estate</li> </ul> For flat applications received from May 2019 sales exercise onwards: <ul style="list-style-type: none"> <li>A 2-room Flexi<sup>^</sup> or 3-room flat in non-mature estates</li> </ul> <i><sup>^</sup>Applicable only to second-timer families living in public rental flats.</i>
Conditions	Current Flat Type	A 2-room subsidised flat in a non-mature estate that is: <ul style="list-style-type: none"> <li>Bought from HDB after October 1995, or from the resale market with a CPF Housing Grant</li> <li>Your first subsidised flat</li> </ul> Or Public rental flat <sup>1</sup>
	Income Ceiling	\$7,000 <sup>2</sup>
	Employment	You and/ or your spouse/ fiancé(e) must: <ul style="list-style-type: none"> <li>have worked continuously for 12 months prior to the flat application</li> <li>still be working at the time you submitted the flat application</li> </ul>
	Remaining Lease of Flat	20 years or more
Grant Amount		\$15,000

In 2018, the Staggered Downpayment Scheme was introduced to enable certain groups of flat buyers to pay half the down payment upon signing the Agreement for Lease, and the remainder upon collecting their keys. Parents who are divorced qualify for this if they meet the following criteria:<sup>247</sup>

- Have booked an uncompleted three-room or smaller flat in a non-mature estate in any of HDB's sales exercises
- Have not sold or completed the sale of their existing flat at the point of new flat application

<sup>256</sup> "Second-Timer Applicants"

<sup>257</sup> "Staggered Downpayment Scheme", Housing Development Board, Government of Singapore, accessed on 20 May 2021, <https://www.hdb.gov.sg/residential/buying-a-flat/new/schemes-and-grants/staggered-downpayment-scheme>

However, those who do not qualify for this are confronted with a 10% lump sum down payment upfront. Also, divorced single parents are subjected to additional resale levies if they have previously owned HDB flats, thus further increasing the amount that needs to be paid. Divorced parents have to split the profits from the sale of their matrimonial flat, and the proceeds they receive may not be enough to pay for a new flat.

Imposing the resale levy on divorced parents may also be unduly harsh as they likely become second-timers involuntarily. They are also arguably in need of more support than others, due to the financially draining nature of divorce. We hope the Ministry of National Development can consider waiving the resale levy for divorced single parents with care and control of children who are unable to retain their matrimonial flats, and enhancing the Step-Up CPF Housing Grant so as to account for the often diminished income level of single-parent households compared to dual-income households.

Providing sufficient financial support to these parents would enable them to re-establish secure living environments for their children and relieve them of anxieties around their otherwise precarious housing situations.

## **6 Allow divorcing parents to apply for public rental housing upon obtaining the Interim Judgement of divorce.**

Since 2018, divorcing parties can each apply to buy a subsidised flat once they obtain the Interim Judgement of divorce, which must show clear decisions on care and control of the children and treatment of matrimonial property. Previously, applicants needed to obtain the final judgement of divorce before they could apply for new flats.

By allowing single parents to apply for housing earlier, this policy change creates greater stability for their families as it reduces the wait time they experience between moving out of their matrimonial homes and into their new ones. However, not all single parents can afford to purchase a new flat, and may need public rental housing post-divorce. The policy should thus also allow single parents to apply for public rental housing upon getting their interim judgement of divorce.

## Access to benefits

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As mentioned, single unwed parents and their children are not recognised as family nuclei in Singapore. Consequently, any benefits that are tied to applicants' marital status are not accessible to unwed parents. Apart from the housing policies mentioned above, unwed parents are also excluded from receiving the full amount of child benefits offered by the government. While all children qualify for the Child Development Account (CDA) regardless of their parents' marital status, unwed parents remain ineligible to receive the Baby Bonus Cash Gift, which can range from \$8,000 to \$10,000 depending on the child's birth order.<sup>248</sup> Similarly, these parents are excluded from tax reliefs from which married parents are able to benefit: such as the Parenthood Tax Rebate, Working Mother's Child Relief, Qualifying Child Relief and Handicapped Child Relief.

Such exclusions result in unwed parents missing out on a substantial amount of financial assistance that would help to alleviate the financial burden of raising a child. This is particularly significant as many single parents already experience financial difficulties as sole income earners and caregivers. 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.<sup>249</sup> This level of average income was only slightly higher than the average monthly employment income of the bottom 20% of households in Singapore (\$1,238 in 2017/18).<sup>250 251</sup> Preventing single parents from receiving benefits jeopardises their ability to provide a stable living environment for their children, thus potentially leading to their disadvantageous socioeconomic status being reproduced across generations.

<sup>248</sup> "Baby Bonus", Made For Families, Government of Singapore, 5 March 2021, <https://www.madeforfamilies.gov.sg/raising-families/baby-bonus>

<sup>249</sup> "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>

<sup>250</sup> Households in the next quintile had an average monthly employment income of \$4,444 from work in 2017/18.

<sup>251</sup> 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>

## Recommendations to provide more financial security to single-parent families

### 1 Equalise child-related benefits regardless of parents' marital status.

The government has justified the divergence in benefits on the basis of parents' marital status as indicative of its support for parenthood within marriages. However, there is no evidence that extending all child-related benefits to unwed parents would “undermine” parenthood within marriage. The circumstances leading to one becoming an unwed parent are varied and complex.

In 2016, when government-paid maternity leave and access to the CDA was equalised, the government said it recognised that it could “do more to support [unwed parents'] efforts to care for their children and reduce the disadvantages that their children may face at birth”.<sup>252</sup> This rationale should be extended to the full package of child-related benefits, given the government's acknowledgement of the vulnerability of single unwed parents.

### 2 Provide monthly means-tested child allowance to single parents.

Under the Baby Bonus Scheme, the government matches dollar-to-dollar the amount that parents save in their children's CDA until the children are 12 years old. The government's contribution is capped at varying amounts depending on the birth order of the child.<sup>253</sup> These CDA savings can be used to cover healthcare and educational expenses at selected approved institutions.<sup>254</sup> However, as mentioned under the limitations of the Matched Retirement Scheme, dollar-to-dollar matching is still largely based on families' ability to save, which many low-income families are unable to do. Consequently, it is inadequate to rely on such a scheme to help parents with the financial burden of raising their children.

<sup>252</sup> Ming En Siau, “Unwed mums to get 16-week maternity leave from next year”, TODAY, Mediacorp Pte Ltd., 12 April 2016, <https://www.todayonline.com/singapore/unwed-mothers-receive-government-paid-maternity-leave>

<sup>253</sup> The cap on the government's contribution is \$3,000 for the first and second child, \$12,000 for the third and fourth child, and \$18,000 for the fifth and subsequent child.

<sup>254</sup> “Child Development Co-savings (Baby Bonus) Scheme”, Baby Bonus, Ministry of Social and Family Development, accessed on 20 May 2020, <https://www.babybonus.msf.gov.sg/parent/web/about>

Instead, the government should consider introducing a monthly child allowance to help alleviate some child-related costs. This monthly child allowance could serve as an additional source of income, which would reduce the pressure on family income earners who have low take-home salaries. Child-related expenses do not simply include healthcare and educational expenses. Parents' ability to purchase daily necessities, such as food (including formula milk and baby food) and hygiene products (e.g. diapers, wipes), for their children is largely dependent on their take-home salaries. Such daily expenses alone have been estimated to range between \$262.61 and \$493.25 per month, which can be a considerable amount for some especially if they have multiple children and existing debts.<sup>255</sup> As such, providing a fixed amount to parents monthly would help relieve anxieties about providing for their children's daily needs. Also, a monthly child allowance can potentially enable parents to accumulate savings over time, which will then help them to secure their finances and plan for the future. This will be particularly beneficial to sole-breadwinner families, low-income families, and single parents.

In countries such as Norway and Ireland, parents are either automatically eligible for, or can apply to receive, monthly payouts aimed at helping them manage child-related costs. This child allowance is typically offered to parents until their child turns 18 years old (or 22 if they are engaged in full-time education), with the amount being dependent on factors such as the child's age and the family's total number of children. Across eight European and Commonwealth countries that offer monthly child benefits, the average monthly rate for a first-born 6-year-old child is SGD\$250, which amounts to SGD\$3,000 annually.

A 2020 UN report found that delivering universal child benefits<sup>256</sup> alone led to an average 5 percentage point reduction in child poverty in 15 OECD countries.<sup>257</sup> Implementing a child benefit system need not be financially taxing—it has been found that 10 high-income countries spend an average 1.7% of their GDP on child benefit packages, which include child allowance, tax benefits and other subsidies.<sup>258</sup> OECD countries have similarly been reported to spend between 0.2% to 2.5% on child-related cash transfers, including child allowances.<sup>259</sup>

<sup>255</sup> Timothy Ho, "[Price Guide] How Much Parents In Singapore Can Expect To Spend On Baby Essentials In 2018", Dollars And Sense, Dollars And Sense, 6 June 2018, <https://dollarsandsense.sg/price-guide-much-parents-singapore-can-expect-spend-baby-essentials-2018>

<sup>256</sup> Defined as a child or family allowance paid on a regular basis as a cash or tax transfer

<sup>257</sup> UNICEF, Universal child benefits (Geneva: UNICEF, 2020), 14, <https://www.unicef.org/media/72916/file/UCB-ODI-UNICEF-Report-2020.pdf>

<sup>258</sup> Ibid, 16

<sup>259</sup> Ibid

The same report found that maximum poverty reduction was achieved when universal benefits were granted alongside targeted aid to low-income households.<sup>260</sup> This is supported by a 2020 evaluative study of 15 European countries' social security systems which found that poverty rates among single mothers were most effectively addressed by implementing a universal system of child benefits alongside generous targeted aid for single mothers, given their vulnerability to poverty.<sup>261</sup>

A national study should be conducted to determine the minimum income standard for households with children in Singapore. This can adopt a similar methodology used in the 2019 study aimed at ascertaining the household budgets necessary to meet older Singaporeans' needs in four different household types.<sup>262</sup> The data can then serve as a reference point to determine the quantum for the child allowance. At the very least, the allowance should be offered for all single parents on a means-tested basis.

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<sup>260</sup> Ibid, 167

<sup>261</sup> Wim Van Lancker, Joris. Ghysels and Bea Cantillon, *An International Comparison of the Impact of Child Benefits on Poverty Outcomes for Single Mothers* (Belgium: Herman Deleeck Centre for Social Policy, University of Antwerp, 2012), 20, [https://www.researchgate.net/publication/254419312\\_An\\_International\\_Comparison\\_of\\_the\\_Impact\\_of\\_Child\\_Benefits\\_on\\_Poverty\\_Outcomes\\_for\\_Single\\_Mothers](https://www.researchgate.net/publication/254419312_An_International_Comparison_of_the_Impact_of_Child_Benefits_on_Poverty_Outcomes_for_Single_Mothers)

<sup>262</sup> Kok Hoe Ng, You Yenn Teo, Yu Wei Neo, Ad Maulod and Yi Ting Ting, *What older people need in Singapore: A household budgets study* (Singapore: Lee Kuan Yew School of Public Policy, 2019), <https://whatsenoughsg.files.wordpress.com/2019/05/what-older-people-need-in-singapore-a-household-budgets-study-full-report.pdf>

## “Illegitimacy” in inheritance

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The persistent distinction between “legitimate” and “illegitimate” children in laws and policies in Singapore has severe implications for unwed parents and their children. Any child born outside of marriage is considered to be “illegitimate”, and single unwed parents and their children are not considered family nuclei. As with the differentiated access to child-related benefits based on parents’ marital status, the government has continually rationalised this distinction as being illustrative of “the desired and prevailing social norm” that is “parenthood within marriage”.<sup>263</sup> However, this has only further disadvantaged unwed parents and their children as well as contributed to the stigma against them.

Apart from the two aforementioned points, the right to inheritance is another area in which unwed parents and their “illegitimate” children are disadvantaged. Under Singapore’s laws, in cases of intestacy—that is, when a person dies without a will—estates of the intestate will be equally distributed amongst (legitimate) children.<sup>264</sup> An “illegitimate” child has no right to inherit their biological father’s intestate estate; only if their biological mother does not have a surviving legitimate child will the “illegitimate” child be entitled to their mother’s intestate estate.<sup>265</sup> Consequently, an “illegitimate” child does not have an automatic right to inherit, regardless of the quality of their relationship with their parent.

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<sup>263</sup> “Rationale Behind Policy Of Not Recognising Children Of Unwed Mothers As Legitimate Children”, Ministry of Social and Family Development, Ministry of Social and Family Development, 10 October 2016, <https://www.msf.gov.sg/media-room/Pages/Rationale-behind-policy-of-not-recognising-children-of-unwed-mothers-as-legitimate-children.aspx>

<sup>264</sup> “Intestate Succession Act”, Singapore Statutes Online, Singapore Attorney-General’s Chambers, accessed on 20 May 2021, <https://sso.agc.gov.sg/Act/ISA1967>

<sup>265</sup> “Legitimacy Act”, Singapore Statutes Online, Singapore Attorney-General’s Chambers, accessed on 20 May 2020, <https://sso.agc.gov.sg/Act/LA1934>



## Recommendation to equalise the right to intestate inheritance

### 1 Abolish the concept of illegitimacy under the inheritance law.

The concept of “illegitimacy” is an outdated one. It was introduced to Singapore by the British colonial government and was abolished in the U.K. itself only a few years later. However, the Singapore government has continued to insist that the differentiation between “legitimate” and “illegitimate” children helps to “promote strong marriage”.<sup>266</sup>

“Illegitimacy” as a legal concept has already been abolished in several other Commonwealth countries, including Canada, New Zealand and Malaysia. In these countries, the structurally entrenched bias against unwed parents and children born outside marriage has been eliminated through the granting of equal inheritance to all children of an intestate, alongside other policy amendments.

Notably, unequal access to inheritance on the basis of “illegitimacy” was also ruled unconstitutional by Japan’s Supreme Court in 2013, despite previous reservations that such legislation would threaten the country’s “conventional family values”.<sup>267</sup> Such concerns echoed those of the Singapore government. However, the ruling was made in Japan to reflect changing public perceptions, Japan’s ratification of the United Nations Convention on the Rights of the Child (which Singapore also acceded to in 1995) and international trends of non-discrimination against illegitimate children.<sup>268</sup>

The Singapore government should abolish the concept of “illegitimacy” so as to avoid penalising unwed parents and their children.

<sup>266</sup> “Legal And Policy Distinction Between Legitimate And Illegitimate Children”, Ministry of Social and Family Development, Ministry of Social and Family Development, 13 September 2016, <https://www.msf.gov.sg/media-room/Pages/Legal-and-policy-distinction-between-legitimate-and-illegitimate-children.aspx>

<sup>267</sup> Tomohiro Osaki, “End of unequal inheritance lauded”, The Japan Times, News2u Holdings, Inc, 5 September 2013, <https://www.japantimes.co.jp/news/2013/09/05/national/end-of-unequal-inheritance-lauded>

<sup>268</sup> Shigenori Matsui, ““Never Had a Choice and No Power to Alter”: Illegitimate Children and the Supreme Court of Japan”, Georgia Journal of International & Comparative Law 577 (2016), <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2368&context=gjicl>

## Issue 3.5

# Discrimination against LGBTQ+ persons

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The CEDAW committee has called on Singapore to address and end discrimination “in law and practice” against LGBTQ women. There has been virtually no shift in legislation or policies since Singapore’s review in 2017 in this area. The law criminalising sex between men (Section 377A of the Penal Code) has not been repealed, and media broadcast policy continues to censor LGBTQ+ representation.

The Infocomm Media Development Authority’s (IMDA) regulates media content through conditions attached to license issues, and through media codes that prohibit and restrict material with LGBTQ+ characters and themes. For instance, the IMDA content code on nationwide managed transmission liner television services classifies content with “alternative sexualities” (e.g. homosexuality) as “mature themes”, thus subjecting it to a rating of at least NC16. Materials that “promote homosexuality” will be refused classification. According to one analysis, IMDA “will likely rate shows with proper LGBTQ+ representation at least M18 (or have them heavily censored)”, and shows that “centre around LGBTQ+ characters, feature same-sex marriage or parenting, or have non-detailed sexual scenes” will likely be given the highest R21 rating.<sup>269</sup>

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<sup>269</sup> “This is why we don’t get LGBTQ+ representation in Singapore // LGBT Rights in Singapore,” Heckin’ Unicorn, last updated 12 April 2021, <https://heckinunicorn.com/blogs/heckin-unicorn-blog/this-is-why-we-dont-get-lgbtq-representation-in-singapore-lgbt-rights-in-singapore>  
<sup>270</sup> Ibid

Figure 6: Screenshot on censorship of LGBTQ-related content in Singapore<sup>270</sup>

- **Free-to-air TV channels:** banned (IMDA)
- **Cable TV, on-demand TV, movies:** given M18 or R21 rating if censorship is refused or impossible; higher ratings given to shows with deeper representation (IMDA)
- **Radio stations:** banned (IMDA)
- **Video games:** given M18 if same-sex kissing/hugging is possible in-game (IMDA)
- **Arts entertainment:** given R18 if the show has LGBTQ+ representation, and banned if it's at an open-air venue (IMDA)
- **The internet:** technically banned, but not really enforced (IMDA)
- **Local magazines:** banned (IMDA)
- **Imported publications:** technically banned, though unclear how thoroughly it's enforced (IMDA)

Such censorship contributes to the stigmatisation of the LGBTQ+ community. By depriving LGBTQ+ persons of positive role models in the media, it “reinforces low self-esteem, and subjects them to discrimination and rights abuses”.<sup>271</sup>

<sup>270</sup> Ibid

<sup>271</sup> Civil Society Coalition (Singapore), Joint submission to the The Working Group on Singapore's Universal Periodic Review, (Singapore: Civil Society Coalition, 2020), <https://www.aware.org.sg/wp-content/uploads/Singapore-UPR-Civil-Society-Coalition-Joint-Report.pdf>

## Gender-based policing and discrimination in schools

LGBTQ+ students experience high levels of bullying and discrimination in schools. According to a nationwide survey of 244 transgender youth conducted by TransgenderSG, 77.6% of openly transgender students reported negative experiences in school, ranging from bullying to sexual abuse.<sup>272</sup> Less than a third agreed or strongly agreed that they felt safe at school, and only 24% said they had a staff member they could turn to for support.<sup>273</sup> The survey also revealed that school administrators have implemented “unreasonable demands” that pressured transgender students to drop out of school, or “sought to prevent them from transitioning or pursuing hormone replacement therapy”.<sup>274</sup> Another survey released by AWARE in 2017 found that 8 in 10 of 809 surveyed teenage boys had verbally abused another boy by teasing or insulting him for being “feminine” while in secondary school.<sup>275</sup> According to a report published by Sayoni in 2018, more than 1 in 4 of their 40 female LGBTQ respondents interviewed had experienced bullying from their peers in school.<sup>276</sup> Forms of bullying include physical and verbal abuse as well as sexual harassment. Those who were in same-sex relationships were targeted most often.<sup>277</sup>

Most recently in January 2021, a transgender student, Ashlee\*, published an account online alleging that the Ministry of Education (MOE) had prevented her from obtaining a doctor’s referral letter to begin hormone replacement therapy.<sup>278</sup> When her parents informed the school that they approved of the hormone treatment, Ashlee said that she was threatened with expulsion should any physiological changes take place that prevented her from wearing the uniform for boys.<sup>279</sup> The school also took issue with the length of her hair and asked for it to be cut, despite knowing about her gender dysphoria diagnosis.<sup>280</sup>

<sup>272</sup> Press release: Universal Periodic Review: A joint report on transgender issues”, TransgenderSG, Sayoni and Asia Pacific Transgender Network, 22 October 2020, <https://transgendersg.com/universal-periodic-review-a-joint-report-on-transgender-issues>

<sup>273</sup> Ibid

<sup>274</sup> Ibid

<sup>275</sup> AWARE, “Survey: 9 in 10 teenage boys face social pressures to be ‘manly’, including through violence”, AWARE, 12 July 2017, <https://www.aware.org.sg/2017/07/survey-9-in-10-teenage-boys-face-social-p pressures-to-be-manly-including-through-violence>

<sup>276</sup> Sayoni, Violence & discrimination against LGBTQ women in Singapore: documentation of human rights violations (Singapore: Sayoni, 2018)

<sup>277</sup> Ibid

<sup>278</sup> Tessa Oh, “MOE denies stopping transgender student from getting hormone therapy, says it is ‘in no position’ to interfere with medical treatments”, TODAY, Mediagroup Pte Ltd., 18 January, 2021, <https://www.todayonline.com/singapore/moe-denies-stopping-transgender-student-getting-hormone-therapy-says-it-no-position>

<sup>279</sup> Ibid

<sup>280</sup> Ibid

Ashlee's sharing, as well as MOE's and the Institute of Mental Health's subsequent response, sparked significant public interest and debate. More than 50 organisations and groups (including AWARE) signed a statement of solidarity, expressing concerns about the lack of institutional regulations or policies that acknowledge and protect the rights of transgender students.<sup>281</sup> Separately, more than 350 teachers, social workers and counsellors signed a petition calling on MOE to implement a clear policy to support transgender students.<sup>282</sup> Five individuals, including three transgender youths, held a peaceful protest against transphobia outside the Ministry of Education, and issued a statement calling for MOE to acknowledge and apologise for "the harm done by schools to LGBTQ+ through their schools' discriminatory practices". Many also turned to social media to share their experiences with being gender-policed in schools, particularly by members of school administrations.<sup>283</sup> These experiences included having their underwear colours checked by teachers, being outed to their parents without consent, female students being shamed for having short hair and so on.<sup>284</sup>

The survey findings, coupled with Ashlee's and others' experiences, reveal the prevalence of gender-based bullying, discrimination and violence faced by transgender and gender non-conforming students. Alarming, it is not just peers who perpetuate such behaviour, but members of school administrations too. Gender-based violence in schools has detrimental effects on students' mental and physical well-being.<sup>285</sup> Those who experience it report higher rates of loneliness and suicidal thoughts, and lower levels of self-satisfaction.<sup>286</sup>

<sup>281</sup> Sayoni, Statement of Solidarity with transgender students in Singapore, 19 January 2021, <https://www.instagram.com/p/CKOzmT3F3wN/?igshid=1jcvovemgaq92>

<sup>282</sup> Daryl Choo, "Teachers, social workers urge MOE to implement clear policy supporting transgender students", TODAY, Mediacorp Pte Ltd., 30 January 2021, <https://www.todayonline.com/singapore/teachers-social-workers-urge-moe-implement-clear-policy-supporting-transgender-students>

<sup>283</sup> For example, Singaporean author Amanda Lee Koe opened her Instagram page (@amandaleekoe) for members of the public to share their experiences or witnessing of LGBTQ+ discrimination in schools, and received more than 70 such accounts.

<sup>284</sup> Examples of such accounts shared on Amanda Lee Koe's Instagram page. While these individual stories are not verified, the ubiquity of these accounts suggest that such practices are quite commonplace in Singapore schools. This is supported by the aforementioned surveys conducted by TransgenderSG, AWARE and Sayoni, which point to the prevalence of gender-based discrimination and bullying in schools.

<sup>285</sup> Global Education Monitoring Report Team and United Nations Girls' Education Initiative, "School-related gender-based violence is preventing the achievement of quality education for all", Policy Paper 17, 2015, <https://unesdoc.unesco.org/ark:/48223/pf0000232107>

<sup>286</sup> "What you need to know about school violence and bullying", UNESCO, UNESCO, 11 November 2021, <https://en.unesco.org/news/what-you-need-know-about-school-violence-and-bullying>

## Recommendations to end discrimination against LGBTQ+ persons

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### 1 Repeal S377A of the Penal Code and end media censorship of LGBTQ+ persons.

In its Concluding Observations for Singapore, the CEDAW Committee recommends that Singapore ensure that LGBTQ+ persons are effectively protected against all forms of discrimination in law and in practice. We strongly call for S377A of the Penal Code to be repealed. To be a truly inclusive and humane society that respects the human rights of all its people, Singapore must repeal a law that discriminates against a group of persons on the basis of their sexual orientation.

The government's current position that it will keep, but not enforce, S377A undermines the concept of rule of law that is fundamental to Singapore's approach to law and order. Even if it is unenforced, S377A embeds norms and values that are discriminatory against groups of persons.

Keeping S377A leads to perverse outcomes that our Sexual Assault Care Centre has observed, including stopping male victim-survivors from reporting sexual abuse. These men fear that in describing the sexual assault or their interactions with their attackers or other individuals, they might reveal that they have themselves violated S377A, and thus be subject to police investigation. For some, S377A adds the fear that the authorities will treat them not as the victim of a crime but as a perpetrator. Even if it is not "actively enforced", S377A has chilling effects on sexual minorities, and ends up punishing, stigmatising and silencing them further.

Discrimination against sexual minorities can be observed in the workplace, schools and media, where positive portrayals of same-sex relationships are routinely censored.

We also call for media policies to be reviewed so that LGBTQ+ content is not censored for representing LGBTQ+ experiences or pro-LGBTQ+ points of view. Current practices contribute to harmful stereotyping of sexual minorities, including queer women.

## 2 Establish clear guidelines on LGBTQ+-affirming care and support of students, and ensure their mandatory adoption by all MOE schools.

In response to a Parliamentary Question on the Ministry's policies and guidelines on students with gender dysphoria, the Minister for Education said that their "guiding principles are to treat these students with dignity and respect, and to provide as much support as [MOE] can to help them" and to provide students with "a conducive learning environment".<sup>287</sup> MOE recognises that school rules are a "particularly difficult" issue, and said that where there are "valid medical grounds", schools can "exercise flexibility and work out practical arrangements".<sup>288</sup>

Letting individual schools exercise flexibility could potentially leave students at risk of being denied access to education. This was the case for Ashlee, who pointed out that the school's offer for her to do home-based learning as part of this "flexible" arrangement denied her access to in-person practical classes that were crucial for science subjects.<sup>289</sup>

In Victoria, Australia, the Department of Education and Training has published clear policies on LGBTQ+ student support. The policy states that schools must take "reasonable steps to eliminate discrimination on the basis of sex, gender and sexuality", and work with students to create gender-affirmation student support plans.<sup>290</sup> Notably, the policy states that the student must be at the centre of creating their own support plan, and be consulted in all decision-making. It also provides for a list of items that schools should consider when formulating the support plan. This list includes: catering to the students' affirmed gender identity; allowing the use of toilets that meet the needs of the student; and updating school policies to include support for transgender and gender-diverse students, as well as responses to transphobic bullying.<sup>291</sup>

<sup>287</sup> "Students with gender dysphoria", Ministry of Education, Government of Singapore, 1 February 2021, <https://www.moe.gov.sg/news/parliamentary-replies/20210201-students-with-gender-dysphoria>

<sup>288</sup> Ibid

<sup>289</sup> The Online Citizen, "Transgender student refutes Education Minister Lawrence Wong's claim on MOE having duty of care toward every student", The Online Citizen, 2 February 2021, <https://www.theonlinecitizen.com/2021/02/02/transgender-student-refutes-education-minister-lawrence-wongs-claim-on-moe-having-duty-of-care-toward-every-student>

<sup>290</sup> "LGBTIQ Student Support", Department of Education and Training Victoria, State Government of Victoria, 19 February 2021, <https://www2.education.vic.gov.au/pal/lgbtiq-student-support/policy>

<sup>291</sup> Ibid

<sup>292</sup> UN Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Singapore (Geneva: UN, 2017)

Instead of relying on individual schools' discretion, we recommend MOE establish guidelines for all schools that clearly prioritise students' well-being and access to education. This would be consistent with Singapore's commitment to the UN Convention on the Rights of The Child, which compels it to "adopt a proactive and comprehensive strategy containing specific and well-targeted actions, including affirmative social actions, to eliminate discrimination against children in marginalized or vulnerable situations, including... lesbian, gay, bisexual, transgender and intersex children".<sup>292</sup>

### 3 Introduce policy to specifically address gender-based bullying for all schools to adopt and follow.

In September 2019, then-Nominated Member of Parliament Associate Professor Walter Theseira asked in Parliament what measures are in place to detect, minimise, and combat bullying based on sexual orientation, gender identity or expression at educational institutions.<sup>293</sup> In her response, Senior Parliamentary Secretary to the Minister for Education Ms Low Yen Ling said that the ministry has "zero tolerance" for all forms of bullying and that when such cases of bullying are reported, they "are promptly investigated and followed up with counselling support for victims and appropriate disciplinary action against the perpetrators". SPS Low also explained that teachers are "trained to handle bullying", training which covers "behaviour such as those targeting gender identity or sexual orientation" and how to "foster a positive classroom culture without imposing their own prejudice".

Despite these measures, the prevalence of gender-based discrimination and bullying, including behaviours perpetuated by members of school administrations themselves, suggest that the current approach may be inadequate. For one, what mechanisms are in place to hold teachers and schools accountable if students have experienced bullying behaviour at their hands? Are there channels for students to lodge their complaints? Who is responsible for these investigations?

<sup>292</sup> UN Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Singapore (Geneva: UN, 2017)

<sup>293</sup> "Measures at educational institutions to detect, minimise and combat bullying based on gender expression", Parliament of Singapore, 2019, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=oral-answer-2064>



The inefficacy of schools in dealing with bullying is also seen in the case of a 13-year-old girl who tried to take her own life in 2020 as a result of bullying and harassment by schoolmates.<sup>294</sup> According to the girl's parents, the school did not take action and apparently dismissed the bullying acts as “pranks” and “mischief”.<sup>295</sup>

Furthermore, given the general societal stigma against LGBTQ+ persons, it is hard to imagine that an adequate level of gender-sensitivity and understanding of gender-related issues has been instilled in members of the education system. The responsibility of schools to stamp out gender-based discrimination and bullying needs to be more clearly spelled out.

In Taiwan, the government has enacted the Gender Equity Education Act to “advance genuine gender equality, eliminate gender discrimination, safeguard human dignity, and soundly establish education resources and environments that epitomize gender equality”.<sup>296</sup> It specifically addresses the problem of gender-based bullying, which is referred to as “sexual bullying” under the Act and defined as “engaging in ridicule, attacks, or threats directed at another person’s gender characteristics, gender traits, sexual orientation, or gender identity using verbal, physical, or other forms of violence that are not in the category of sexual harassment”. The Act also compels each school to create a Gender Equity Committee, which, among other duties, has to “investigate and handle cases related to [the] Act”.

We strongly recommend that Singapore consider adopting similar legislation or national policy for all schools to identify, prevent and address gender-based discrimination and bullying.

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<sup>294</sup> Pei Ting Wong, “Teen says bullying led her to try suicide; MOE admits school lapse but ‘effective disciplinary action’ then taken”, TODAY, Mediacorp Pte Ltd., updated on 20 December 2020, <https://www.todayonline.com/singapore/teen-says-bullying-led-her-try-suicide-moe-admits-school-lapse-effective-disciplinary>

<sup>295</sup> Ibid

<sup>296</sup> Article 1 of the Gender Equity Education Act (2018)

## Issue 3.6

# Discrimination against Muslim women

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## Workplace discrimination against tudung-wearers

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From 2017 to 2018, AWARE and Daughters Of Tomorrow collaborated on an eldercare workforce programme supported by JP Morgan. The two-year programme was aimed at providing workforce readiness training and employment for low-income women (Singaporeans, permanent residents and LTVP holders) in the eldercare sector. One of the major challenges we encountered through the programme was a prevalent belief among healthcare employers that headscarves are linked to the spread of infection. Accordingly, some employers were hesitant to hire long-term care workers who wore the tudung or hijab.

More recently, in 2020, a part-time promoter was allegedly told by TANGS department store to remove her hijab in order to work on its premises. The account gained widespread attention online, prompting TAFEP to investigate the incident and President Halimah Yacob to declare that there was “no place” for such discrimination. In response to a Parliamentary Question, the MOM revealed that in the past five years, TAFEP has received a total of 16 complaints related to the wearing of religious articles.<sup>297</sup>

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<sup>297</sup> “Written Answer by Mrs Josephine Teo Minister for Manpower to PQ on feedback exercises with workers filing discrimination or workplace harassment reports and their satisfaction with follow-up action taken”, Ministry of Manpower, 6 January 2020, <https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2020/0106-written-answer-by-mrs-josephine-teo-minister-for-manpower-to-pq-on-feedback-exercises>.

## Discrimination in marriage and family life

From the right to enter marriage to inheritance laws, Muslim women are disadvantaged in several areas relating to marriage laws under the Administration of Muslim Law Act (AMLA). The framework of AMLA “regards men as the protectors and providers of women and grants additional rights and privileges to Muslim men as a result”.<sup>298</sup>

### (a) Polygamy

Firstly, polygamy is allowed under AMLA. A Muslim man can enter into a polygamous marriage with up to four wives without any legal requirement to obtain consent from his existing wives. Non-Muslim men are not allowed to enter into polygamous marriages. Polygamy has negative economic, social and emotional effects on women, including financial problems for first wives—40% state that their husband’s financial contribution to the first family diminished significantly after the second marriage.<sup>299</sup> In 2016, 13 out of a total of 5,954 Muslim marriages were registered as polygamous marriages.<sup>300</sup> However, the numbers may not be reflective of the actual phenomenon as there may be a number of unregistered polygamous marriages taking place outside of Singapore. In 2014, for example, it was reported that more than 100 Singaporean men contracted a second, unregistered marriage in Indonesia.<sup>301</sup>

<sup>298</sup> Musawah, Comparative Legal Review of the Impact of Muslim Family Law on Women across Commonwealth Asia and Africa, (United Kingdom: Sisters For Change, 2019) <https://www.musawah.org/wp-content/uploads/2019/12/Comparative-Legal-Review-Impact-Muslim-Family-Laws-on-Women-Commonwealth-Asia-Africa.pdf>

<sup>299</sup> “SIS Research on the Impact of Polygamy”, Coalition for Sexual and Bodily Rights in Muslim Societies, accessed on 20 May 2021, <https://csbronline.org/?p=180>

<sup>300</sup> Government of Singapore, List of issues and questions in relation to the fifth periodic report of Singapore: Addendum - Replies of Singapore, (Geneva: Committee on the Elimination of Discrimination against Women (68th sess.), 2017), 4

<sup>301</sup> Berita Harian, “Penguam: Isteri teraniaya boleh tuntutan cerai taklik atau fasakh”, Berita Harian, 3 November 2014, <https://www.beritaharian.sg/setempat/peguam-isteri-teraniaya-boleh-tuntut-cerai-taklik-atau-fasakh>

A formal application must be made to the kadi<sup>302</sup> in the Registry of Muslim Marriages (ROMM) for polygamous marriages. The kadi must hold an inquiry and may require the prospective groom, the prospective wife and her wali, the existing wife or wives as well as any other relevant person to attend the inquiry and give any evidence. All relevant parties will be given the opportunity to be heard, including the opportunity to examine, cross-examine and reexamine the other party in accordance with the law. The kadi will only authorise the polygamous marriage after satisfying himself that there are no obstacles based on AMLA as well as Muslim law to the marriage.<sup>303</sup> The kadi considers the following conditions prior to authorising the marriage.<sup>304</sup>

- The husband has the capacity to provide a life that is balanced in regard to the financial, physical and emotional well-being of his wives;
- The husband currently has a good marriage and is not seeking to take on additional wives because his existing marriage is not going well;
- The benefits that the new marriage will provide such as the new wife will convert to Islam or the new wife can bear children for the husband.

### (b) Wali

Regardless of her age, a prospective bride requires the consent of her wali (male next of kin, usually her birth father, brother, grandfather, paternal uncle or paternal male relative) to enter into marriage.<sup>305</sup> The groom faces no such requirement.

A kadi may act as guardian in the absence of a wali. However, the bride has to show that enough effort has been made to search for a wali, e.g. publish three months of press announcements to find her absent wali, in order for this option to be available.<sup>306</sup> The application for a kadi to be the wali must be made to the ROMM. ROMM<sup>307</sup> only has 11 kadis that can act as wali hakim for brides with no wali.

If the guardian of a prospective bride opposes the marriage on grounds that the kadi considers to be unreasonable, the kadi may solemnise the marriage.<sup>308</sup>

<sup>302</sup> Kadis are officials of religious standings, and are appointed by the President of Singapore to solemnise Muslim marriages.

<sup>303</sup> "Administration of Muslim Law Act (1966)", Singapore Statutes Online, Government of Singapore, accessed 20 May 2021, <https://sso.agc.gov.sg/Act/AMLA1966>; Muslim Marriage and Divorce Rules, Singapore Statutes Online, Government of Singapore, accessed 20 May 2021, <https://sso.agc.gov.sg/SL/AMLA1966-R1>

<sup>304</sup> "Polygyny marriages", Registry of Muslim Marriages, Government of Singapore, [https://www.romm.gov.sg/about\\_marriage/romm\\_polygyny.asp](https://www.romm.gov.sg/about_marriage/romm_polygyny.asp)

<sup>305</sup> "Administration of Muslim Law Act (1966)"

<sup>306</sup> Civil Society Coalition (Singapore), Joint submission, 22

<sup>307</sup> "Marriage Process at a Glance", Registry of Muslim Marriages, Government of Singapore, [https://www.romm.gov.sg/about\\_marriage/romm\\_marriage\\_process.asp](https://www.romm.gov.sg/about_marriage/romm_marriage_process.asp)

<sup>308</sup> "Administration of Muslim Law Act (1966)"

### (c) Faraidh (Inheritance law)

The distribution of deceased Muslims' estates must be in accordance with AMLA, which generally favours male beneficiaries, i.e. each man will receive twice the share of a woman of the same relational level.<sup>309</sup> Faraidh does not cover some types of properties, such as property owned under joint tenancy registered under the Land Titles Act, nominated CPF funds, and life insurance payouts to nominees.<sup>310</sup>

Wills made by Muslims outside the dictates of faraidh have effect only: (i) over one-third of their assets; and (ii) towards non-faraidh beneficiaries. The option of a hibah document disposing of property to female family members faces strict limitations—unless disbursed before the giver dies, the hibah is subject to consent of the giver's heirs, and it may not be upheld by a court.<sup>311</sup>

### (d) Divorce rights

Under AMLA, the right to divorce is unequal between genders. While husbands are entitled to unilateral repudiation (talak) without conditions, wives can only divorce based on certain conditions.<sup>312</sup>

Moreover, a woman's testimony alone is insufficient to prove grounds for divorce if she is initiating one. S49(4) of AMLA states that "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".<sup>313</sup>

This includes cases where a wife is initiating divorce based on the ground that her husband has treated her with cruelty.<sup>314</sup>

The number of divorces by pronouncement of talak is not publicly available, though the Association of Muslim Professionals (AMP) reported that 20-30% of its clients utter talak outside court, and more than half of them will retract it.<sup>315</sup>

<sup>309</sup> "Muslim Inheritance Law in Singapore", Singapore Legal Advice, First World Problems Pte Ltd., last updated on May 14, 2020, <https://singaporelegaladvice.com/law-articles/muslim-inheritance-law-in-singapore>

<sup>310</sup> Ibid

<sup>311</sup> In *Haja Maideen s/o Mohd Ali Maricar v Roshan Begum Md Ali M* (2017 SCHC 164), the hiba where deceased "gave" her HDB flat to her sister, was declared invalid by the High Court as it contravenes HDB rules and regulations.

<sup>312</sup> "Administration of Muslim Law Act (1966)"

<sup>313</sup> Ibid

<sup>314</sup> Ibid

<sup>315</sup> Melody Zaccheus and Janice Tai, "Getting Muslim men to think twice about divorce," *The Straits Times*, Singapore Press Holdings Ltd. Co., 19 September 2017, <https://www.straitstimes.com/singapore/getting-muslim-men-to-think-twice-about-divorce>.

## Recommendations to end discrimination against Muslim women

### 1 Allow wearing of headscarves at all workplaces.

Senior Minister of State for Manpower Zaqy Mohamed said in August 2020, in response to the TANGS incident, that religious attire should “generally be allowed” at workplaces, unless employers have “uniform, or dress code requirements which are suited to the nature of their work, or for operational and safety reasons”.<sup>316</sup> Indeed, there already exist uniforms in Singapore that have been modified to accommodate the tudung, for example among SMRT staff and POSB bank tellers, where the lower edge of the tudung is tucked into the collar of a long-sleeved top.<sup>317</sup> Even in the public service sector, some statutory boards now allow Muslim women officers to wear the tudung, or have incorporated some form of the tudung into uniforms. These examples clearly illustrate that uniforms can retain all their functions while modified to accommodate religious beliefs. While dress codes may be deemed necessary by certain professions, employers should be required to clearly address “whether the dress code will require employees to dress in a way that contravenes their religion or belief”, as is the case in the U.K.<sup>318</sup>

Concerns that the tudung hinders its wearer from performing her job efficiently or safely are often unfounded. Particular to the hospital setting is the worry that a tudung contravenes existing hygiene standards demanded of healthcare workers. However, there is no recent research to “really establish the linkage of the veil or hijab to nosocomial infections”.<sup>319</sup> In Malaysia, a Muslim-majority country, not only are female Muslim nurses allowed to wear the tudung (tucked into their uniform shirts), but the tudung itself has been modified to be consistent and colour-coded, thus indicating the role each wearer plays in a hospital. This is just one of the ways that companies have modified the uniform in order to accommodate the tudung.

<sup>316</sup> Shiyong Wong, “Religious attire should be allowed at workplaces where possible: Zaqy Mohamad,” The Straits Times, Singapore Press Holdings Ltd. Co., 19 August 2020, <https://www.straitstimes.com/singapore/religious-attire-should-be-allowed-at-workplaces-where-possible-zaqy-mohamad>

<sup>317</sup> Alfian Saat, “In a single day, I noticed the tudung being incorporated into uniforms in two separate settings. One was among SMRT staff, and another among POSB bank tellers...,” Facebook, 29 January 2014, <https://www.facebook.com/alfiansaat/posts/10151823726772371>

<sup>318</sup> Ibid

<sup>319</sup> Rica Rubio, “To wear or not to wear: perspectives on the wearing of hijab while on hospital duty”, International Journal of Healthcare Sciences 4, no.1 (2016)

NHS Employers, which acts on behalf of NHS trusts in the England and Wales National Health Service, states that in the event that a dress code will conflict with an employee's religion, there "must be clear evidence to demonstrate objective justification".<sup>320</sup> The onus is on the employer to, for example, carry out proper assessments to prove whether the hijab will prove to be a hygiene risk. Until such assessments have been made, it is unfair to assume that the tudung will necessarily compromise hygiene standards of its wearer.

Most recently, in March 2021, Home Affairs and Law Minister K. Shanmugam said that the government is considering allowing nurses to wear the tudung at work.<sup>321</sup>

Women should not have to make a choice between their religiosity and their careers, particularly in a context where women's career opportunities are already limited. Workplaces should allow the wearing of headscarves.

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<sup>320</sup> "Dress codes and discrimination", NHS Employers, 22 April 2020, <http://www.nhsemployers.org/your-workforce/plan/building-a-diverse-workforce/need-to-know/dress-codes-and-discrimination>

<sup>321</sup> Zakir Hussain, "Muslim leaders told last August that position on nurses wearing tudung under review, likely to change: Shanmugam", The Straits Times, Singapore Press Holdings Ltd. Co., 24 March 2021, <https://www.straitstimes.com/singapore/muslim-leaders-told-last-august-that-position-on-nurses-wearing-tudung-under-review-likely>

## 2 Prohibit polygamy under AMLA.

The government maintains that all applications for polygamous marriages are rigorously reviewed by ROMM. Only applicants deemed able to meet the stringent requirements are allowed to take a second wife. The first wife may voice her objection to ROMM. If the application is approved and the first wife is dissatisfied with ROMM's decision, she may go to the Appeal Board. Subsequent to the second marriage, the first wife may also file for divorce on the ground of her husband's inequitable treatment.<sup>322</sup>

Despite the small numbers, the legality of polygamy reinforces its cultural acceptance and may legitimise unregistered marriages.<sup>323</sup> The need for ROMM approval may be circumvented by marrying abroad. The requirement of an approval letter from a kadi for polygamous marriages abroad is not strictly enforced.<sup>324</sup> Husbands may contract multiple marriages without their wives' knowledge. Women in these transnational marriages lack access to rights in the divorce process, as the marriages are not formally registered.

The government should protect the rights of all women and prohibit polygyny for all Singaporean Muslim men, aligned with the current practice for all civil marriages in Singapore. In some Muslim-majority countries, such as Tunisia and Turkey, polygamy is banned, suggesting that ending polygamy may not necessarily be incongruent with religious teachings. In the meantime, the government should intensify their efforts to discourage the practice before prohibiting it completely. Steps should be taken to discourage unregistered polygamous marriages abroad.

<sup>322</sup> Government of Singapore, Consideration of reports submitted by States parties under article 18 of the Convention: Fifth periodic report of States parties due in 2015 - Singapore, (Geneva: Committee on the Elimination of Discrimination against Women, 2015), 37, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW\\_C\\_SGP\\_5\\_6007\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf)

<sup>323</sup> Berita Harian, "Tidak mahal Pak, \$300 saja termasuk dua saksi dan wali hakim", Berita Harian, 28 September 2014, <https://www.beritaharian.sg/wacana/tidak-mahal-pak-300-saja-termasuk-dua-saksi-dan-wali-hakim>

<sup>324</sup> "Registering a Marriage outside Singapore," ROMM, Government of Singapore, [https://www.romm.gov.sg/about\\_marriage/romm\\_register\\_marriage2.asp](https://www.romm.gov.sg/about_marriage/romm_register_marriage2.asp)



### **3 Provide women with equal rights as men to enter into marriage, by abolishing the requirement of wali.**

Muslim women should have an equal legal right to enter into marriage on their own accord without requiring the consent of a male guardian (wali).<sup>325</sup> In several Muslim-majority countries, such as Morocco, Tunisia and Turkey, the consent of a wali is not required for adult brides and grooms.

It is troublesome for Muslim women to search for a guardian in the event that they do not have one, e.g. if their fathers have passed away or are absent. They have to incur additional costs to place advertisements in the newspaper, contact long-lost (potentially hostile) relatives and so on just to get married. This can be particularly difficult for single-parent families, which are usually female-led.

## 4 Guarantee equal rights of women in all inheritance matters, and provide for choice of adjudication between Muslim and civil law.

The most recent fatwa on joint tenancy was issued by the Islamic Religious Council (MUIS) in 2019, recognising the joint-tenancy contract as valid under the religion, thereby aligning it with civil law. This is a positive sign as it provides the religious justification for surviving co-owners to retain their share of a property. Prior to the 2019 fatwa, surviving owners faced coercive pressure from faraidh beneficiaries (citing the fatwa as moral authority) to distribute the deceased 50% share to faraidh beneficiaries.

Nonetheless, there remain other categories of property that have to be distributed under faraidh, which generally disadvantages women. The provisions of AMLA that apportion men a greater share of inheritance presume that men maintain the women in their families.<sup>326</sup> This is an outdated assumption that fails to recognise the many women who are working and providing for their families today.

Inheritance law should be updated to better reflect women's roles today. In Turkey, Muslim inheritance law does not discriminate based on gender. Muslims in Singapore should have the right to choose to distribute their estate in accordance with Muslim or civil law, and allow non-Muslim next-of-kin to inherit from the estate of a deceased Muslim (both pre-AMLA positions).

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<sup>326</sup> Majlis Ugama Islam Singapura and Ministry of Community Development and Sports, Faraid: The Islamic Law of Inheritance (Singapore: MUIS, n.d.), <https://www.muis.gov.sg/-/media/Files/Corporate-Site/Forms/Faraidh/Faraidh-Brochure-English.pdf>

## 5 Equalise the right to divorce.

In 2017, AMLA was amended to include a clause saying men can apply for divorce without having to first say talak, putting in place a statutory provision for what has been practised since AMLA came into operation.<sup>327</sup> According to the Syariah Court, the clause “prevent[s] frivolous pronouncements of talak for a quick and convenient solution to marital challenges”.<sup>328</sup> However, this amendment will likely not stop the use of talak, since it does not penalise the frivolous pronouncement of talak outside of the Syariah Court.

Men and women should have equal rights to end marriages. We recommend that AMLA be amended to ensure equality in rights to divorce, including the grounds for divorce and standards of proof, and abolish the rights of Muslim husbands to unilateral divorce.

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<sup>327</sup> Melody Zaccheus and Janice Tai, “Getting Muslim men to think twice about divorce”, The Straits Times, Singapore Press Holdings Ltd. Co., September 19, 2017, <https://www.straitstimes.com/singapore/getting-muslim-men-to-think-twice-about-divorce>  
<sup>328</sup> Ibid

# PART 2

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Part 2 of AWARE's omnibus report comprises five sections: Section 4, "Violence against women", highlights the severity and under-reporting of sexual violence and examines the various forms of gender-based violence, including campus sexual violence, workplace sexual violence and technology-facilitated sexual violence. Section 5, "Sexuality education", focuses on sexuality education as a key strategy in eradicating the gender norms and stereotypes at the root of sexual violence and violence against women. Section 6, "Men and gender equality", discusses the harmful impact of gender norms and stereotypes on men, and how these expectations influence men's involvement in caregiving and reporting of sexual violence. Section 7, "National machinery to promote gender equality", illustrates the importance of measures explicitly targeted at achieving gender equality at a national level. Finally, Section 8, "Women's Charter", calls attention to the challenges victim-survivors of family violence face with Personal Protection Orders, as well as other ancillary matters pertaining to the Charter, including its renaming and the prohibition of underage marriage.

## Section 4:

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# Violence against women

This section of the report focuses on the various forms of violence against women. It starts with a description of the prevalence and under-reporting of sexual violence, with an overview of the barriers that victim-survivors often face in filing formal reports. (Procedural issues will be addressed in Section 9.) Recommendations to address under-reporting are centred on creating more survivor-centric criminal justice processes, support services and society.

We then delve into the specific issues of campus sexual violence, workplace sexual violence and technology-facilitated sexual violence, highlighting unique challenges faced by victim-survivors in seeking recourse and justice in each of these areas.

## Issue 4.1

# Prevalence and under-reporting of sexual violence

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The number of reported sexual violence cases has increased in recent years. From 2015 to 2019, the number of rape cases reported to the police increased from 162 to 282.<sup>329</sup> In the same period, the number of outrage of modesty cases reported rose from 1,294 to 1,632.<sup>330</sup> Despite this, under-reporting remains a problem. In the experience of AWARE's Sexual Assault Care Centre (SACC), formal reports are not made in 70% of cases.<sup>331</sup> In 2018 and 2019, SACC saw 1,585 cases of sexual violence, almost double that across 2016 and 2017. This number included 482 reports of physical assault, including rape, in 2019, up from 233 in 2016.

An analysis of 775 cases seen by SACC from 2015 to 2020 reveals that the two most common reasons for not filing a report include fear of not being believed (45.5%) and worry about the reactions of family and/or friends (40.2%). Rape myths, defined as “prejudicial, stereotyped or false beliefs about rape, rape victims and rapists”, influence how people around victim-survivors react to their disclosure.<sup>332</sup> One such example would be the belief that women are “asking for it” when they are sexually assaulted or harassed. SACC clients have been met with disbelief and judgement when they disclosed their ordeals to friends and family. This discouraged some from formally filing a report. Hence, the perpetuation of rape myths is particularly damaging to victim-survivors as it fosters self-doubt and guilt for experiencing acts of violence and deters them from seeking help or reporting.

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<sup>329</sup> Amelia Teng, “Number of reported rape cases up 75% in past five years”, The Straits Times, Singapore Press Holdings Ltd. Co., 3 July 2020, <https://www.straitstimes.com/singapore/courts-crime/number-of-reported-rape-cases-up-75-in-past-five-years>

<sup>330</sup> Ibid

<sup>331</sup> Where we know whether or not a police report has been filed

<sup>332</sup> Martha Burt, “Cultural myths and supports for rape”, *Journal of Personality and Social Psychology* 38, no. 2 (1980)

## Recommendations to create more survivor-centric criminal justice processes, support services and society

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We believe that the best approach to address under-reporting is to improve the survivor-centricity of the criminal justice system. As mentioned, in SACC's experience, 7 in 10 victim-survivors do not file a police report. If victim-survivors can be better supported through the processes of reporting, investigating and prosecuting, more may be inclined to come forward and remain involved throughout the criminal justice process up to conviction. Thus, the first recommendation in this section is aimed at reducing the risk of re-traumatisation as victim-survivors navigate the criminal justice system.

Outside of the criminal justice system, it is equally important that victim-survivors have access to survivor-centric support services after assault, including victim support and reproductive and healthcare services, regardless of their decision to file a formal report. This is covered in recommendations two to four.

The final set of recommendations addresses the role of the media and society at large in influencing norms, myths and beliefs about sexual violence, which in turn significantly impact victim-survivors' mental well-being and their decisions to seek help or file formal reports.

## 1 Establish a specialised court to deal with all sexual violence cases.

In recent years, efforts have been made to lower victim-survivors' risk of re-traumatisation throughout the criminal justice process, including the enhancement of prosecutors' and judges' understanding of trauma. According to Singapore's 2019 follow-up report to CEDAW, special training sessions were conducted that year "to educate prosecutors on the short-term and long-term effects of sexual assault on victims, as well as to inform them of trauma-informed practices that can better support victims of sexual assault".<sup>333</sup> In 2018 and 2020, the Singapore Judicial College offered an "Understanding the Psychology of Sexual Assault Victims" module to educate judges on topics including rape myths and stereotypes of sexual assault, the dynamics of sexual offending, and offender and victim psychology.<sup>334</sup>

While these measures are welcome and necessary, their effects will remain limited so long as they are not mandatory for all practising lawyers and judges who handle sexual violence cases. Further, it is unclear whether participants are regularly evaluated on their skills and knowledge after such training. Refresher courses and regular evaluations would be necessary to keep criminal justice practitioners updated on new survivor-centric practices to help victim-survivors navigate the criminal justice process safely. For example, judges in England and Wales have to undergo training before they are allowed to preside over rape trials and are required to complete a three-day programme every three years, or lose their eligibility to hear such cases.<sup>335</sup>

<sup>333</sup> UN CEDAW, Information received from Singapore, 6

<sup>334</sup> "Written answer by Minister for Law, Mr K Shanmugam, to parliamentary question on training on sexual offences for judicial officials", Ministry of Law, Singapore, Ministry of Law, Singapore, 5 January 2021, <https://www.mlaw.gov.sg/news/parliamentary-speeches/written-answer-by-minister-for-law-mr-k-shanmugam-to-pq-on-training-on-sexual-offences-for-judicial-officials>

<sup>335</sup> Phil Rumney and Rachel A. Fention, "Judicial training and rape", *Journal of Criminal Law* 75, no. 6 (2011), [https://www.researchgate.net/publication/269621224\\_Judicial\\_Training\\_and\\_Rape](https://www.researchgate.net/publication/269621224_Judicial_Training_and_Rape)



Up until recently, the local media has continued to report problematic comments made by defence lawyers and judges. These comments illustrate that we have not yet achieved the level of trauma-sensitivity that would allow victim-survivors to go through the criminal justice system without risking re-traumatisation:

1. In one case, a district judge commented that “allegations of sexual misconduct are easy to make and, in most cases, difficult to disprove”<sup>336</sup>, although statistics on the severity of under-reporting of sexual crimes have clearly indicated that most victim-survivors find it difficult to come forward.

2. Another judge displayed a lack of understanding that freezing is a common response to sexual violence and deemed the victim-survivor “completely unreliable” because she “could offer no credible answer to why she had not alerted a crew member, or simply got out of her seat and freed herself of the torment” of being sexually harassed on a plane.<sup>337</sup>

3. A defence lawyer was rebuked by the presiding judge for his inappropriate, victim-blaming comments and behaviour towards the complainant. The lawyer requested that the complainant stand for him “to see... how attractive [she was] when [she stood] up” and proceeded to argue that “if she [was] wearing a very low-cut [top] with a very voluptuous breast protruding out, [of a] half-cut [top], then of course... the higher the tendency that people might commit such an offence”.<sup>338</sup>

4. In an attempt to defend his client, yet another lawyer tried to shift the responsibility onto the then-13-year-old victim-survivor by suggesting that she was promiscuous, due to her family background. Disturbingly, images of the victim-survivor were used as evidence by the defence with the possible intention of illustrating her supposed sexual maturity.<sup>339</sup>

<sup>336</sup> Louisa Tang, “Former bubble tea store owner acquitted of molesting 2 teen employees”, TODAY, Mediagroup Pte Ltd., 26 February 2021, <https://www.todayonline.com/singapore/former-bubble-tea-store-owner-acquitted-molesting-2-teen-employees>

<sup>337</sup> Louisa Tang, “Man acquitted of molesting woman on SIA flight, judge finds her testimony ‘completely unreliable’”, TODAY, Mediagroup Pte Ltd., 16 September 2020, <https://www.todayonline.com/singapore/man-acquitted-molesting-woman-sia-flight-judge-finds-her-testimony-completely-unreliable>

<sup>338</sup> The Evidence (Restrictions on Questions and Evidence in Criminal Proceedings) Rules 2018 has since been enacted and questions relating to victim-survivors’ sexual behaviour or physical appearance are prohibited unless a leave of court has been granted. Amir Hussain, “Lawyer who focused on molestation victim’s breast size rapped by judge”, The Straits Times, Singapore Press Holdings Ltd. Co., 4 August 2016, <https://www.straitstimes.com/singapore/courts-crime/lawyer-who-focused-on-molest-victims-breast-size-rapped-by-judge>

<sup>339</sup> David Sun, “Judge slams lawyer in underage sex case who tried to blame victim”, The Straits Times, Singapore Press Holdings Ltd. Co., 25 January 2021, <https://www.straitstimes.com/singapore/courts-crime/judge-slams-lawyer-in-underage-sex-case-who-tried-to-blame-victim>; Singapore Court of Appeal, Magistrate’s Appeal No 9040 of 2020/01 (Singapore: Singapore Court of Appeal, 2021), 47, <https://www.supremecourt.gov.sg/docs/default-source/module-document/judgement/-2021-sghc-18-pdf.pdf>

We recommend that a specialised court be established to deal with cases of sexual violence, taking a survivor-centric and trauma-informed approach. Prioritising the meeting of victim-survivors' needs and the minimisation of re-traumatisation would make both reporting and prosecution more accessible and less arduous to victim-survivors, thus potentially encouraging the reporting of cases.

Specialist courts in countries including New Zealand and South Africa comprise varying combinations of the following features:

- (a) Specially trained staff (e.g. prosecutors, judges)
- (b) Staff continuity
- (c) (Re)configuration of physical space to reduce chances of the victim meeting the perpetrator or members of public
- (d) Alternative modes of testifying during cross-examination (e.g. video)
- (e) Multi-disciplinary victim support teams; case managers
- (f) Pre-trial meetings between the judge and complainant to better prepare the latter for the court proceedings

In New Zealand, as part of the specialist court, designated case managers serve as the point of contact for all stakeholders and are tasked with managing administrative court matters to avoid issues that could unnecessarily delay the trial.<sup>340</sup> Other features of New Zealand's specialist courts include educating specialist court judges on the complex dynamics between sexual violence and vulnerable witnesses, and reversing the traditional manner of evidence presentation such that "counter-intuitive" evidence given by expert witnesses is provided before victim-survivors give their testimony.<sup>341</sup> Pre-trial meetings with judges have also been found to make complainants feel more empowered; they have had a positive impact on the quality of evidence provided by complainants, who felt more at ease in the courtroom.<sup>342</sup>

<sup>340</sup> Gravitas Research and Strategy Limited and Ministry of Justice, Evaluation of the Sexual Violence Court Pilot (New Zealand: The District Court of New Zealand, 2019), [https://www.districtcourts.govt.nz/assets/Uploads/2019\\_Publications/Sexual-Violence-Court-Pilot-Evaluation-Report-FINAL-24.7.19.pdf](https://www.districtcourts.govt.nz/assets/Uploads/2019_Publications/Sexual-Violence-Court-Pilot-Evaluation-Report-FINAL-24.7.19.pdf)

<sup>341</sup> Ibid

<sup>342</sup> Ibid

An evaluation of New Zealand’s pilot found that guilty pleas were made earlier on in the process, which led to a higher rate of pre-trial resolution.<sup>343</sup> This was attributed to several reasons, including having more comprehensive case management and more extensive case discussion between parties.<sup>344</sup> More significantly, an increase in efficiency was observed: There was an overall decrease in the turnaround time from the filing of a police report to the finalisation of the case. (The average turnaround time from case intake to the trial date was reduced by up to seven months, while the average time for case disposal was reduced by up to nine months.<sup>345</sup>) Collectively, these outcomes are beneficial to victim-survivors of sexual violence—their need to testify is diminished, and reduced turnaround times minimise their emotional and financial burden.

Meanwhile, we urge immediate action to enhance all courts’ sensitivity to victim-survivors’ experiences of trauma. All members of the criminal justice system, or all staff working in the POHA courts at the very least, should undergo trauma training.

We also recommend that a panel of court-appointed experts on trauma be established, as was previously put forth in the proposed amendments to the Evidence Act in 2017.<sup>346</sup> As evidenced in previously cited cases, both lawyers and judges continue to display little understanding of the effects of trauma, thereby reinforcing rape myths in the courtroom by calling victim-survivors’ behaviour into question and inadvertently shifting the blame to them.

To counter this, testimonies from expert witnesses with professional knowledge about trauma can effectively dispel common rape myths to prevent victim-survivors from being subject to further distress or harm in the courtroom. Having court-appointed experts would also eliminate the risk of adversarial bias in the provision of expert testimony, as party-appointed experts’ presentation of evidence might be skewed by their affiliations.<sup>347</sup>

Overall, establishing a specialised court for sexual violence cases and/or introducing a panel of experts on trauma would be a step towards making our existing criminal justice system more survivor-centric and trauma-informed.

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<sup>343</sup> Ibid

<sup>344</sup> Ibid

<sup>345</sup> Ibid

<sup>346</sup> Ministry of Law, Fact Sheet on Key Proposed Legislative Changes to the Criminal Procedure Code (“CPC”) and the Evidence Act (Singapore: Ministry of Law, 2017), 5, <https://www.mlaw.gov.sg/files/news/public-consultations/2017/07/AnnexC.pdf>

<sup>347</sup> Law Reform Commission, Consultation Paper - Expert Evidence (Dublin: Law Reform Commission, 2008), 295, [https://www.lawreform.ie/\\_fileupload/consultation%20papers/cpExpertEvidence.pdf](https://www.lawreform.ie/_fileupload/consultation%20papers/cpExpertEvidence.pdf)

## 2 Subsidise the cost of medico-legal services borne by victim-survivors.

Access to reproductive and healthcare services should be a basic right for all. Victim-survivors of sexual violence may need emergency contraceptives and treatment for sexually transmitted infection (STI) following an assault, and the high cost of treatment could be a barrier. Currently, victim-survivors have to bear the full costs of STI and pregnancy prevention, if these are done in the absence of a police report. In 2019, an SACC client who was raped reported having to pay \$600 in total for STI tests and emergency contraception pills. Those who do not file a police report may thus be unable to afford the medical care that they need.

In the US, post-assault medical exams are free for victim-survivors even without a police report under the Violence Against Women Act, although the person performing the exam may be obligated to report it to law enforcement if the victim-survivor is a minor.<sup>348</sup> Every state also has a crime victim compensation programme, which helps victim-survivors with medical expenses, counseling and lost pay from missed work.<sup>349</sup> In the U.K., the National Health Service funds Sexual Assault Referral Centres, which provide forensic examination, emergency contraception, sexually transmitted disease prophylaxis and other follow-up services.

We recommend that similar provisions be made for victim-survivors of sexual violence in Singapore so that access to forensic examinations and medication—e.g. emergency contraceptive, STI treatment—required as a result of sexual assault will be free, whether or not police reports are made.

<sup>348</sup> "Rape", Office on Women's Health, U.S. Department of Health & Human Services, accessed on 9 June 2021, <https://www.womenshealth.gov/relationships-and-safety/sexual-assault-and-rape/rape>; "What Is a Sexual Assault Forensic Exam?", RAINN, accessed on 9 June 2021, <https://www.rainn.org/articles/rape-kit>

<sup>349</sup> "Rape"

### 3 Reclassify dispensation of emergency contraception pills from prescription drugs to over-the-counter status.

Victim-survivors are able to request emergency contraception pills (ECPs) from any general practitioner, polyclinic and hospital. However, the information that doctors might request in order to dispense the contraception is not standardised, and SACC clients have reported being asked insensitive or invasive questions at times. For instance, some were asked to reveal whom they'd had sexual intercourse with, or the identity of their assailants, to doctors when requesting ECPs at clinics. These questions may seem innocuous or harmless, but they pose a real risk of re-traumatisation to victim-survivors of sexual assault.

There are several ways of eliminating this risk. First, emergency contraception could be reclassified as an over-the-counter medication, which does not require medical prescription. There may be concerns about the possible misuse of these pills if they are available over the counter. However, a 2012 over-the-counter simulation study of young women's use of single-tablet emergency contraceptives found that 91.5% of participants had appropriately selected to use or not use the product.<sup>350</sup> Of those who took the emergency contraception pills, 92.9% correctly used it as labeled. Hence, concerns of misuse are misplaced. In France, Sweden, the U.K. and Canada, Levonorgestrel-only emergency contraception pills are available over-the-counter to increase accessibility; this minimises the exposure of victim-survivors to invasive questions from practitioners dispensing such medication.

A second, more conservative approach that would nonetheless minimise the risk of re-traumatisation would be to establish practice guidelines for general practitioners, polyclinics or hospitals dispensing emergency contraception pills. These guidelines should include: (i) prioritising the safety and dignity of the victim-survivor, such as by restricting medical practitioners from asking unnecessary, intrusive questions about victim-survivors' use of contraception, and (ii) providing the necessary resources as a means of aftercare.

An upstream approach would be to have sexuality education in schools cover the use of such pills, so that it becomes general knowledge for all.

<sup>350</sup> Tina R. Raine, Nancy Ricciotti, Abby Sokoloff, Beth A. Brown, Amy Hummel and Cynthia C. Harper, "An over-the-counter simulation study of a single-tablet emergency contraceptive in young females", *Obstetrics and Gynecology* 119, no. 4 (2012)

## 4 Fund the expansion of community-based victim support services.

At present, AWARE's Sexual Assault Care Centre is the only centre in Singapore that provides specialised support to victim-survivors of sexual assault and harassment. There is a dire need to scale up community-based victim support services to ensure that victim-survivors can access the emotional and/or informational support they require following assault. The government should fund the expansion of such community-based services and ensure that all staff are trained on gender sensitivities and trauma.

To bolster such efforts, all social workers and counsellors should be trauma-trained to ensure that those called upon to support victim-survivors can respond in a sensitive, trauma-informed manner.

## 5 Lead public education on consent and rape myths or commit resources to support such efforts.

Apart from educating our youth in schools (discussed in Section 5 below), it is important to raise general public awareness on myths relating to sexual violence and consent to tackle harmful beliefs and eradicate the culture of victim-blaming that deters victim-survivors from reporting.

Rape myths are prevalent in Singapore society. A national survey conducted by Ipsos in 2019 found that 45% of Singaporeans agree that women who wear revealing clothes should not complain if men make comments about their appearance.<sup>351</sup> In the same survey, 41% of respondents believed that false accusations of sexual harassment are a bigger problem for Singapore society than unreported acts.<sup>352</sup> In reality, the reverse is true—under-reporting of sexual violence is a serious issue in Singapore, with only 30% of survivors reporting their cases to the police;<sup>353</sup> false reporting stands at a mere four per cent of reports of serious sexual crimes made to the police.<sup>354</sup> Global estimates for false reports of sexual violence stand between 2-10%.<sup>355</sup>

<sup>351</sup> "Gender Equality, Sexual Harassment and the #MeToo movement in Singapore", Ipsos, Ipsos, 6 March 2019, <https://www.ipsos.com/en-sg/gender-equality-sexual-harassment-and-metoo-movement-singapore>

<sup>352</sup> Ibid

<sup>353</sup> Based on SACC data

<sup>354</sup> In a reply to a Parliamentary Question filed on 8 May 2019, the Minister for Home Affairs revealed that there were about 250 reported cases of serious sexual crimes (i.e. rape and sexual assault by penetration) a year for the period of 2014 to 2018. In about 10 cases, police charged or warned the complainants for making false reports.

<sup>355</sup> Kimberly Lonsway, Joanne Archambault and David Lisak, False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault (Pennsylvania: The National Center for the Prosecution of Violence Against Women, 2009), 2-4, <https://www.nsvrc.org/sites/default/files/publications/2018-10/Lisak-False-Reports-Moving-beyond.pdf>

Further, AWARE's 2020 survey of more than 500 young persons (aged 17 to 25 years old) found that only slightly more than half of those who had previously engaged in sexual activities had discussed sexual consent with their (most recent) partners beforehand.<sup>356</sup> Notably, when asked to gauge whether consent was granted in given hypothetical scenarios, participants' responses diverged the most when it came to situations involving (i) underage sex and (ii) a reluctant partner being coerced or urged to say yes.<sup>357</sup> While similar surveys have not been conducted among the general population, it is conceivable on the basis of this youth survey<sup>358</sup> that many people remain unsure as to what constitutes consent—given the absence of a statutory definition of “consent” (see page 167 for an extended discussion on consent) and the fact that the topic was only recently added to the national sexuality education curriculum.

The government should lead efforts targeted at educating the general public on rape myths and consent, and/or commit funds to support initiatives that are doing this work. These campaigns should also inform the public about existing measures and laws to support victim-survivors during police reporting and other stages of the criminal justice process.

An example of an anti-rape myth public campaign can be found in Ireland, where a three-year national campaign (“No Excuses”) was launched by the Department of Justice in light of the country’s “disturbingly high levels” of sexual harassment in 2019.<sup>359</sup> According to the Minister for Justice, the advertisements are designed to make the public question their existing attitudes towards sexual violence, consider if they are inadvertently excusing such behaviour and realise the consequences of doing so.<sup>360</sup> Similarly, the Scottish government funded a media campaign (“I Just Froze”) in 2017 to challenge the belief that “fight or flight” are the only valid responses to trauma. The campaign emphasised “freezing” as a common and natural response of victim-survivors during rape.<sup>361</sup>

In New Zealand, the annual “Don’t Guess the Yes” campaign is aimed at “[getting] the community talking about how informed consent is required for any sexual activity” and educating the community to “call out attitudes and behaviour that support sexual violence”.<sup>362</sup> Launched in 2017 by the New Zealand Police, the campaign is held in collaboration with stakeholders such as city councils, universities and student associations, and involves training for targeted populations.<sup>363</sup>

<sup>356</sup> “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>

<sup>357</sup> Ibid

<sup>358</sup> Ibid

<sup>359</sup> Adam Daly, “The government just launched this major campaign to tackle ‘disturbingly’ high levels of harassment”, TheJournal.ie, Journal Media Ltd, 9 May 2019, <https://www.thejournal.ie/no-excuses-campaign-to-tackle-endemic-of-sexual-harassment-in-society-4625966-May2019>

<sup>360</sup> “Minister McEntee relaunches ‘No Excuses’ awareness campaign on sexual harassment and violence”, Department of Justice, Department of Justice, 16 November 2020, <http://www.justice.ie/en/JELR/Pages/PR20000263>

<sup>361</sup> “Tackling sexual assault myths”, The Scottish Government, The Scottish Government, 4 January 2017, <https://www.gov.scot/news/tackling-sexual-assault-myths>

<sup>362</sup> “Don’t Guess the Yes”, Wellington City Council, New Zealand, accessed on 6 July 2021, <https://wellington.govt.nz/community-support-and-resources/safety-in-wellington/community-safety/sexual-violence>

<sup>363</sup> Ibid

## 6 Introduce media guidelines to inform reporting practices for cases of sexual violence.

Given that the media inundates our society with narratives about sexual violence on a daily basis, it has significant influence over the public's perception and understanding of the gravity of such crimes.<sup>364</sup>

When framing the issue of sexual violence, word choice is key in shaping the audience's understanding of culpability. A 2008 study conducted in the U.S. found that labelling sexual assault as “unwanted sex” as opposed to “rape” created the perception that either no crime or less serious of a crime had been committed, and led to more blame being attributed to the victim-survivor.<sup>365</sup>

Similar euphemistic and/or inaccurate language use has also been observed in our local media. For example, the headline “Jail and caning for tutor who had sex with Primary 6 pupil” as reported in *The Straits Times* in February 2020<sup>366</sup> is problematic because the phrase “having sex” normally applies to consensual sexual activity.<sup>367</sup> However, since minors cannot legally “consent” to sex, there is no such thing as consensual sexual activity with a minor. In using such misleading language, the aforementioned headline implicitly downplays the severity of the crime committed and fails to convey the violence of the act.

Furthermore, using the term “engaging in” when describing sexual assault is deceiving, as it creates the impression that the victim-survivor is an active, consenting participant. This was seen in a *TODAY* article from December 2020 where the perpetrator and victim-survivor were repeatedly described to have “engaged in” sex acts, despite the latter's inability to legally give consent due to her age.<sup>368</sup> Such active language inaccurately frames victim-survivors' role during sexual assault and fails to convey the absence of consent that defines these acts of violence.

<sup>364</sup> Jennings Bryant, Susan Thompson and Bruce W. Finklea, *Fundamentals of Media Effects: Second Edition* (Long Grove, Illinois : Waveland Press, Inc., 2013); Em Griffin, Andrew Ledbetter and Glenn Sparks, *A First Look at Communication Theory (Conversations with Communication Theorists) 9th Edition* (New York: McGraw-Hill Education, 2014)

<sup>365</sup> Charity Wilkinson, *Unwanted Sex Versus Rape: How the Language Used to Describe Sexual Assault Impacts Perceptions of Perpetrator Guilt, Victim Blame and Reporting* (Pennsylvania: Indiana University of Pennsylvania, 2008), [https://www.academia.edu/28557314/Unwanted\\_Sex\\_Versus\\_Rape\\_How\\_the\\_Language\\_Used\\_to\\_Describe\\_Sexual\\_Assault\\_Impacts\\_Perceptions\\_of\\_Perpetrator\\_Guilt\\_Victim\\_Blame\\_and\\_Reporting](https://www.academia.edu/28557314/Unwanted_Sex_Versus_Rape_How_the_Language_Used_to_Describe_Sexual_Assault_Impacts_Perceptions_of_Perpetrator_Guilt_Victim_Blame_and_Reporting)

<sup>366</sup> Selena Lum, “Jail and caning for tutor who had sex with Primary 6 pupil”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 5 February 2020, <https://www.straitstimes.com/singapore/courts-crime/jail-and-caning-for-tutor-who-had-sex-with-primary-6-student>

<sup>367</sup> Janet Bavelas and Linda Coates, “Is It Sex or Assault? Erotic Versus Violent Language in Sexual Assault Trial Judgments”, *Journal of Social Distress and the Homeless 10*, no. 1, [https://www.researchgate.net/publication/226195887\\_Is\\_It\\_Sex\\_or\\_Assault\\_Erotic\\_Versus\\_Violent\\_Language\\_in\\_Sexual\\_Assault\\_Trial\\_Judgments](https://www.researchgate.net/publication/226195887_Is_It_Sex_or_Assault_Erotic_Versus_Violent_Language_in_Sexual_Assault_Trial_Judgments)

<sup>368</sup> Louisa Tang, “15 months' jail for man who committed sex acts with 12-year-old girl, chatted with another”, *TODAY*, Mediacorp Pte Ltd., 10 December 2020, <https://www.todayonline.com/singapore/15-months-jail-man-who-committed-sex-acts-12-year-old-girl-chatted-another>



We recommend establishing a set of media guidelines that inform journalists and news outlets of the sensitivities of reporting on sexual violence. These guidelines should include:

- Pointers on appropriate terms and phrases to use when reporting on this issue. For example, journalists should avoid superfluous descriptions that distract from their reporting on sexual violence, such as in the opening of a *Channel NewsAsia* article published on 29 October 2019: “A man who was not on good terms with his wife repeatedly molested his foreign domestic worker...”<sup>369</sup> Such framing suggests that the couple’s marital issues (and by extension, the man’s wife herself) bear some degree of blame for his actions, diffusing the responsibility from the perpetrator.
- The appropriate level of details revealed about a sexual assault, i.e. what is necessary for the public to know. For example, we know of a recent case where people around the victim-survivor were able to identify her from the details revealed in the news, including her age, occupation, student status and the location where the assault took place.
- Suggestions on how to conduct interviews with victim-survivors of sexual violence, such as explaining the purpose behind questions posed to the victim-survivor and avoiding questions that seem to put the blame on the victim-survivor for the assault
- Preventative efforts to highlight that sexual violence is not inevitable
- Coverage on sexual violence experienced by LGBTQ+ individuals, sex workers and other vulnerable communities
- The importance of keeping respondents informed at every stage, e.g. notice about when the article will be published, so the victim-survivor knows what to expect

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<sup>369</sup> Lydia Lam, “Man repeatedly molested maid, told her he can give her ‘anything she wants’”, Channel NewsAsia, Mediacorp Pte Ltd., 29 October 2019, <https://www.channelnewsasia.com/news/singapore/maid-molested-employer-said-give-her-anything-she-wants-12043934>

Best examples of such media guidelines include the one published by the International Federation of Journalists (IFJ) and the Independent Press Standards Organisation (IPSO) in the U.K. Below we summarise the main areas covered in these guidelines, along with five others that we studied:

Table 6: Summary of media guidelines

Best Practices	Guideline developed by:						
	ISPO	Zero Tolerance <sup>370</sup>	femifesto <sup>371</sup>	National Sexual Violence Resource Centre <sup>372</sup> (NSVRC)	Dart Centre <sup>373</sup>	TOAH-NNEST <sup>374</sup>	IFJ
Accurate language	X	X	X	X	X	X	X
Rules on anonymity	X	X	X	X	X	X	X
Consult experts who are familiar with the context	X	X	X	X	X	X	X
Provide information on local support services and organisations who are addressing sexual violence	X	X	X	X	X	X	X
Meeting the needs of the survivor during the interview	X	X	X	X	X	X	X
Consider types of images used		X	X				

To ensure that all news outlets and media companies are held accountable for their content, we hope that media guidelines on reporting on sexual violence will be released and mandated by the Infocomm Media Development Authority (IMDA).

<sup>370</sup> Zero Tolerance is a Scottish charity working to end men's violence against women by promoting gender equality and challenging attitudes that normalise violence and abuse.

Zero Tolerance, Handle with Care - A guide to responsible media reporting of violence against women (United Kingdom: Zero Tolerance, 2018), <https://www.genderequalmedia.scot/files/full-version-of-handle-with-care.pdf>

<sup>371</sup> femifesto is a Toronto-based feminist organisation that works to shift rape culture to consent culture. femifesto, Use the Right Words: Media Reporting on Sexual Violence in Canada (Canada: femifesto, 2015), <http://www.femifesto.ca/wp-content/uploads/2015/12/UseTheRightWords-Single-Dec3.pdf>

<sup>372</sup> NSVRC is the leading nonprofit in the U.S. providing information and tools to prevent and respond to sexual violence. National Sexual Violence Resource Center, NSVRC TIP SHEET - Reporting on Sexual Violence: Tips for Journalists (Pennsylvania: National Sexual Violence Resource Center, 2017), [https://www.nsvrc.org/sites/default/files/2017-03/nsvrc\\_tip\\_sheet\\_reporting-on-sexual-violence-tips-for-journalists.pdf](https://www.nsvrc.org/sites/default/files/2017-03/nsvrc_tip_sheet_reporting-on-sexual-violence-tips-for-journalists.pdf)

<sup>373</sup> The Dart Center for Journalism and Trauma, a project of the Columbia University Graduate School of Journalism, is dedicated to informed, innovative and ethical news reporting on violence, conflict and tragedy.

Dart Center for Journalism and Trauma, REPORTING ON SEXUAL VIOLENCE - A DART CENTRE EUROPE TIP SHEET (Columbia Dart Center, 2011), [https://dartcenter.org/sites/default/files/sexual%20violence%20tipsheet\\_final\\_27.08.11.pdf](https://dartcenter.org/sites/default/files/sexual%20violence%20tipsheet_final_27.08.11.pdf)

<sup>374</sup> TOAH-NNEST is a New Zealand network of those providing specialist services for sexual violence prevention and intervention.

## Issue 4.2

# Campus sexual violence and harassment

High-profile cases of campus sexual violence reported in recent years have ignited strong public interest in the students' safety, particularly at institutes of higher learning (IHLs).<sup>375</sup> One prominent case occurred in 2019 when Monica Baey publicly shared her frustrations about the National University of Singapore's (NUS) handling of her case after she reported being non-consensually filmed while showering in a university hostel. This incident sparked national debates on sexual harassment, and spotlighted the inadequacies of victim-survivor support and disciplinary frameworks against perpetrators of sexual violence in IHLs. Following this, IHLs have stepped up their efforts to manage campus sexual violence by introducing new modules on consent and providing on-campus victim care services.

IHLs have also released reports on the number and types of complaints made in recent years. From 2015 to 2019, a total of 172 disciplinary cases involving sexual misconduct committed by students and staff were handled.<sup>376</sup> This translates to an incidence rate of 0.12 sexual misconduct cases involving staff and student perpetrators per 1,000 staff and students.<sup>377</sup> Across the six autonomous universities (AUs) specifically, a total of 56 disciplinary cases involving sexual misconduct committed by students both on and off campus were handled from Academic Year 2015 to Academic Year 2017.<sup>378</sup> This translates to an incidence rate of around 0.21 sexual misconduct cases involving student perpetrators per 1,000 students.<sup>379</sup> In Academic Year 2018, the AUs handled 17 such cases with the corresponding incidence rate being 0.16; the respective figures for Academic Year 2019 are 14 and 0.13.<sup>380</sup> Comparatively, around 13% of college-age students in the U.S. experience rape or sexual assault on campus, whereas 62% of students and recent graduates experience sexual violence at university in the U.K.<sup>381</sup>

<sup>375</sup> IHLs in Singapore include local universities, local polytechnics, offshore institutes with local campuses and selected post-secondary education institutions such as Nanyang Academy of Fine Arts and LASALLE College of The Arts.

<sup>376</sup> Yuen Sin, "Parliament: 172 cases of sexual misconduct handled by unis, polys and ITE over past five years", The Straits Times, Singapore Press Holdings Ltd. Co., 3 November 2020, <https://www.straitstimes.com/singapore/politics/parliament-172-cases-of-sexual-misconduct-handled-by-universities-polytechnics>

<sup>377</sup> Ibid

<sup>378</sup> Sexual Misconduct at the IHLs", Ministry of Education Singapore, Ministry of Education Singapore, 6 May 2019, <https://www.moe.gov.sg/news/parliamentary-replies/20190506-sexual-misconduct-at-the-ihls>

<sup>379</sup> Ibid

<sup>380</sup> Hwee Min Ang, "Institutions must be 'open and timely' when addressing sexual misconduct allegations: MOE", Channel NewsAsia, Mediacorp Pte Ltd., 3 November 2020, <https://www.channelnewsasia.com/news/singapore/moe-sexual-misconduct-university-nus-jeremy-fernando-parliament-13450370>

<sup>381</sup> Westat, Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct (Place of publication: Association of American Universities, 2020), 14, [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7\\_\(01-16-2020\\_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf); Revolt Sexual Assault and The Student Room, Report - Sexual Violence at University (United Kingdom: Revolt Sexual Assault, 2018), 1, <https://revoltsexualassault.com/wp-content/uploads/2018/03/Report-Sexual-Violence-at-University-Revolt-Sexual-Assault-The-Student-Room-March-2018.pdf>

While the incidence rate of campus sexual violence in Singapore may appear lower than that of other countries, this issue is not to be taken lightly—the comparatively low incidence rates likely stem from severe under-reporting (recall that 7 in 10 cases known to SACC do not file formal reports<sup>382</sup>) as well as the absence of comprehensive national statistics on such offences. Therefore, a coordinated national approach is necessary not only to provide us with a more accurate picture of the extent of campus sexual violence in Singapore, but also to enable us to effectively tackle this issue.

While much attention has been paid to sexual violence in AUs, relatively little attention has been given to the situation in polytechnics and ITEs, despite their similar numbers of reported cases. Between 2015 and 2019, there were 87 disciplinary cases at AUs and 85 at polytechnics and ITEs. Little is known about the initiatives that the latter institutions have taken to address campus sexual violence.

Singapore is also home to almost 300 private education institutions, including foreign universities with local campuses.<sup>383</sup> Students attending these institutions ought to be protected as well, but at least nine of these institutions did not have any publicly available information on sexual misconduct policies or reporting procedures (based on our online research).<sup>384</sup> As with the AUs, the policies and reporting procedures of private universities also differ between institutions.

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<sup>382</sup> Cases where we know whether or not a police report has been filed

<sup>383</sup> "Permitted Courses Offered by PEIs", Training Partners Gateway, accessed on 8 June 2021, [https://www.tpgateway.gov.sg/resources/information-for-private-education-institutions-\(peis\)/pei-listing](https://www.tpgateway.gov.sg/resources/information-for-private-education-institutions-(peis)/pei-listing)

<sup>384</sup> We did a scan on the websites of 20 private universities as a sample.

## Recommendations to combat campus sexual violence

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### 1 Implement a National Code of Conduct for IHLs.

At present, individual IHLs have their own codes of conduct that inform their handling of campus sexual violence cases. At our community conversations organised in March and May 2021, IHL students expressed confusion about the differing complaint, investigation and disciplinary processes, and were unaware of the possible avenues of recourse to turn to if they experienced sexual violence. We have found the same lack of standardisation in our work with IHLs on addressing campus sexual violence. As a result, the types of support and resources available to victim-survivors vary significantly across these institutions. To address this, a standardised national code of conduct to inform IHLs' management of campus sexual violence cases is imperative.

The national code of conduct can be modelled after the existing Tripartite Advisory on Managing Workplace Harassment and adapted with definitions customised for the campus setting. This code should be mandatory for all IHLs and should specify their duties to ensure zero tolerance of sexual harassment, provide adequate victim-survivor support and set out standards and principles for investigating and managing sexual harassment incidents.

Specific attention should be paid to polytechnics and ITEs, which have not received much spotlight thus far in discussions about educational institutions' handling of sexual violence.

In Ireland, a national framework to end sexual violence and harassment in Irish higher education institutions (HEIs) was established in 2019. This sets out the responsibilities of HEIs, including the provision of a transparent and consistent system for addressing student complaints of campus sexual violence, as well as the collection of institution-based data on prevalence and institutional responses.<sup>385</sup> Further, the Higher Education Authority (HEA) and Department of Education and Skills are responsible for: (i) helping HEIs to develop processes for recording and reporting campus sexual violence cases to governing bodies, and (ii) providing updates on the framework's implementation in the HEA's annual system performance report.<sup>386</sup> Given that HEIs have performance agreements with the Higher Education Authority, the failure to adequately implement measures aligned with the framework's aims and objectives could result in a deduction in funding.<sup>387</sup>

All in all, the implementation of a national code of conduct for IHLs would ensure that the issue of campus sexual violence can be addressed in a consistent and transparent manner, so as to create an environment that is supportive for victim-survivors.

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<sup>385</sup> Department of Education and Skills, *Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions* (Ireland: Government of Ireland, 2019), <https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf>

<sup>386</sup> *Ibid*

<sup>387</sup> Carl O'Brien, "Colleges risk losing funding if sexual consent classes not provided", *The Irish Times*, The Irish Times, 19 March 2019, <https://www.irishtimes.com/news/education/colleges-risk-losing-funding-if-sexual-consent-classes-not-provided-1.3830658>

## 2 Introduce and/or support existing first responder and bystander intervention training programmes in IHLs.

In the context of sexual assault, first responders are individuals to whom victim-survivors first disclose their assault. Research has shown that negative responses to victim-survivors' disclosure can discourage them from seeking help and can be detrimental to trauma recovery.<sup>388</sup> In a 2014 survey by AWARE of 500 respondents aged 17 to 25, the most common response to the question about whom respondents had disclosed to was “no one” or “a friend”. Some of the most common reactions to respondents' disclosures were (i) advice to ignore what happened and (ii) laughter.<sup>389</sup> This points to a need to better equip individuals with the skills to manage disclosures of sexual violence, to avoid inadvertently re-traumatising victim-survivors. Such training can start in IHLs to create a supportive environment for victim-survivors on campus.

Some community initiatives exist, such as the Sexual Assault First Responder Training (SAFRT) that AWARE has been conducting for the last few years. These public workshops allow participants to understand the complexities of sexual violence, dispel myths, learn about Singapore's legal framework and remedies for sexual crimes, and act as effective first responders—all towards building a culture of support for sexual assault survivors. Such initiatives could be better supported and scaled up.

Compared to first responders, bystanders are people who are present at an event or incident but who do not take part in it. An active bystander is one who intervenes before, during or after an act of sexual violence has been committed.<sup>390</sup> In other words, bystanders are a community resource that can potentially be activated to intervene and prevent sexual violence. Institutions should therefore actively train and empower bystanders to play the role of active bystanders.

<sup>388</sup> Sarah E. Ullman, *Talking about Sexual Assault: Society's Response to Survivors* (Washington, D.C: American Psychological Association, 2010). In Dehnad Hakimi, Thema Bryant-Davis, Sarah E. Ullman, and Robyn L. Gobin, “Relationship Between Negative Social Reactions to Sexual Assault Disclosure and Mental Health Outcomes of Black and White Female Survivors”, *Psychological Trauma* 10, no. 3 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5468506>

<sup>389</sup> “Survey: 1 in 3 young people have faced sexual violence; few seek or receive help”, Sexual Assault Care Centre, AWARE, 23 September 2015, <https://sacc.aware.org.sg/portfolio/survey-1-in-3-young-people-have-faced-sexual-violence-few-see-or-receive-help>

<sup>390</sup> While there are differing definitions of bystanders, we are opting to use the definition published on the NUS Victim Care Unit's website as it is more inclusive.

As of December 2020, only two of the six AUs in Singapore offer some form of bystander training: Singapore Management University (SMU) currently incorporates bystander intervention training into its “Consent and Respect” module, while NUS has recently rolled out a bystander training programme for staff.<sup>391</sup> There is a clamant need to expand such efforts by implementing a targeted bystander intervention training programme in all IHLs, to equip students with the competencies to effectively intervene before, during or after sexual violence has occurred.

The Intervention Initiative, an evidence-based bystander programme for U.K. universities commissioned by Public Health England, spans eight hour-long facilitated sessions.<sup>392</sup> The first half of the programme is largely focused on theory: Students learn about the links between sexist attitudes, discriminatory practices and gender-based violence, as well as how to intervene if they identify warning signs in social situations or if someone discloses a risk to them.<sup>393</sup> Following this, students are given the opportunity to practise these intervention behaviours and techniques through role-play in the latter half of the programme. A 2018 preliminary evaluation of the programme pointed to positive outcomes, with students displaying a significant decrease in acceptance of rape and domestic abuse myths, along with significant increases in bystander efficacy as well as readiness and intent to help.<sup>394</sup>

Considering these optimistic findings and the evidence of victim-survivors’ preference in disclosing to their friends, IHLs in Singapore should introduce bystander intervention training as a mandatory module and take reference from this programme’s content and pedagogy.

The provision of both first responder and bystander training across all IHLs, for all staff and students, will be crucial in facilitating the creation of a more supportive environment for victim-survivors and clearly conveying the message that everyone in the community has a role to play in the prevention of sexual violence.

<sup>391</sup> Hwee Min Ang, “NUS steps up approach to sexual misconduct cases; swifter police reporting, exploring bystander training”, Channel NewsAsia, Mediagroup Pte Ltd., 18 December 2020, <https://www.channelnewsasia.com/news/singapore/nus-sexual-misconduct-police-report-bystander-training-13799206>; “CONSENT AND RESPECT”, Singapore Management University, Singapore Management University, accessed on 20 May 2021, <https://voices.smu.edu.sg/education>

<sup>392</sup> “The Intervention Initiative - A bystander education programme”, University of Exeter, University of Exeter, accessed on 20 May 2021, <https://socialsciences.exeter.ac.uk/research/interventioninitiative/about/about>

<sup>393</sup> “The Intervention Initiative toolkit”, University of Exeter, University of Exeter, accessed on 20 May 2021, <https://socialsciences.exeter.ac.uk/research/interventioninitiative/toolkit>

<sup>394</sup> Rachel Anne Fenton and Helen Mott, “Evaluation of the Intervention Initiative: A bystander intervention program to prevent violence against women in universities”, *Violence and Victims* 33, no. 4 (2019), [https://ore.exeter.ac.uk/repository/bitstream/handle/10871/35586/Preliminary%20Evaluation%20of%20The%20Intervention%20Initiative%20Fenton%20Mott%20\(1\).pdf](https://ore.exeter.ac.uk/repository/bitstream/handle/10871/35586/Preliminary%20Evaluation%20of%20The%20Intervention%20Initiative%20Fenton%20Mott%20(1).pdf)



### 3 Establish a restorative justice framework as an alternative dispute resolution avenue in IHLs.

Restorative justice focuses on the harm that has been inflicted on victim-survivors, and the rehabilitation of the perpetrator, as opposed to retributive justice, which emphasises punishment.<sup>395</sup> As such, restorative justice prioritises and attends to the needs of the victim-survivor, and involves them in the process of determining the appropriate manner in which perpetrators should be dealt. At the same time, perpetrators are provided with the opportunity to learn from their actions and understand the extent of their damage, instead of only being subjected to punitive sanctions such as school suspension, fines and jail-terms enforced without adequate rehabilitation.

Based on a series of experimental studies, restorative justice models for non-sexual crimes have been shown to result in greater victim-survivor satisfaction and lower recidivism rates.<sup>396</sup> After 10 years, victim-survivors who went through restorative justice programmes also reported feeling lower levels of anxiety about re-victimisation, less general fear of crime and less anger and bitterness about the crime.<sup>397</sup> The growing body of literature on implementing restorative justice frameworks specifically for sexual violence echoes these positive observations on recidivism rates and victim-survivor satisfaction.<sup>398</sup>

<sup>395</sup> David Karp and Olivia Frank, *Restorative justice and student development in higher education: Expanding 'offender' horizons beyond punishment and rehabilitation to community engagement and personal growth* (New York: Nova Science Publishers, 2015), 143, [https://www.researchgate.net/publication/288667403\\_Restorative\\_justice\\_and\\_student\\_development\\_in\\_higher\\_education\\_Expanding\\_offender\\_horizons\\_beyond\\_punishment\\_and\\_rehabilitation\\_to\\_community\\_engagement\\_and\\_personal\\_growth](https://www.researchgate.net/publication/288667403_Restorative_justice_and_student_development_in_higher_education_Expanding_offender_horizons_beyond_punishment_and_rehabilitation_to_community_engagement_and_personal_growth)

<sup>396</sup> Heather Strang, Lawrence W Sherman, Evan Mayo-Wilson, Daniel Woods and Barak Ariel, "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review", *Campbell Systematic Reviews* 9, no. 1 (2013), <https://restorativejustice.org.uk/sites/default/files/resources/files/Campbell%20RJ%20review.pdf>;

Karp, Shackford-Bradley, Wilson and Williamsen, *CAMPUS PRISM*, 31 A Report on Promoting Restorative Initiatives for Sexual Misconduct on College Campuses (San Diego: University of San Diego Center for Restorative Justice, 2016), [https://www.sandiego.edu/soles/documents/center-restorative-justice/Campus\\_PRISM\\_Report\\_2016.pdf](https://www.sandiego.edu/soles/documents/center-restorative-justice/Campus_PRISM_Report_2016.pdf)

<sup>397</sup> "The Intervention Initiative toolkit", University of Exeter, University of Exeter, accessed on 20 May 2021, <https://socialsciences.exeter.ac.uk/research/interventioninitiative/toolkit>

<sup>398</sup> Kathleen Daly, "Restorative Justice and Sexual Assault", *British Journal of Criminology* 46, no. 2 (2006); Kathleen Daly, Brigitte Bouhours, Roderic Broadhurst and Nini Loh, "Youth sex offending, recidivism and restorative justice: Comparing court and conference cases", *Australian and New Zealand Journal of Criminology* 46, no. 2 (2013); Mary P. Koss, "The RESTORE Program of restorative justice for sex crimes: Vision, process, and outcomes", *Journal of Interpersonal Violence* 24 (2014)

More importantly, implementing a restorative justice framework as an alternative to the traditional disciplinary procedures could potentially encourage more victim-survivors to report their cases. The current retributive justice system that metes out punitive sanctions can fuel perpetrators' hostility towards victim-survivors and further damage the relationship between both parties. Based on our experience working with clients at SACC, most perpetrators of sexual violence are known to victim-survivors.<sup>399</sup> Thus, victim-survivors who fear reprisal or hope to maintain an amicable relationship with the perpetrator may not want to report their case if they expect the latter to be subject to punitive punishments. According to an analysis of 284 cases seen at SACC in 2020, around 25% of victim-survivors chose not to report their case due to fear of harm or revenge from the perpetrator; a similar number did not file a report as they were concerned about the impact on the perpetrator. As opposed to existing punishments, restorative justice practices are aimed at promoting reconciliation and understanding. Hence, restorative justice informs a more survivor-centric, mediative approach that does not further exacerbate any conflict or hostility within the relationship between the victim-survivor and perpetrator. This would be particularly important in cases of campus sexual violence, given both parties' relative proximity, being on the same school campus throughout their education.

Across most universities in countries such as the U.S. that have introduced restorative justice programmes as an alternative form of dispute resolution, the general manner in which cases are handled is largely standardised. A case manager first determines the victim-survivor's needs, goals and desired outcomes from this process; an agreement is formalised between the victim-survivor, perpetrator and school; if the perpetrator fully complies and fulfils the terms of the agreement, there will be no record of any violation of school policy.

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<sup>399</sup> In 2019, 85% of clients seen by SACC knew the perpetrator.

"CARE Services: Creating Access to Resources and Empowerment", AWARE, AWARE, accessed on 20 May 2021, <https://www.aware.org.sg/report2019/care>

However, there are variations in each school's case intake criteria and mediation options available to victim-survivors. While all schools have specialised staff who assess the suitability of cases to go through with the restorative justice process, some institutions specifically exclude certain types of cases from the eligibility criteria. For example, the restorative justice process is not available for sexual assault cases and cases involving repeat offenders in The College of New Jersey, while Rutgers' University does not outrightly preclude any types of cases from the process.<sup>400</sup> Restorative justice practices offered by different universities also vary significantly and can range from restorative justice conferences, victim impact statements, educational programmes on consent or trauma for the perpetrators, community service and so on.

As a first step, we recommend that the government fund an on-campus restorative justice pilot to expand the avenues of dispute resolution for students seeking recourse. This would be aligned with the government's efforts to strengthen the support for victim-survivors by providing them with a sense of control over their case proceedings.

In the long run, we hope that restorative justice models can be adopted more widely to respond to violence in other settings including in the workplace. For now, we have limited our recommendation to IHLS as the scope (i.e. number of IHLs vs. number of workplaces) seems more feasible for the implementation of pilot programmes.

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<sup>400</sup> Karp and Frank, *Restorative justice and student development*, 144

### Issue 4.3

# Workplace sexual violence and harassment

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Workplace sexual harassment (WSH) is a serious issue in Singapore. According to the results of a 2020 Ipsos-AWARE national survey, two in five workers in Singapore have experienced workplace sexual harassment in the past five years, including being on the receiving end of crude sexual and sexist remarks and being touched physically in ways that made them feel distressed or alarmed.

The survey results also revealed a gap in understanding what constitutes sexual harassment: When asked directly if they had experienced sexual harassment, only one in five respondents said yes. However, when presented with specific examples of harassment, two in five indicated that they had experienced at least one of those behaviours. Oftentimes, the perpetrator was the victim-survivor's peer or senior at work.

Like sexual violence in general, workplace harassment is under-reported. The survey found that 70% of victim-survivors did not report their experiences of harassment. Reasons for this included the fear of retaliation and the absence of a HR officer or department to whom they could report. For those who did file a report against their harasser, only 40% of cases resulted in the harasser being dismissed or reassigned, while 20% saw the harasser facing no consequences despite evidence of harassment.

## Recourse channels for victim-survivors

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### (a) TAFEP

Victim-survivors of WSH can contact the TAFEP Workplace Harassment Resource and Recourse Centre for support. The Centre provides advice on possible actions that can be taken, including “tapping on the victim-survivor’s organisation’s internal grievance handling and workplace harassment management procedures, and seeking emotional support or counselling through other avenues”.<sup>401</sup>

TAFEP may also support victim-survivors in seeking recourse by contacting the employer to ask that they investigate the matter.<sup>402</sup> TAFEP will also require the employer to put in place policies and procedures to prevent future incidents of workplace harassment.<sup>403</sup>

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<sup>401</sup> “Alternative Resolution Process”, The College of New Jersey, The College of New Jersey, accessed on 20 May 2020, <https://titleix.tcnj.edu/alternative-resolution>; Madison Orcutt, Patricia M. Petrowski, David R. Karp and Jordan Draper, Restorative Justice Approaches to the Informal Resolution of Student Sexual Misconduct (New Jersey: Rutgers Law School, 2020), 50, <https://jcul.law.rutgers.edu/wp-content/uploads/2020/06/RESTORATIVE-JUSTICE-APPROACHES-TO-THE-INFORMAL-RESOLUTION-OF-STUDENT-SEXUAL-MISCONDUCT-POSTED.pdf>

<sup>402</sup> “Seek Help on Workplace Harassment (Affected Individuals)”, Tripartite Alliance for Fair & Progressive Employment Practices, accessed on 9 June 2021, <https://www.tal.sg/tafep/Employment-Practices/Workplace-Harassment/Seek-Help-on-Workplace-Harassment>

<sup>403</sup> Ibid

## (b) Civil and criminal remedies

Civil remedies can be sought through applying for a Protection Order under POHA and/or suing the harasser for monetary compensation.

For criminal sanctions, victim-survivors can make a police report or file a Magistrate's Complaint.

In our experience, most clients who approach WHDA are not aware of the civil remedies option. Once informed of it, they often cite the following as reasons not to pursue:

- a. Worry about potentially lengthy and costly legal process, coupled with uncertainty of the outcome;
- b. Lack of documentation to substantiate verbal and physical harassment;
- c. Worry about what consequences legal action could have on their jobs and incomes (potential retaliation)
- d. Desire to not "make a mountain out of a molehill" out of the incident, to resolve matters internally and continue working in a safe environment

## Challenges faced by small and medium-sized enterprises (SMEs)

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SMEs in particular struggle with responding to WSH. In November last year, AWARE worked with a management consultancy to better understand SMEs' experiences implementing WSH prevention policies and practices. We found that they faced three key challenges:

1. Singapore's lack of specific legal policy in addressing WSH has resulted in SMEs finding it difficult to develop a policy independently with minimal guidance.

While POHA covers harassment, there is no specific focus on WSH. TAFEP's Advisory on Workplace Harassment is not legally enforceable. Existing legal language is therefore not specific to WSH and SMEs do not have a standard definition and scope to cover in their policies, nor a "gold standard" or point of reference for writing policies. This is especially challenging given their limited resources and knowledge on the topic.

2. SMEs have limited ability to hold training to build awareness and educate employees of their rights and how to respond to WSH situations.

There is limited-to-no-training conducted by SMEs on WSH, due to lack of resources and perceived unimportance. Organising and conducting this training requires resources in the form of manpower, access to training content and materials, specialised delivery and technology; however, cost is a primary consideration for SMEs and so they would not prioritise such training.

Most companies reach out to employees only when they see red flags or receive a complaint, reflecting a lack of proactive steps to prevent WSH.

3. There is no liability for employers over WSH; most companies do not have a standardised process for how to respond to a WSH complaint.

POHA does not explicitly lay out legal liability for employers for cases of WSH. The lack of legal consequences for the employers makes the existing guidelines less effective as employers do not face legal penalty for non-action.

Investing and taking action on a WSH case can be challenging for SMEs, given their lack of experience and clarity on what is required of the employer. They often do not have the legal and technical expertise to navigate such sensitive processes.



## Recommendations to address workplace sexual harassment

### 1 Develop a national legislation in Singapore that imposes an obligation on employers to address workplace harassment.

Employers should have the legal responsibility to prevent and address workplace harassment. Currently, legislation addressing harassment (Protection from Harassment Act and the Penal Code) does not impose legal duties on the employer. The guidelines available on TAFEP are merely optional for employers; there are no consequences if they choose not to follow these guidelines. While the Workplace Safety and Health Act compels employers to protect the safety, health and welfare of their staff, it is not explicitly clear if this includes protection against instances of workplace sexual harassment.

Employers in the U.K., under the the Equality Act 2010, are liable for acts of sexual harassment committed by their employees in the course of their employment, even if these were not approved or known about.<sup>404</sup> The employer has a defence in this situation if they can show that they had taken all reasonable steps to prevent the harassment from occurring.<sup>405</sup>

Furthermore, the legal provision on employer responsibility should come with a clear definition of what constitutes workplace sexual harassment. This would address the present lack of understanding on the ground and the common misconception that only physical forms of harassment are “severe enough” to be reported.<sup>406</sup> A clear definition also helps set common standards of workplace safety to which we can collectively aspire.

Finally, protection from workplace harassment must be offered to all workers, including self-employed persons or freelancers.

<sup>404</sup> Hannah Field, “Sexual Harassment In The Workplace, Part 1 – The Equality Act 2010, What Does It Cover And How Does It Work? (UK)”, *The National Law Review* XI, no. 160 (2021), <https://www.natlawreview.com/article/sexual-harassment-workplace-part-1-equality-act-2010-what-does-it-cover-and-how-does>; S109 Liability of employers and principals, Equality Act 2020

<sup>405</sup> Ibid

<sup>406</sup> Upcoming AWARE report on the career and financial impacts of workplace sexual harassment on women in Singapore

In the U.S., Title VII holds employers responsible for ensuring that they have fair employment practices in place for all workers. That is, the employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g. independent contractors or customers on the premises), if it knew, or should have known, about the harassment and failed to take prompt and appropriate corrective action.

There is a need to protect and regulate working conditions of freelancers to ensure that their working environments are free from discrimination and harassment. We strongly recommend ensuring an obligation to do so for all workers, regardless of employment type.

If a national legislation on WSH is not adopted, the Workplace Safety and Health Act should at least be expanded to clearly include protection against workplace sexual harassment, so employers have to take reasonable preventive measures.

## 2 Adopt the ILO C190 - Violence and Harassment Convention, 2019 (No. 190).

In 2019, Singapore abstained from a new International Labour Organisation (ILO) convention that recognised the liability of employers in ensuring that every employee, “regardless of contractual status, enjoys working conditions that are free from violence and harassment”.<sup>407</sup> Additionally, the convention proposed that ratifying countries should expect to ensure the effective investigation of cases of workplace violence and harassment.

Singapore was one of six countries that abstained from voting for the convention, while 439 delegates from other countries voted in favour. The government’s decision to opt out of the convention was based on the perception that the scope of the convention was “cast very broadly” and implied that it did not serve “Singapore’s interests, with which [its] laws and policies can fully comply”. Then Minister of Manpower Josephine Teo also conveyed that workplace-related harassment was not a “pervasive issue” in the country, and appeared to be an issue only for “certain employers and certain types of work arrangements”.<sup>408</sup>

<sup>407</sup> Shailey Hingorani, “Disappointing that Singapore abstained from global pact on violence at work”, TODAY, Mediacorp Pte Ltd., 17 September 2019, <https://www.todayonline.com/voices/disappointing-singapore-abstained-global-pact-violence-work>

<sup>408</sup> Yuen Sin, “Minister Teo cites “concerns about overreach” in abstaining from voting for ILO treaty against workplace harassment”, The Straits Times, Singapore Press Holdings Ltd. Co., 6 July 2019, <https://www.straitstimes.com/singapore/work-harassment-pact-too-broad-for-spore-to-sign-mom>; See Kit Tang, “Singapore abstained from voting for global pact on workplace harassment due to ‘concerns about overreach’: Josephine Teo”, Channel NewsAsia, Mediacorp Pte Ltd., 5 August 2019, <https://www.channelnewsasia.com/news/singapore/voting-ilo-workplace-harassment-concerns-overreach-manpower-11782406>

However, based on our research and experience, workplace sexual harassment is a prevalent issue faced by working women across various fields, professional positions and employment type. AWARE handled 193 cases of workplace harassment (both sexual and non-sexual) of women in 2020; of these, 135 cases involved workplace sexual violence. These numbers contrast significantly with the 13 reported cases of alleged workplace harassment in Singapore in 2019, according to MOM.<sup>409</sup> The government's assessment of the severity and prevalence of this issue seems not to have taken under-reporting into sufficient account.

We strongly recommend the adoption of the ILO convention and the extension of measures for those employed by organisations to cover self-employed persons and freelancers as well. There is an urgent need to recognise the prevalence of workplace (sexual) harassment in the country, mandate that employers foster safe working environments for all, and protect the rights of all workers—all of which fall under the ILO convention.

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<sup>409</sup> Nurhuda Syed, "MOM reveals the number of workplace harassment cases", Human Resources Director, Human Resources Director, 22 February 2020, <https://www.hcamag.com/asia/news/general/mom-reveals-the-number-of-workplace-harassment-cases/214560>

## Issue 4.4

# Technology-facilitated sexual violence (TFSV)

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The prevalence of technology-facilitated sexual violence (TFSV) in Singapore is concerning. In late 2019, police investigations were launched against the administrators of the now-defunct SG Nasi Lemak Telegram group chat, in which explicit and likely non-consensually obtained and/or distributed images were being shared.<sup>410</sup> At its peak, the group comprised more than 44,000 members yet only four arrests were made in relation to this. Vexingly, a resurgence of group chats reminiscent of the SG Nasi Lemak group was observed in March 2021.

AWARE defines TFSV as unwanted sexual behaviours carried out via digital technology, such as digital cameras, social media and messaging platforms, and dating and ride-hailing apps. These behaviours range from explicit sexual messages and calls, and coercive sex-based communications, to image-based sexual abuse, which is the non-consensual creation, obtainment and/or distribution of sexual images or videos of another person. Image-based sexual abuse includes sexual voyeurism, the non-consensual distribution of sexual images (so-called “revenge porn”) and threats to do the above.

SACC saw a quadrupling in the number of TFSV cases from 2016 (47) to 2020 (191). Of all TFSV cases seen in 2020, nearly 80% of perpetrators were known to their victim-survivors.<sup>411</sup> Experiencing TFSV takes a toll on victim-survivors’ emotional, mental and physical health due to their loss of dignity, privacy and sexual autonomy. At times, such acts of violence translate offline as well, taking the forms of physical or verbal sexual harassment, rape, sexual assault (the three most common types of offline abuse), stalking, public humiliation or intimidation.

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<sup>410</sup> 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>

<sup>411</sup> “AWARE saw 36% increase in cases of technology-facilitated sexual violence in 2020; announces launch of Solid Ground website”, AWARE, AWARE, 14 July 2021, <https://www.aware.org.sg/2021/07/technology-facilitated-sexual-violence-2020-launch-solid-ground-website-survivors>

## Challenges faced in accessing justice

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One of the most significant challenges that victim-survivors of TFSV face is the removal of their non-consensually shared images from publicly accessible platforms. Individuals have limited ability to contain the spread of images and videos once these are uploaded and shared, and face difficulty establishing contact with platforms to facilitate the take-down of these materials. As a result, perpetrators are seldom held accountable.

While victim-survivors can issue a Digital Millennium Copyright Act (DMCA) take-down order to websites hosted in the U.S. that have published their non-consensual images, this is often difficult to do, as images can be uploaded to and shared across a practically unlimited number of websites around the world. The DMCA option is thus limited in effectiveness, since it only applies to content hosted on websites hosted in the U.S.

The borderless nature of TFSV crimes also presents a challenge to law enforcement, who have limited power to investigate or take further action when the perpetrator or the content is outside local jurisdiction. In one of SACC's cases, the perpetrator had hacked into the client's Dropbox and posted her images on online forums. However, the police were unable to proceed as the sites were hosted in the U.S. and outside of Singapore's jurisdiction.<sup>412</sup>

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<sup>412</sup> Laura Vitis, Anisha Joseph and Divya Mahadevan, Technology and Sexual Violence: SACC Summary Report (Singapore: AWARE, 2016), <https://www.aware.org.sg/wp-content/uploads/SACC-TFSVH-Report-Final-report.pdf>

## Recommendation to address technology-facilitated sexual violence

### 1 Mandate that social media platforms remove non-consensually distributed materials within 24 hours of court order.

The trauma sustained from experiencing TFSV is exacerbated by victim-survivors' lack of control over the circulation of their images and videos once such material has been shared. To better support TFSV victim-survivors, we recommend establishing effective take-down mechanisms to expedite the removal of non-consensually distributed material.

In Australia, the Office of eSafety Commissioner is an independent statutory office that provides a complaints mechanism for Australians to report illegal or offensive online content, such as those relating to image-based sexual abuse.<sup>413</sup> Victim-survivors are provided with a detailed step-by-step reporting guide to file a report, and are given a report number upon submission which enables them to remain informed about any actions taken and their outcomes. Within the span of 48 hours, victim-survivors are notified of the eSafety team's decision to investigate their report.<sup>414</sup>

Under the Enhancing Online Safety Act 2015, which establishes a civil penalties scheme, the eSafety Commissioner is legally enabled to approach a social media platform or website to request removal of victim-survivors' intimate images or videos within 24 hours.<sup>415</sup> The civil penalties scheme also affords the Commissioner the power to take action against perpetrators who post or threaten to post such material. Such direct action could come in the form of issuing a formal warning, giving remedial direction, issuing an infringement notice, accepting an enforceable undertaking and/or seeking an injunction or civil penalty order in court.<sup>416</sup> The eSafety Commissioner in Australia boasts an impressive success rate of over 90% in image removal. This helps alleviate victim-survivors' anxiety, which often results from their inability to control the spread of their images.<sup>417</sup>

<sup>413</sup> "About eSafety", eSafety Commissioner, eSafety Commissioner, accessed on 20 May 2021, <https://www.esafety.gov.au/about-us>

<sup>414</sup> "How we handle image-based abuse reports", eSafety Commissioner, eSafety Commissioner, accessed on 20 May 2021, <https://www.esafety.gov.au/report/image-based-abuse/how-we-handle-reports>

<sup>415</sup> "Our legislative functions", eSafety Commissioner, eSafety Commissioner, accessed on 20 May 2021, <https://www.esafety.gov.au/about-us/who-we-are/our-legislative-functions>

<sup>416</sup> Ibid

<sup>417</sup> Anastasia Powell and Asher Flynn, "Reports of 'revenge photos' skyrocketed during lockdown, we must stop blaming victims for it", The Mandarin, The Mandarin, 4 June 2020, <https://www.themandarin.com.au/134837-reports-of-revenge-porn-skyrocketed-during-lockdown-we-must-stop-blaming-victims-for-it>

The recent establishment of the POHA courts and amendments to POHA allow victim-survivors to obtain protection and have their non-consensual materials removed in a more timely manner. Under S12 (“Protection Order”) of POHA, the court may “make a protection order requiring any third party to stop publishing, by a specified time, or to not publish the offending communication...”<sup>418</sup> Previously, most victim-survivors who sought the assistance of the law applied to the Magistrate’s Court to initiate police action, as they found the Protection Order process to be too difficult and expensive. The proposed changes promise to make the Protection Order (which may include an order for the harassing publication to be removed) a more viable option for victim-survivors. To provide even greater reassurance to victim-survivors, we suggest limiting the “specified time” for removal of offending publications to 24 hours.

Finally, we welcome the announcement that a one-stop centre may be set up for “victims to find support”, “where people can also report problematic online content”.<sup>419</sup> The swift removal of non-consensually distributed images or videos is paramount in minimising further traumatisation of victim-survivors. Thus, there is a pressing need to establish robust take-down mechanisms to facilitate immediate removal, and take action against perpetrators who distribute such material.

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<sup>418</sup> S12 (2E)(b), Protection from Harassment Act

<sup>419</sup> Timothy Goh, “Digital safety gap’ for women in S’pore must be addressed: Sim Ann”, The Straits Times, Singapore Press Holdings Ltd. Co., 5 June 2021, <https://www.straitstimes.com/singapore/community/digital-safety-gap-for-women-in-spore-must-be-addressed-sim-ann>

## Issue 4.5

# Remaining gaps under Penal Code and other legislative framework

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The following section addresses the remaining gaps under Singapore's legislative framework to deal with sexual violence. Most of these recommendations have been made in 2018 and 2017 during the public consultations on the review of the Penal Code and the Criminal Procedure Code, respectively.



## Recommendations to strengthen legislative framework

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### 1 Statutorily and positively define “consent” in the Penal Code.

The current Penal Code only includes a negative definition of “consent”, i.e. situations in which no valid consent is granted. In 2018, the Penal Code Review Committee rationalised its decision to not push for a positive definition of “consent” by citing the general lack of difficulty of application in court. However, based on our experience, the general public’s poor understanding of what constitutes consent—due in part to its negative definition—has impeded victim-survivors’ reporting experiences of sexual violence in the first place.

To further complicate matters, the current definition of “consent” under the Penal Code includes cross references to other provisions (S90 and S377CB). This renders it extremely inaccessible to non-legally trained persons, thus impeding work on the ground.

Moreover, the definition of consent as developed by case law is not easily accessible to all. In general, professionals (social workers, counsellors, the police, etc.) and victim-survivors themselves only refer to the Penal Code. Hence, the framing of “consent” in the Penal Code significantly impacts the provision of support and the criminal justice process.

As recommended in AWARE’s 2018 submission to the government, we propose the following as a definition: “Consent is the free, informed and voluntary participation in the sexual activity in question. Lack of resistance and submission to sexual activity, in itself, is not consent as a matter of law.”<sup>420</sup>

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<sup>420</sup> The above definition is adapted from Ratanlal and Dhirajlal’s definition of consent, which was referred to in *Pram Nair v PP* (2017). Singapore Court of Appeal, *Pram Nair v Public Prosecutor* [2017] SGCA 56 (Singapore: Singapore Court of Appeal, 2017), [https://www.singaporelawwatch.sg/Portals/0/Docs/Judgments/\[2017\]%20SGCA%2056.pdf](https://www.singaporelawwatch.sg/Portals/0/Docs/Judgments/[2017]%20SGCA%2056.pdf)

To expound on this definition, we further propose adding a subsection to set out specific situations where either there is no consent in law, or no consent is obtained. (Refer to our submission for more details.) The consent provision should also clearly state that it is not a defence to sexual offence charges that the accused believed that the complainant consented to the activity, unless the accused exercised due care and attention to ascertain that the complainant was consenting.<sup>421</sup> Finally, for ease of reference, the above definition of consent for sexual activity should be created under “Sexual offences” of Chapter XVI in the Code.

The addition of the proposed statutory, positive definition of “consent” will aid in creating a better understanding on the ground of what consent constitutes and the particularities of consent as it pertains to sexual offences.

## **2 Replace outdated language, such as “insult/outrage of modesty”, in the Penal Code with more current terminology, such as “sexual harassment”.**

At present, the framing of Sections 354 (Assault or use of criminal force to a person with intent to outrage modesty) and 377BA (Word or gesture intended to insult modesty of any person) remain contingent on the outdated notion of “modesty”. Despite the offence being made gender-neutral following the 2018 Penal Code amendments, the continued usage of the term “modesty” inadvertently perpetuates regressive notions of women’s chastity. Given that Sections 377BA and 354 are essentially intended to deal with sexual harassment, the language should be updated accordingly to reflect the prevailing understanding of non-consensual sexual conduct as a violation of an individual’s right to control what is done to their body.

Replacing “Insult of Modesty” with “Sexual Harassment” in the Penal Code would also serve to supplement the provisions under the Protection from Harassment Act. At present, POHA does not have an explicit definition of “harassment”, and while its illustrations include examples of sexual harassment, there is no specification that “sexual harassment” is included as an offence under this act. Thus, it would be useful to amend the language in the Penal Code to incorporate more updated terminology (i.e. “sexual harassment”).

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<sup>421</sup> Ibid

### 3 Expand the definition of sexual violence to include non-payment of sex workers.

Sex workers constitute a marginalised group of women due to the lack of legal protections for them and societal stigma against the nature of their work. There is a significant power imbalance between clients and sex workers, where the latter risks facing legal and social repercussions for providing sexual services. One of the most egregious and traumatic forms of violence against sex workers is the non-payment for sexual services rendered. Given that many women who enter the sex industry come from marginalised communities—racial and gender minorities, women of lower socioeconomic status—non-payment of service as a form of wage theft can be detrimental to sex workers and their dependents.<sup>422</sup> Many sex workers who have sought assistance from Project X and AWARE regarding this speak of the deep sense of exploitation and humiliation they feel after being denied payment.

We argue that when a person fleeces a sex worker, either through refusal or evasion of agreed-upon payment for sex, that should constitute sexual assault. Consent in such scenarios is fraudulently obtained—since the sex worker’s granting of consent was premised on payment, refusal to pay should be viewed as a violation of the condition under which consent was granted. This ties back to the importance of establishing a statutory definition of “consent”, as this can provide clarity on possible legal recourse in situations such as these, where the granting of consent is contingent on specific, agreed-upon terms.

In Canberra, Australia, S67 of the Crimes Act states that consent is negated if it is caused “by a fraudulent misrepresentation of any fact made by the other person, or by a third person to the knowledge of the other person”.<sup>423</sup> This applies to cases where sex workers are denied payment: In 2015, a man was charged for raping a sex worker after he had failed to pay her, with the Supreme Court Judge ruling that there was no consent as “it was obtained by fraud”.<sup>424</sup>

Despite their vulnerability to abuse, the rate of reporting is extremely low amongst sex workers as they fear being subject to further abuse from police officers, or being told that they themselves will first be investigated for soliciting if they pursue their case.<sup>425</sup> Thus, criminalising non-payment of sex workers could offer some degree of legal protection for this group of women who already face much discrimination.

<sup>422</sup> There have been several of high profile cases of sex workers being cheated but many more go unreported. Most recently, a man was charged in March this year for not paying at least 11 women for their services.

Shaffiq Alkhatib, “Man pretended to be an agent for rich ‘sugar daddies’ to dupe women into having sex with him”, The Straits Times, Singapore Press Holdings Ltd. Co., 18 March 2021, <https://www.straitstimes.com/singapore/courts-crime/man-pretended-to-be-an-agent-for-rich-sugar-daddies-to-dupe-women-into-having>

<sup>423</sup> ACT Parliamentary Counsel, Crimes Act 1900 (ACT: ACT Parliamentary Counsel, 2021), 93.

<sup>424</sup> Elizabeth Byrne, “Man jailed for raping sex worker by pretending to pay with envelope stuffed with paper”, ABC News, ABC News, 6 February 2015, <https://www.abc.net.au/news/2015-02-06/man-jailed-for-rape-after-tricking-sex-worker/6075496>

<sup>425</sup> Lisa Ja’affar, Vanessa Ho, Michelle Lee and Sherry Sherqueshaa, CEDAW 68th Session - Stakeholders Report by Sex Workers in Singapore (Singapore: Project X, 2017), 8, [https://www.nswp.org/sites/nswp.org/files/singapore\\_sex\\_workers\\_cedaw\\_shadow\\_report\\_project\\_x\\_-\\_2017.pdf](https://www.nswp.org/sites/nswp.org/files/singapore_sex_workers_cedaw_shadow_report_project_x_-_2017.pdf)

## 4 Remove marital immunity for sexual activity with minors.

We are concerned about marital immunity for sexual activity with minors over the age of 12 and under the age of 16, who are legally said to “consent”. A man who has sex with a 15-year-old girl would ordinarily be deemed guilty of sexual penetration of a minor (under S376A), regardless of her apparent agreement, but the retaining of marital immunity contradicts S376A by deeming a minor wife capable of “consenting” to sexual activity with her husband. Further, this granting of marital immunity obstructs non-consenting minors in marriage from seeking recourse.

More importantly, the practice of child marriage should be ended with no exceptions (refer to our submission on the Women’s Charter for more details).

## 5 Clarify and modify Section 424 (duty to give information on certain matters) of the Criminal Procedure Code to be more survivor-centric.

In late 2020, it was reported that NUS had filed a police report against former staff member Jeremy Fernando, against the wishes of two students who had lodged complaints of sexual misconduct against him.<sup>426</sup> This incident raised questions about how institutions and organisations should reconcile being survivor-centric with the obligation to report to the police.

While S424 was introduced with the intent of ensuring the prompt reporting of crimes to the police, so that perpetrators are taken to task, the current provision is problematic where it relates to sexual assault offences. Victim-survivors often experience a loss of autonomy as a result of their sexual assault and one key element of healing from trauma is regaining a sense of control. This healing process is aided when victim-survivors are able to exercise agency in deciding whether to report their cases or just seek informal support. Thus, for providers of victim-survivor support services—such as SACC—that take a trauma-informed and survivor-centric perspective, it would be unethical to file a report when a victim-survivor is unwilling to do so (outside of exceptional situations in which a client is in imminent danger, or is a minor). Such an obligation could even deter victim-survivors from accessing support services if they fear being forced to file a police report against their will, thus further isolating them in their experience of trauma and worsening their sense of helplessness.

<sup>426</sup> Hwee Min Ang, “NUS responds to students’ complaints that it filed police report on Jeremy Fernando against their wishes”, Channel NewsAsia, MediCorp Pte Ltd., 4 November 2020, <https://www.channelnewsasia.com/news/singapore/nus-police-report-jeremy-fernando-did-not-inform-students-13460522>

At present, many organisations and individuals do not follow S424—e.g. several instances of sexual misconduct within corporations remain unreported—so there is clearly great inconsistency in its practice. As a counselling provider ourselves, we too have struggled with this practice as it runs counter to our survivor-centric approach to working with clients.

We hope that 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 in 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.)

Many countries, including Canada, Australia and the U.K., that have adopted S424 in the past have either abolished or modified it over time. Section 316 of the New South Wales Crimes Act specifies that a person has a “reasonable excuse” for not reporting if the information relates to a sexual or domestic offence, if the alleged victim was an adult at the time the information was obtained, and if the person has reasonable grounds to believe that the alleged victim does not wish the information to be reported to an authority.<sup>427</sup> Section 316 also limits the reporting requirement to information that relates to a “serious indictable offence” and that might be of material assistance in securing the apprehension or conviction of the offender.<sup>428</sup> On the other hand, legislation in the Australian state of Victoria clarifies that one does not have a reasonable excuse for failing to disclose sexual abuse “if they are only concerned for the perceived interests of the alleged perpetrator or any organisation”.<sup>429</sup>

We strongly recommend that the government clarify what constitutes a “reasonable excuse”, to reassure and prevent further confusion and stress for both victim-survivors of sexual violence and providers of support services. We also propose that special permission be required to prosecute professionals such as legal and medical practitioners, social workers and clergy for not reporting.

<sup>427</sup> “Crimes Act 1900 No 40”, NSW Government, NSW Government, accessed on 20 May 2021, <https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.316>

<sup>428</sup> *Ibid*

<sup>429</sup> “Failure to disclose offence”, Victoria State Government - Justice and Community Safety, Victoria State Government, 13 May 2020, <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

## Issue 4.6

# Sentencing frameworks

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The rise in sexual violence cases involving youth offenders has brought about widespread debate on whether one's "good academic results" should be a substantial determining factor during sentencing. For instance, Terence Siow, who molested a woman on a train, was given 21 months of supervised probation after it was noted that his academic results reflected his "potential to excel in life".<sup>430</sup> Similar cases reveal the imbalance of worth accorded to victim-survivors in contrast to perpetrators of sexual violence. While the trauma experienced by victim-survivors and its impacts are often minimised, perpetrators' past records or potential have appeared to be given more importance in court. The public outrage that ensued subsequently prompted a review of sentencing frameworks for sexual and violence-related crimes.

In his announcement of the review outcome in March 2021, Minister for Law K. Shanmugam said that educational qualifications or academic potential "should not carry much weight" in mitigation pleas.<sup>431</sup> This is in line with sentencing practices in other Commonwealth countries, such as the U.K.,<sup>432</sup> Canada<sup>433</sup> and New Zealand<sup>434</sup>, where one's educational qualifications or exemplary grades are not valid mitigating factors. As a result of the review, an inter-agency sentencing advisory panel will also be set up to "issue non-binding sentencing guidelines to help achieve more consistency in sentencing and better public education on such issues".<sup>435</sup> The panel will likely comprise members from various government agencies, including the judiciary, the Attorney-General's Chambers, the Ministry of Home Affairs and the Singapore Police Force.

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<sup>430</sup> David Sun, "Potential to excel in life: NUS undergrad who molested woman gets probation for 'minor intrusion' offences", *The Straits Times*, September 26, 2019, <https://www.straitstimes.com/singapore/courts-crime/university-student-who-molested-woman-gets-probation-for-minor-intrusion>

<sup>431</sup> Lydia Lam and Jalelah Abu Baker, "Penalties for 3 sex crimes to go up after review, academic potential should not carry much weight: Shanmugam", *Channel NewsAsia*, March 5, 2021, <https://www.channelnewsasia.com/news/singapore/penalties-for-3-sex-crimes-to-go-up-after-review-shanmugam-14338544>

<sup>432</sup> Sentencing Council for England and Wales, *Sexual Offences Definitive Guideline* (United Kingdom: Sentencing Council for England and Wales, 2015), <https://www.sentencingcouncil.org.uk/wp-content/uploads/Aug-2015-Sexual-Offences-Definitive-Guideline-web.pdf>

<sup>433</sup> Amirault, Joanna and Eric Beauregard, "The Impact of Aggravating and Mitigating Factors on the Sentence Severity of Sex Offenders: An Exploration and Comparison of Differences Between Offending Groups", *Criminal Justice Policy Review* 25, no. 1 (2014), [https://www.researchgate.net/publication/287785703\\_The\\_Impact\\_of\\_Aggravating\\_and\\_Mitigating\\_Factors\\_on\\_the\\_Sentence\\_Severity\\_of\\_Sex\\_Offenders\\_An\\_Exploration\\_and\\_Comparison\\_of\\_Differences\\_Between\\_Offending\\_Groups](https://www.researchgate.net/publication/287785703_The_Impact_of_Aggravating_and_Mitigating_Factors_on_the_Sentence_Severity_of_Sex_Offenders_An_Exploration_and_Comparison_of_Differences_Between_Offending_Groups)

<sup>434</sup> "Sentencing Act 2002", *New Zealand Legislation*, New Zealand Government Parliamentary Council Office, accessed on 20 May 2021, <https://www.legislation.govt.nz/act/public/2002/0009/latest/DLM135545.html>

<sup>435</sup> "Penalties for 3 sex crimes to go up"

## Recommendation to strengthen existing sentencing frameworks

### 1 Ensure inclusive representation on the sentencing advisory panel.

We welcome the introduction of a sentencing advisory panel and recommend that the panel be made explicitly interdisciplinary. Specifically, it should include experts—e.g. victim advocates, civil society members and criminal justice scholars—to represent the interests and perspectives of victim-survivors. This is to ensure that non-legal perspectives are taken into account during the formulation of sentencing guidelines, to provide clarity on likely sentences and the relevant factors to be considered in sentencing. A precedent can be found in the panel of advisors for the Singapore Youth Court, which includes individuals and professionals “in the community with vast experience working with youths”, such as teachers, psychologists and social workers.

Countries such as the U.K., Australia and New Zealand also nominate individuals outside the legal profession to be part of their sentencing panels. For instance, although most of the 14-member sentencing advisory panel in the U.K. are legally trained, other members include the Assistant Commissioner for Frontline Policing in the Metropolitan Police, the Chief Officer of Victim Support, a socio-legal criminal justice scholar and an independent consultant whose work focuses on race equality.<sup>436</sup> The current council in Victoria, Australia is also well-represented, comprising human rights experts, legal professionals, victim advocates, members of the police force, a criminal justice scholar, a crime statistician and a legal aid director.<sup>437</sup>

Further, we hope that the government will mandate trauma-informed training for all members of the sentencing advisory panel. Topics covered may include rape myths and stereotypes of sexual assault, victim and offender psychology, as well as the relevant legal and procedural issues. By promoting a more comprehensive understanding of victim-survivors’ trauma and its impacts, the panel will be better positioned to create sentencing guidelines that account for their experiences.

<sup>436</sup> “Sentencing Council members”, Sentencing Council, accessed on 20 May 2021, <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/about-the-sentencing-council/sentencing-council>

<sup>437</sup> “About Us”, Sentencing Advisory Council, Victoria State Government, accessed on 20 May 2021, <https://www.sentencingcouncil.vic.gov.au/about-us>

## Section 5:

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# Sexuality education

Sexuality education plays a pivotal role in eradicating the gender norms and stereotypes at the root of sexual violence and violence against women. This section brings attention to sexuality education as a key strategy in tackling gender-based violence and achieving gender equality.

Recommendations are made to enhance the comprehensiveness of the current sexuality education curriculum through the inclusion of in-depth discussions on topics of consent, gender-based violence and gender inequality, and media literacy. Next, programmes aimed at equipping parents with the tools to broach these topics with their children should be scaled up. Finally, we hope that the government funds research to ensure better alignment between the national sexuality education curriculum and youths' educational needs.



## Recommendations to enhance the comprehensiveness of the current sexuality education curriculum

### 1 Implement comprehensive sexuality education comprising in-depth discussions of consent, gender-based violence and gender inequality, and media literacy.

#### (i) Education on gender stereotypes and gender-based violence

Much has been said about the need to “deeply ingrain” gender equality in society, change how young people think about equality and accept it as a “fundamental principle”.<sup>438</sup> We absolutely agree that changing norms around gender need to start from a young age, given their substantial impact on every member of society.

Gender norms are prescriptive in that they dictate expected behaviours and roles to be performed by men and women.<sup>439</sup> This is damaging to society as each gender’s options are restricted and those who do not conform to such expectations are often subjected to formal and/or informal sanctions. For example, a study conducted in Singapore in 2017 found that children started to associate boys with math from age 9 despite both boys and girls excelling in the subject.<sup>440</sup> This “boy=math” stereotype has persisted for decades and has led to a significantly skewed gender distribution within the STEM industry: Men constituted close to 70% of those who obtained degrees in Information Technology, and 78% of those with degrees in Engineering Science, in 2020.<sup>441</sup> This difference is further widened, as a 2021 survey of 738 graduates from the National Technological University found: Only 58% of women with STEM degrees or diplomas go on to have related careers compared to 70% of men, with one reason being that women did not feel that they belonged in such fields.<sup>442</sup> Other instances of women being under-valued, or facing other forms of discrimination, in the STEM industry further point to the tangible impacts of gender norms on one’s career path.<sup>443</sup>

<sup>438</sup> Chew Hui Min and Lin Suling, “Review on women’s issues goes beyond the law, aims to ‘deeply ingrain’ gender equality in society: Shanmugam”, Channel NewsAsia, Mediacorp Pte Ltd., 5 February 2021, <https://www.channelnewsasia.com/news/singapore/hotm-podcast-shanmugam-review-gender-equality-women-issues-13137558>

<sup>439</sup> Anne M. Koenig, “Comparing Prescriptive and Descriptive Gender Stereotypes About Children, Adults, and the Elderly”, *Frontiers in Psychology* 9, no. 1086 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6028777>

<sup>440</sup> 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](http://ilabs.uw.edu/sites/default/files/13Cvencek_Meltzoff_Kapur_Cognitive%20Consistency%20%26%20Singapore%20math.pdf)

<sup>441</sup> Ministry of Manpower, Resident Labour Force Aged Fifteen Years and Over with Degree by Field of Study and Sex, June 2020 (28 January 2021), Ministry of Manpower, <https://stats.mom.gov.sg/Pages/Labour-Force-Tables2020.aspx>

<sup>442</sup> Amelia Teng, “Only 58% of women with Stem qualifications work in related jobs, compared with 70% for men: Study”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 5 March 2021, <https://www.straitstimes.com/singapore/parenting-education/only-58-of-women-with-stem-qualifications-work-in-related-jobs>

<sup>443</sup> Cheryl Tan, “Tech firm exec hopes more can be done to combat gender biases”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 15 February 2021,

<https://www.straitstimes.com/singapore/tech-firm-exec-hopes-more-can-be-done-to-combat-gender-biases>; Cheryl Tan, “More women pursuing degrees in Stem fields: MOE”, *The Straits Times*, Singapore Press Holdings Ltd. Co., 16 February 2021, <https://www.straitstimes.com/singapore/more-women-pursuing-degrees-in-stem-fields-moe>

The prescriptive nature of gender stereotypes also results in an unequal power dynamic between men and women, both at the societal and interpersonal level, being reinforced through the perpetuated beliefs of male superiority and female inferiority. Common characteristics associated with masculinity include dominance and aggression; women and girls on the other hand are expected to be subservient and emotional. These expectations communicate the relative positions of power of each gender, thus impacting the interactions between men and women. Ultimately, this power imbalance also underlies the phenomenon of violence against women—(male) perpetrators justify such acts of violence as assertions of their power when women do not uphold their expected role of acceding to their demands.

Unlearning and undoing the effects of gender stereotyping needs to start at schools. If children are actively taught to reject gender stereotyping, that is half the battle won. Unfortunately, the current sex education system in Singapore does not appear to give much weight to this.

At present, the concepts of gender roles and stereotyping are only briefly touched upon—these concepts are first introduced to Primary 5 students under the Growing Years programme, and they are expected to “know that gender is about being male or female” and to “choose not to stereotype by gender”.<sup>444</sup> After this rather limited introduction, there appears to be no further discussion of gender roles and stereotypes until students reach Secondary 2 and 4 (see screenshots on the next page).

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<sup>444</sup> “ATS Experience - Sexuality Education”, Ai Tong School, Ai Tong School, accessed on 20 May 2021, <https://aitong.moe.edu.sg/ats-experience/curriculum/character-n-citizenship/sexuality-education>

Figure 7: Growing Years syllabus for Secondary 2 students<sup>445</sup>

Unit	Lesson(s)/ Duration	LESSON OBJECTIVES At the end of the lesson, students will be able to:	Time Period
Respectful Relationships & Safety	1 (60 mins)	<ul style="list-style-type: none"> <li>Know that one's understanding of gender roles should not be limited by gender stereotypes</li> <li>Develop an appreciation of one's own unique qualities and characteristics as a male or female</li> <li>Understand what sexual orientation entails</li> </ul>	Term 3 Week 1
	2A (60 mins)	<ul style="list-style-type: none"> <li>Recognise one's vulnerability to risky situations and the importance of exercising discretion to reduce risks and avoid negative consequences, both online and offline</li> </ul>	Term 3 Week 2
	2B (60 mins)	<ul style="list-style-type: none"> <li>Recognise the importance of self-respect and respect for others in relating to members of the opposite gender</li> <li>Recognise one's vulnerability to risky situations and the importance of exercising discretion to reduce risks and avoid negative consequences, both offline and online</li> </ul>	Term 1 Week 3

Figure 8: Growing Years syllabus for Secondary 4 students<sup>446</sup>

Unit	Lessons/ Duration	LESSON OBJECTIVES At the end of the lesson, students will be able to:	Time Period
Lessons about Love	1 (60 mins)	<p><b>Marriage &amp; Family Relationship conference</b></p> <ul style="list-style-type: none"> <li>reflect on the qualities of a healthy romantic relationship</li> <li>evaluate one's readiness for a romantic relationship, leading to marriage</li> <li>recognise that intimacy in a relationship need not be limited to physical intimacy</li> <li>recognise that commitment is a necessary ingredient for success in a marriage</li> <li>identify responsibilities involved and the challenges faced in marriages</li> </ul>	Term 2 Week 10
At the Crossroads	1 (60 mins)	<p><b>Gender Role and Identity</b></p> <ul style="list-style-type: none"> <li>know/define what gender role is</li> <li>distinguish between biological based and socially-conditioned gender characteristics</li> <li>evaluate views towards self and others, with regard to gender differences and stereotypes</li> <li>appreciate the importance of respect for individual based on intrinsic worth and value, regardless of gender identity.</li> </ul>	Term 3 Week 6

<sup>445</sup> "Sexuality Education", Raffles Girls' School, Raffles Girls' School, accessed on 20 May 2021, <https://www.rgs.edu.sg/backup/holistic-education/student-development/sexuality-education>

<sup>446</sup> Ibid

Conversations on gender stereotyping need to start earlier to combat its effects more effectively. Studies show that gender socialisation begins early in children’s lives, with children displaying an understanding of different gender roles by age two.<sup>447</sup> A 2017 study conducted in the U.S. found that children as young as six years old were familiar with and endorsed the “brilliance = males” stereotype, and girls were less likely than boys to believe that members of their gender are “really, really smart”.<sup>448</sup> The current approach—introducing education on gender stereotyping in Primary 5 (where students are generally aged 11 years old)—may be too late.

In New Zealand, the sexuality education framework tackles gender stereotypes and norms at a timely stage and gradually builds onto students’ knowledge of gender norms throughout their educational journey, in an age-appropriate manner. Year 2 students (aged 5-6) are guided in identifying and challenging gender norms relating to attire, playtime activities and jobs.<sup>449</sup> In subsequent education levels, students analyse such norms more critically by learning about the impacts of sexism and gendered expectations on individuals and their interpersonal relationships.<sup>450</sup> By modelling gender equality education as a continuum, students are taught to question and challenge gender norms from an early age, thus potentially mitigating the effects of stereotypes on gender relations and preventing gender-based violence.

Under the United Nations’ International technical guidance on sexuality education, “Understanding Gender” is recommended to be taught as a key concept with the following topics:<sup>451</sup>

- (a) the social construction of gender and gender norms
- (b) gender equality, stereotypes and bias
- (c) gender-based violence

<sup>447</sup> 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](https://www.researchgate.net/publication/6512005_18-_and_24-month-olds%27_discrimination_of_gender-consistent_and_inconsistent_activities)

<sup>448</sup> 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), [https://www.researchgate.net/publication/312961123\\_Gender\\_stereotypes\\_about\\_intellectual\\_ability\\_emerge\\_early\\_and\\_influence\\_children%27s\\_interests](https://www.researchgate.net/publication/312961123_Gender_stereotypes_about_intellectual_ability_emerge_early_and_influence_children%27s_interests)

<sup>449</sup> New Zealand Ministry of Education, *Sexuality Education Levels 1–2* (New Zealand: New Zealand Ministry of Education, 2017), 34–36

<sup>450</sup> New Zealand Ministry of Education, *Sexuality Education Levels 3–4* (New Zealand: Ministry of Education, 2017); New Zealand Ministry of Education, *RELATIONSHIPS and SEXUALITY EDUCATION - A GUIDE FOR TEACHERS, LEADERS, AND BOARDS OF TRUSTEES* (New Zealand: Ministry of Education, 2020), 35–39

<sup>451</sup> United Nations Population Fund, *International technical guidance on sexuality education*, UNESCO, UNAIDS, UNFPA, UNICEF, UN Women and WHO (2018) <https://www.unfpa.org/publications/international-technical-guidance-sexuality-education>

Table 7: Summary of UN'S International technical guidance on sexuality education

Age group (years)	Social construction of gender and gender norms	Gender equality, stereotypes and bias	Gender-based violence (GBV)
5 to 8	<p>It is important to understand the difference between biological sex and gender.</p> <p>Families, individuals, peers and communities are sources of information about sex and gender.</p>	<p>All persons are equally valuable, regardless of their gender.</p>	<p>It is important to know what GBV is and where to go for help.</p>
9 to 12	<p>Social and cultural norms and religious beliefs are some of the factors which influence gender roles.</p> <p>The way that individuals think of themselves, or describe themselves to others in terms of their gender, is unique to them and should be respected.</p>	<p>Gender inequalities and differences in power exist in families, friendships, relationships, communities and society.</p> <p>Stereotypes about gender can lead to bias and inequality.</p>	<p>All forms of GBV are wrong and a violation of human rights.</p> <p>Gender stereotypes can be the cause of violence and discrimination.</p>
12 to 15	<p>Gender roles and gender norms influence people's lives.</p> <p>Romantic relationships can be negatively affected by gender roles and gender stereotypes.</p>	<p>Gender stereotypes and bias impact how men, women and people of diverse sexual orientation and gender identity are treated and the choices they can make.</p> <p>Gender equality can promote equal decision-making about sexual behaviour and life planning.</p>	<p>All forms of GBV by adults, young people and people in positions of authority are a violation of human rights.</p>
15 to 18+	<p>It is important to challenge one's own and others' gender biases.</p> <p>Homophobia and transphobia are harmful to people of diverse sexual orientation and gender identity.</p>	<p>Gender inequality, social norms and power differences influence sexual behaviour and may increase the risk of sexual coercion, abuse and GBV.</p>	<p>Intimate partner violence is harmful, and support exists for those who experience it.</p> <p>Everyone has a responsibility to advocate for gender equality and speak out against human rights violations such as sexual abuse, harmful practices and other forms of GBV.</p>

To further strengthen sexuality education in Singapore, we hope that all related topics on gender stereotyping, gender inequality and gender-based violence (as laid out in the UNESCO technical guidelines on sexuality education, and summarised above) can be integrated into the national curriculum. Some of these key concepts—e.g. how gender stereotyping can lead to discrimination and violence, or the harmful effects of homophobia and transphobia—do not appear to be covered in the existing Growing Years syllabus. National sexuality education also needs to be made available to all students across institution types, e.g. Institutes of Technical Education (ITE) and polytechnics. Finally, national sexuality education needs to start earlier (UNESCO recommends 5 to 8 years old) to prevent the entrenchment of gender stereotypes and norms, which can in turn contribute to outcomes such as a more equal division of caregiving responsibilities between men and women. (This is discussed in Section 6, Issue 6.2.)

### (ii) Consent education

A key concept related to addressing sexual violence is that of consent. Education about consent is “essential for building healthy and respectful relationships, encouraging good sexual health and protecting potentially vulnerable people from harm”.<sup>452</sup> Learning how to communicate and respect personal boundaries can “help create a society where no one feels ashamed to willingly engage in sexual activity, or to reject it or revoke consent at any point”.<sup>453</sup>

In Singapore, there has been growing recognition of the importance of teaching consent in recent years. According to a survey conducted by Blackbox and AWARE, 86% of 564 surveyed parents ranked sexual consent and sexual self-protection as the most important topic to cover in sex education curricula.<sup>454</sup> Similarly, feedback received from participants of AWARE’s Birds & Bees workshop showed that many parents found the topic of “consent” the most valuable.<sup>455</sup>

The need for education on consent is also reflected in young persons’ experiences with communicating consent. As mentioned, AWARE’s 2020 survey of more than 500 young persons aged 17 to 25 years old showed that only slightly more than half of those who had previously engaged in sexual activities had discussed sexual consent with their (most recent) partner beforehand.<sup>456</sup> While the majority (85%) said they asked for consent before initiating sexual encounters, around one in three reported feeling awkward about asking for consent.<sup>457</sup> Hence, there is a clear need to educate youth about what consent is, and how to recognise and communicate consent and non-consent across scenarios.

<sup>452</sup> Ibid

<sup>453</sup> Ibid

<sup>454</sup> “Only half of parents are comfortable talking to their kids about sex ed, while most prefer school programmes to focus on consent over abstinence: AWARE-Blackbox survey”, AWARE, AWARE, 1 July 2020, <https://www.aware.org.sg/2020/07/parents-comfortable-sex-ed-consent-abstinence-aware-blackbox-survey>

<sup>455</sup> Birds & Bees is AWARE’s workshop for parents to educate them about how to broach topics relating to sexual health, consent and sexuality with their children.

<sup>456</sup> “A Recap: Consent – do you get it? Youth perceptions on sexual consent”

<sup>457</sup> Ibid

Presently, MOE's sexuality education promotes abstinence<sup>458</sup>, although the topic of "consent" has recently been added to the curriculum.<sup>459</sup> In its 2017 concluding observations, the CEDAW Committee expressed concerns about this approach, as it is highly restrictive.<sup>460</sup> There may be concerns that teaching young people about consent and sex encourages them to become sexually active. However, research has consistently shown that comprehensive sexuality education (which includes the teaching of consent) in fact delays the onset of sexual activity.<sup>461</sup> Teaching consent empowers youth to make informed decisions about their sexuality, in turn reducing their engagement in risky sexual behaviour such as having multiple sexual partners.<sup>462</sup>

In response to a February 2021 Parliamentary Question on how consent and respect are taught in the Singapore's national sexuality education curriculum, the Minister of Education said that students are "equipped with age-appropriate knowledge and skills to maintain safe and healthy relationships, recognise risks and make informed and responsible decisions on sexuality matters".<sup>463</sup> This includes helping older students "understand the importance of treating others and themselves with respect, the need to assert and respect boundaries for self and others, and the social-emotional and legal consequences if they overstep these boundaries".<sup>464</sup>

However, there may be a gap in terms of how and whether consent is actually taught in schools: According to the same 2020 youth survey cited earlier, while almost all young people wanted consent to be taught in schools, less than half said they had actually been taught about it.<sup>465</sup> It also appears that not enough emphasis is placed on the application of consent, that is how to ask and receive consent in everyday and romantic/sexual situations. Based on the aforementioned survey, 85% of those who engaged in some form of sexual activity had sought consent before initiating sexual encounters.<sup>466</sup> However, around one in three reported feeling awkward about asking for consent; only slightly more than half had discussed sexual consent with their (most recent) partner before engaging in sexual activities.<sup>467</sup> This indicates a need to provide our youth with more guidance on seeking consent in different situations. We recommend that the national sex education curriculum be revised to incorporate the following learning points recommended in the UNESCO technical guidelines on sexuality education:<sup>468</sup>

<sup>458</sup> "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>

<sup>459</sup> Tan Chen Kee, "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>

<sup>460</sup> Concluding observations of the fifth periodic report of Singapore

<sup>461</sup> Cora C. Breuner, Gerri Mattson, Committee on Adolescence and Committee on Psychosocial aspects of child and family health, "Sexuality Education for Children and Adolescents", *Pediatrics* 138, no. 2 (2016)

<sup>462</sup> International technical guidance on sexuality education

<sup>463</sup> "Sexuality education curriculum", Ministry of Education, Singapore, 26 February 2021, <https://www.moe.gov.sg/news/parliamentary-replies/20210226-sexuality-education-curriculum>

<sup>464</sup> Ibid

<sup>465</sup> "A Recap: Consent – do you get it? Youth perceptions on sexual consent"

<sup>466</sup> Ibid

<sup>467</sup> Ibid

<sup>468</sup> International technical guidance on sexuality education

Figure 9: UNESCO technical guidelines on sexuality education (Consent, privacy and bodily integrity)

4.2 Consent, Privacy and Bodily Integrity	
<p><b>Learning objectives (5-8 years)</b></p> <p><b>Key idea: Everyone has the right to decide who can touch their body, where, and in what way</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>describe the meaning of 'body rights' (knowledge);</li> <li>identify which parts of the body are private (knowledge);</li> <li>recognize that everyone has 'body rights' (attitudinal);</li> <li>demonstrate how to respond if someone is touching them in a way that makes them feel uncomfortable (e.g. say 'no', 'go away', and talk to a trusted adult) (skill);</li> <li>identify and describe how they would talk to a parent/guardian or trusted adult if they are feeling uncomfortable about being touched (skill).</li> </ul>	<p><b>Learning objectives (9-12 years)</b></p> <p><b>Key idea: It is important to understand what unwanted sexual attention is and the need for privacy when growing up</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>explain that, during puberty, privacy about one's body and private space become more important for both boys and girls, particularly access to toilets and water for girls (knowledge);</li> <li>define unwanted sexual attention (knowledge);</li> <li>recognize that unwanted sexual attention towards both boys and girls is a violation of privacy and the right to decide about one's own body (attitudinal);</li> <li>communicate assertively to maintain privacy and counter unwanted sexual attention (skill).</li> </ul>
<p><b>Learning objectives (12-15 years)</b></p> <p><b>Key idea: Everyone has the right to privacy and bodily integrity</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>describe what is meant by the right to privacy and bodily integrity (knowledge);</li> <li>acknowledge that everyone has the right to privacy and bodily integrity (attitudinal);</li> <li>express how they feel about their right to privacy and bodily integrity (skill).</li> </ul> <p><b>Key idea: Everyone has the right to be in control of what they will and will not do sexually, and should actively communicate and recognize consent from their partners</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>define consent and explain its implications for sexual decision-making (knowledge);</li> <li>acknowledge the importance of giving and perceiving sexual consent (attitudinal);</li> <li>express consent and not giving consent in relation to their personal boundaries regarding sexual behaviour (skill).</li> </ul>	<p><b>Learning objectives (15-18+ years)</b></p> <p><b>Key idea: Consent is critical for healthy, pleasurable and consensual sexual behaviour with a partner</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>analyze the benefits of giving and refusing sexual consent and acknowledging someone else's sexual consent or lack of consent (knowledge);</li> <li>compare and contrast how men's and women's bodies are treated differently and the double standards of sexual behaviour that can affect consensual sexual behaviour (knowledge);</li> <li>recognize that consensual sexual behaviour is an important part of a healthy sexual relationship (attitudinal);</li> <li>demonstrate ways to communicate giving and refusing consent and to recognize consent or lack of consent (skill).</li> </ul> <p><b>Key idea: It is important to be aware of factors that can impact the ability to acknowledge or give consent</b></p> <p>Learners will be able to:</p> <ul style="list-style-type: none"> <li>discuss what it means to listen for, acknowledge and act, or not act, on sexual consent (knowledge);</li> <li>compare and contrast examples of situations where consent is and is not acknowledged or given (knowledge);</li> <li>analyze factors (e.g. alcohol and other substances, GBV, poverty, power dynamics) that can affect the ability to acknowledge or give consent (knowledge);</li> <li>recognize that it is important to avoid factors that can impair sexual consent (attitudinal);</li> <li>demonstrate ability to give and refuse consent (skill);</li> <li>demonstrate ability to acknowledge someone else's consent or lack of consent (skill).</li> </ul>

### (iii) Education on media literacy, pornography and sexting

The Internet has facilitated an exponential increase in accessibility to information and media content, including pornography. A 2015 survey conducted by Touch Cyber Wellness with 921 students aged 13 to 15 found that 90% of teenage boys watched or read sexually explicit materials, with more than half of them intentionally seeking out such materials.<sup>469</sup> Some of these respondents were even exposed to pornography before primary school.<sup>470</sup> In contrast, eight per cent of girls viewed pornography, either intentionally or by accident.<sup>471</sup>

<sup>469</sup> Janice Tai, "Nine in 10 teen boys in Singapore exposed to porn: Survey", The Straits Times, Singapore Press Holdings Ltd. Co., 29 June 2016, <https://www.straitstimes.com/singapore/nine-in-10-teen-boys-exposed-to-porn-survey>

<sup>470</sup> Ibid

<sup>471</sup> Ibid



Early exposure to pornography is concerning as it has been associated with risky sexual behaviours, such as engaging in early partnered sexual behaviour and having more sexual partners, less relationship satisfaction, and less sexual satisfaction during adolescence.<sup>472</sup> Increased use of porn by adolescents also predicted more sexist attitudes and perpetration of sexual harassment two years later.<sup>473</sup>

Furthermore, the types of pornographic content available online are troubling. Most mass-market pornography conveys beliefs that women are always ready for sex, depicting men as perpetrators of aggression and women as targets of such aggression.<sup>474</sup> A 2021 analysis of over 150,000 titles on the three most popular porn sites in the U.K. also found that one in eight titles contained depictions of sexual violence.<sup>475</sup> This included sexual activity between family members, physical aggression and sexual assault, and non-consensually captured and/or distributed images (such as “revenge porn”, “upskirting” and images shot on hidden cameras).<sup>476</sup> Such depictions of violence are damaging: A 2011 study found that those who watched violent porn were more than six times as likely to have engaged in sexually aggressive behaviour.<sup>477</sup>

In Singapore, Secondary 2 students are taught to “recognise that there are moral and legal consequences of risky sexual behaviours [and] pornography access”.<sup>478</sup> Outside of these aspects, however, youth should be taught that pornography often depicts a fantasy and does not always represent healthy, consensual relationships. As put forth in the UNESCO guidelines, the inclusion of this topic in the curriculum will help youth to “make sense of the images, practices, norms and sexual scripts” in pornography. This will also give them the opportunity to learn about “aspects of sexuality that are absent from pornography, such as emotional intimacy, negotiating consent and discussing modern contraception”.<sup>479</sup> The topic of sexting and consensual sharing of intimate images should be addressed to further enhance the comprehensiveness of our sexuality education curriculum.

Reference can be made to the UNESCO technical guidelines on sexuality education, which propose the following recommendations:<sup>480</sup>

<sup>472</sup> Bonnie Young, *The Impact of Timing of Pornography Exposure on Mental Health, Life Satisfaction, and Sexual Behavior* (Utah: Brigham Young University, 2017), 7, <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=7727&context=etd>

<sup>473</sup> Jane D Brown and Kelly L L’Engle, “X-Rated Sexual Attitudes and Behaviors Associated With U.S. Early Adolescents’ Exposure to Sexually Explicit Media”, *Journal of Geriatric Psychiatry and Neurology* 36, no. 1 (2009), [https://www.researchgate.net/publication/23654736\\_X-Rated\\_Sexual\\_Attitudes\\_and\\_Behaviors\\_Associated\\_With\\_US\\_Early\\_Adolescents'\\_Exposure\\_to\\_Sexually\\_Explicit\\_Media](https://www.researchgate.net/publication/23654736_X-Rated_Sexual_Attitudes_and_Behaviors_Associated_With_US_Early_Adolescents'_Exposure_to_Sexually_Explicit_Media)

<sup>474</sup> Joanne Upton, Alya Hazell, Rachel Abbott and Kate Pilling, *The relationship between pornography use and harmful sexual attitudes and behaviours* (UK: Government Equalities Office, 2019), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/976730/The\\_Relationship\\_between\\_Pornography\\_use\\_and\\_Harmful\\_Sexual\\_Attitudes\\_and\\_Behaviours\\_-\\_literature\\_review\\_v1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/976730/The_Relationship_between_Pornography_use_and_Harmful_Sexual_Attitudes_and_Behaviours_-_literature_review_v1.pdf)

<sup>475</sup> <https://academic.oup.com/bjc/advance-article/doi/10.1093/bjc/azab035/6208896>

<sup>476</sup> Ibid

<sup>477</sup> Michele L Ybarra, Kimberly J Mitchell, Merle Hamburger, Marie Diener-West and Philip J Leaf, “X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?”, *Aggressive Behaviour* 37, no. 1 (2011).

<sup>478</sup> “Sexuality Education”

<sup>479</sup> International technical guidance on sexuality education

<sup>480</sup> Ibid

Figure 10: UNESCO technical guidelines on sexuality education (Safe use of Information and Communication Technologies (ICTs))

### 4.3 Safe Use of Information and Communication Technologies (ICTs)

**Learning objectives (5-8 years)**

**Key idea: The Internet and social media are ways of finding out information and connecting with others, which can be done safely but can also put people, including children, at risk of harm**

Learners will be able to:

- ▶ describe what the Internet and social media are (knowledge);
- ▶ list benefits and potential dangers of the Internet and social media (knowledge);
- ▶ appreciate the Internet and social media while recognizing that they can be unsafe (attitudinal);
- ▶ identify and demonstrate ways to talk to a trusted adult if something they have done or seen on the Internet or social media makes them feel uncomfortable or scared (skill).

**Learning objectives (9-12 years)**

**Key idea: Internet and social media use require special care and consideration**

Learners will be able to:

- ▶ describe examples of the benefits and possible dangers of the Internet and social media (knowledge);
- ▶ recognize the importance of being careful about how they use the Internet and social media (attitudinal);
- ▶ demonstrate how to decide what information to share with whom on social media (skill).

**Key idea: Sexually explicit images and media are easily accessible through social media and can promote harmful gender stereotypes.**

Learners will be able to:

- ▶ describe what sexually explicit media (pornography) and sexting are (knowledge);
- ▶ explain that sexually explicit media often portrays men, women and sexual relations unrealistically (knowledge);
- ▶ perceive that sexually explicit media can be misleading through inaccurate portrayals about men, women and sexual relations (attitudinal);
- ▶ identify and demonstrate ways to talk to a trusted adult about sexually explicit media or sexting (skill).

**Learning objectives (12-15 years)**

**Key idea: The Internet, cell phones and social media can be sources of unwanted sexual attention**

Learners will be able to:

- ▶ illustrate ways that the Internet, cell phones and social media can be sources of unwanted sexual attention (knowledge);
- ▶ acknowledge that there are ways to counter unwanted sexual attention that can come from the Internet, cell phones and social media (attitudinal);
- ▶ develop and practise a plan to stay safe when using the Internet, cell phones and social media (skill).

**Key idea: Sexually explicit media and images can be sexually arousing and potentially harmful**

Learners will be able to:

- ▶ analyze why sexually explicit media (pornography) is so common (knowledge);
- ▶ summarize ways that sexually explicit media can be harmful, and where to report these harms and get help (knowledge);
- ▶ differentiate when sexually explicit images can be illegal for minors to send, receive, purchase or be in the possession of (knowledge);
- ▶ recognize the importance of knowing the laws, with respect to sharing or securing sexually explicit images (attitudinal);
- ▶ express feelings about sexually explicit media use (skill).

**Learning objectives (15-18+ years)**

**Key idea: Social media use can result in many benefits, but also has the potential for moral, ethical and legal situations that require careful navigation**

Learners will be able to:

- ▶ analyze strategies for using social media safely, legally and respectfully (knowledge);
- ▶ acknowledge that social media use has many benefits, but can also result in unsafe situations or violations of law (attitudinal);
- ▶ develop and practise a plan for responsible use of social media (skill).

**Key idea: Sexually explicit media can result in unrealistic expectations about sexual behaviour, sexual response and body appearance**

Learners will be able to:

- ▶ evaluate ways that sexually explicit media can contribute to unrealistic expectations about men, women, sexual behaviour, sexual response and body appearance (knowledge);
- ▶ acknowledge that sexually explicit media can reinforce harmful gender stereotypes and can normalize violent or non-consensual behaviour (attitudinal);
- ▶ reflect on how sexually explicit media can impact their self-image, self-confidence, self-esteem and perception of others as a result of unrealistic portrayals of men, women and sexual behaviour (skill).

## 2 Scale up programmes targeted at educating parents on talking about topics of sex and consent with their children.

According to MOE, parents play a “primary role in [their] child’s Sexuality Education”.<sup>481</sup> Based on the AWARE-Blackbox survey with parents, almost all parents surveyed (95%) agreed that both themselves and their children’s schools have a role to play in sex education. In line with statements made by MOE, most parents believe that the task primarily should fall to them, with almost 70% ranking “parents” as the best persons to give sex education. Yet, only around half of the parents indicated that they were comfortable talking to their children about topics such as sexual health, intimate relationships and sex. For those uncomfortable discussing these topics, the most common reason given was a lack of appropriate tools to begin the conversation (35%).

Community programmes, such as AWARE’s Birds & Bees workshop, should be scaled up to equip more parents with the tools and resources to have these conversations with their children. Schools could work more closely with such vendors or with COMPASS (COMmunity and PArents in Support of Schools)<sup>482</sup> to create programmes targeted at parents, and aid them in becoming effective primary providers of sexuality education.

<sup>481</sup> “Sexuality Education: Roles of stakeholders”, Ministry of Education, Ministry of Education, 1 February 2021, <https://www.moe.gov.sg/programmes/sexuality-education/stakeholders>

<sup>482</sup> COMPASS is a national advisory council that advises MOE on “ways in which school-home-community collaboration could be strengthened and promoted”. COMPASS members comprise stakeholders representing parents, self-help groups, industry, media and early childhood educators.

“COMPASS”, Ministry of Education, Ministry of Education, 7 July 2021, <https://www.moe.gov.sg/compass>

### 3 Conduct or fund research on the sexual behaviour and educational needs of youth in Singapore.

As mentioned above, the 2020 AWARE survey with 539 youth showed that there is a gap in terms of how and whether consent is actually taught in schools.<sup>483</sup> Such incongruence between youths' valuation of topics of sexual health and rights, and the sexuality education curriculum, contributes to the limited effectiveness of these efforts.

To address this, the government should conduct or fund research to better understand the sexual behaviour and educational needs of youth. This research should be aimed at determining youths' source of sexual information; the types of sexual behaviours they engage in and at what age; challenges they face in their sexual lives, especially in relation to pornography, sexting and sexual exploitation; youths' values, skills and knowledge on sexual matters; and their views on how school sexuality education programmes can be improved. Creating a better alignment between youths' views and the sexuality education curriculum will better equip them with the knowledge to make informed decisions relating to sexuality.

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<sup>483</sup> "A Recap: Consent – do you get it? Youth perceptions on sexual consent"

## Section 6:

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# Men and gender equality

Gender equality can only be achieved with the eradication of gender norms and stereotypes that harm women, men and non-binary persons. As alluded to in earlier sections, men's roles in society have remained largely unchanged, whereas women are increasingly expected to perform dual roles of worker and caregiver. Norms that promote male aggression and superiority continue to be reinforced institutionally through National Service and the media (see Issue 6.1), contributing to unhealthy conceptions of gender relations that emphasise male dominance and female submission, simultaneously placing undue pressure on men and boys to conform.

## Issue 6.1

# Masculinities

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In Singapore, one dominant form of masculinity entails upholding discipline, dominance and the ability to make and enforce decisions. This affects men by regulating their behaviour and perceptions. From a young age, boys are taught to act in accordance with masculine norms as they are associated with respectability and high economic status.<sup>484</sup> They also learn that men who transgress “traditional gender roles” (e.g. house-husbands and stay-at-home-dads) are viewed by society as “someone who is ‘weak in character’, or humiliatingly ‘incapable’ in comparison to their wives”.<sup>485</sup> The media also continues to entrench such sexist perspectives and stereotypes by largely depicting men in professional settings and women in home settings.<sup>486</sup>

In 2020, AWARE and marketing consultancy R3 Worldwide collaborated to analyse gender portrayals contained in Singapore commercials. We looked at 200 television advertisements spanning a range of industries, including telecommunications, financial services, beauty and government. We found that Singapore advertisements are six times more likely to show women doing domestic chores than men, and 32% more likely to feature men in lead roles.<sup>487</sup> Women were generally portrayed as “having less ambition, less capability or were cast in the roles of victims”.<sup>488</sup> This reinforces the stereotype of men being breadwinners and disciplinarians at home, and less likely to be caring or nurturing—traditionally feminine traits.

<sup>484</sup> Yi'En Cheng, “Biopolitical Geographies of Student Life: Private Higher Education and Citizenship Life-Making in Singapore”, *Annals of the Association of American Geographers* 105, no. 5 (2015), [https://www.researchgate.net/publication/280919433\\_Biopolitical\\_Geographies\\_of\\_Student\\_Life\\_Private\\_Higher\\_Education\\_and\\_Citizenship\\_Life-Making\\_in\\_Singapore](https://www.researchgate.net/publication/280919433_Biopolitical_Geographies_of_Student_Life_Private_Higher_Education_and_Citizenship_Life-Making_in_Singapore)

<sup>485</sup> Ethel Pang, “In 2019, What Do Singaporean Men Have to Say About Masculinity and Gender Roles?”, *Rice Media*, Rice Media, 18 July 2019, <https://www.ricemedia.co/current-affairs-commentary-2019-singaporean-men-gender-roles-masculinity>

<sup>486</sup> Chun Wah Lee, “Gender Role Stereotyping in Television Commercials: The Case of Singapore”, *Advertising and Society Review* 5, no. 3 (2004)

<sup>487</sup> Kelly Leow, “What do advertisements tell us about the state of gender relations in Singapore?”, AWARE, Singapore, 27 August 2020, <https://www.aware.org.sg/2020/08/rice-advertisements-state-of-gender-relations-singapore>

<sup>488</sup> Shu Fen Goh, “Examine how women are represented in marketing, the media”, *TODAY*, Mediacorp Pte Ltd., 30 September 2020, <https://www.todayonline.com/voices/examine-how-women-are-represented-marketing-media-gender>

One institutional channel in Singapore that may facilitate the aforementioned dominant form of masculinity is National Service (NS). NS emphasises “command hierarchy”, “top-down” discipline and the expectation to demonstrate “unquestioning obedience to authority”. This only furthers the appeal and logic of masculinity, as men higher up in the hierarchy can exercise control, enjoy respect and have influence over other men. Upon enlisting, recruits are expected to display “ruggedness, perseverance, leadership, muscular manliness and self-discipline”<sup>489</sup>, especially in the Singapore Armed Forces (SAF). These qualities are therefore affirmed and upheld, and recruits who fail to perform such “manliness” have a difficult time fitting in with the army. For instance, recruits who fail Basic Military Training (BMT) and exhibit feminine behaviours often experience derogatory name-calling by both authorities and their peers, such as faggot, *gu niang*<sup>490</sup> and other insults relating to female body parts and the denigration of the feminine.<sup>491</sup> As a result, femininity is positioned as being inferior, and the failure to embody society’s definition of masculinity renders a man emasculated and deficient.

This dominant form of masculinity is also harmful to men as it imposes the unrealistic expectation on them to not display their emotions, which in turn implicates their help-seeking behaviour. Recent statistics reveal that the number of male suicides in Singapore is two times that of females. A 2016 study showed that more than a third of men waited two years to disclose, or never disclosed, a mental health issue to a friend or loved one, compared with a quarter of women.<sup>492</sup> Findings from two local studies conducted in 2020 similarly revealed that men were found to be less likely than women to seek help.<sup>493</sup> It is thus clear that pressure to be “strong” and “manly” can cause boys and men to feel detached and experience difficulty managing their emotions. Such unhealthy coping mechanisms that result from and are reinforced by societal norms can ultimately be detrimental to men.

<sup>491</sup> John Lowe, “Masculinizing national service: the cultural reproduction of masculinities and militarization of male citizenship in Singapore”, *Journal of Gender Studies* 28, no. 6 (2019): 687.

<sup>492</sup> When used to describe a man: an effeminate or excessively effete or sensitive man

“G”, *A Dictionary of Singlish and Singapore English*, updated on 17 November 2015, [http://www.mysmu.edu/faculty/jacklee/singlish\\_G.htm](http://www.mysmu.edu/faculty/jacklee/singlish_G.htm)

<sup>493</sup> Siddhanth Sequeira, “National service – You’re not any less of a man, no matter which unit you serve”, *The Pride*, The Pride, 19 July 2019, <https://pride.kindness.sg/national-service-youre-not-any-less-of-a-man-no-matter-which-unit-you-serve>

<sup>494</sup> Sue-Ann Cheow, “Men twice as likely to commit suicide”, *The New Paper*, SPH Digital News, 29 April 2019, <https://www.tnp.sg/news/singapore/men-twice-likely-commit-suicide>

<sup>495</sup> Gregory Tee Hng Tan, Shazana Shahwan, Chong Ming Janrius Goh, Wei Jie Ong, Ellaisha Samari, Edimansyah Abdin, Kian Woon Kwok, Siow Ann Chong, and Mythily Subramaniam, “Causal beliefs of mental illness and its impact on help-seeking attitudes: a cross-sectional study among university students in Singapore”, *BMJ* 10, no. 7 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7389507>; Saleha Shafie, Mythily Subramaniam, Edimansyah Abdin, Janhavi Ajit Vaingankar, Rajeswari Sambasivam, Yunjue Zhang, Shazana Shahwan, Sheryllyn Chang, Anitha Jeyagurunathan and Siow Ann Chong, “Help-Seeking Patterns Among the General Population in Singapore: Results from the Singapore Mental Health Study 2016”, *Administration and Policy in Mental Health and Mental Health Services Research* 48, (2021), <https://link.springer.com/article/10.1007/s10488-020-01092-5>

## Recommendations to provide better support for men

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### 1 Commission a national study on masculinities in Singapore.

There is a clear need to understand models of masculinities in Singapore and their implications on gender equality and men's mental health. A national study on masculinities should be commissioned as part of the government's review of gender issues, and should include an action plan on engaging with men and boys to promote healthy norms in Singapore.

The survey instrument could be based on the International Men and Gender Equality Survey (IMAGES). It is "one of the most comprehensive studies on men's and women's practices and attitudes as they relate to gender norms, attitudes toward gender-equality policies, household dynamics including caregiving and men's involvement as fathers, intimate partner violence, health, economic stress", etc.<sup>494</sup> As of 2018, IMAGES has been carried out in more than 27 countries.

### 2 Increase accessibility of mental health services for men; create and fund specialised support.

As mentioned, men's help-seeking behaviour is impacted by unrealistic expectations on them to remain tough and repress their emotions so as not to display any form of "weakness". Such gender norms are oppressive and harmful as they drive many to seek out unhealthy coping mechanisms, including binge-drinking.<sup>495</sup> To counter this, safe spaces need to be created for men to openly talk about their challenges and be vulnerable without feeling judged. The provision of dedicated support to cater to men's mental health needs is important to provide them with a healthier sense of identity and let them cope with negative experiences. More research should be conducted to work out effective ways to design and market these services such that men can be better supported through challenges such as abuse and marital issues.

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<sup>494</sup> "International Men and Gender Equality Survey (IMAGES)", Promundo, accessed on 9 June 2021, <https://promundoglobal.org/programs/international-men-and-gender-equality-survey-images>

<sup>495</sup> Rei Kurohi, "Binge drinking linked to poorer mental health, quality of life: Study", The Straits Times, Singapore Press Holdings Ltd. Co., 24 December 2019, <https://www.straitstimes.com/singapore/health/binge-drinking-linked-to-poorer-mental-health-quality-of-life-study>



## Issue 6.2

# Men and caregiving

As of June 2020, 1,100 men were reported to be outside the labour force due to care for their own children aged 12 and below; another 9,000 men were outside the labour force due to care for family members (including their own children older than 12, and grandchildren) and relatives.<sup>496</sup> Collectively, they constituted 2.5% of all men outside the Singapore labour force in 2020. This stands in stark contrast to the 15.9% of women who cited caregiving as their main reason for being outside the labour force.<sup>497</sup> The unequal distribution of caregiving has partly resulted from outdated beliefs about gender roles that are still held by a significant portion of the population in Singapore. At the same time, the notion that caregiving is primarily women's responsibility is further reinforced by care-related policies such as government-paid maternity and paternity leave. Despite parents having equally important roles to play in child-raising, there is a 14-week difference in the amount of paid leave granted to working mothers and fathers.

Studies have highlighted various benefits of paternity leave-taking, one being that parents have the opportunity to work out co-parenting techniques and establish expectations with regard to division of labour, thus minimising future conflict arising from mismatched role expectations.<sup>498</sup> Mothers have also reported feeling less overwhelmed by caregiving responsibilities and domestic chores during the immediate postpartum period when their spouses take paternity leave.<sup>499</sup> These benefits can extend past the early postpartum period if parents remain more equally involved in their children's upbringing, thus reducing the pressure on mothers, who are typically disproportionately burdened with caregiving responsibilities.<sup>500</sup> A study conducted in Singapore in 2021 echoed these positive effects of paternity leave-taking on family relations and maternal depression.<sup>501</sup>

<sup>496</sup> MOM, Residents Outside the Labour Force

<sup>497</sup> Ibid

<sup>498</sup> Andreas Kotsadam and Henning Finseraas, "The state intervenes in the battle of the sexes: Causal effects of paternity leave", *Social Science Research* 40, no. 6 (2011); Erin M. Rehel, "When Dad Stays Home Too: Paternity Leave, Gender, and Parenting", *Gender and Society* 28, no. 1 (2014)

<sup>499</sup> Kotsadam and Finseraas, "The state intervenes"; Barbara Gault, Heidi Hartmann, Araine Hegewisch, Jessica Milli and Lindsey Reichlin, *Paid Parental Leave in the United States: What the Data Tell Us about Access, Usage, and Economic and Health Benefits* (Washington, D.C.: Institute for Women's Policy Research, 2014), <https://hdl.handle.net/1813/79335> ; Rehel, "When Dad Stays Home Too".

<sup>500</sup> Kei Nomaguchi, Susan L Brown and Tanya M Leyman, "Fathers' participation in parenting and maternal parenting stress: Variation by relationship status", *Journal of family issues* 38, no. 8 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5415354> ; Leah Ruppanner, Francisco Perales and Janeen Baxter, "Harried and Unhealthy? Parenthood, Time Pressure, and Mental Health", *Journal of Marriage and Family* 81, no. 2 (2018), <https://doi.org/10.1111/jomf.12531>

<sup>501</sup> Yan Han Goh, "Better outcomes for families when dads take paternity leave: Study", *The Straits Times*, Singapore Press Holdings Ltd. Co., 20 June 2021, <https://www.straitstimes.com/singapore/better-outcomes-for-families-when-dads-take-paternity-leave-study>

Unfortunately, the take-up rate of paternity leave in Singapore has been persistently low; in 2018, only 35% of working fathers utilised their two-week paternity leave and 97% did not take shared parental leave.<sup>502</sup> However, this should not simply be perceived as Singaporean fathers' disinterest in being involved in raising their children. In a national survey conducted by Blackbox in 2020, almost all respondents agreed that men and women should contribute equally to the physical and emotional care of their children. This was echoed by most of the 50 first-time and experienced fathers interviewed in a qualitative study published in 2019.<sup>503</sup> While it is encouraging that men and fathers have been expressing an interest in playing a more active role in their children's lives, there exist several barriers that need to be eliminated for this to happen.

Firstly, some working fathers in Singapore have expressed that the existing length of paternity leave is too short. Quoting one respondent from a 2020 qualitative study, "unless you're fundamentally investing time and effort for a stretch of time... it's just a vacation".<sup>504</sup> This reflects some working fathers' perceptions that the two-week paternity leave is insufficient for them to contribute significantly to caregiving, especially for first-time fathers who need time to adapt to their new roles. Indeed, the shared parental leave arrangement is meant to enable fathers to spend up to four weeks more with their children. However, parental leave-taking should not be treated as a zero-sum game where one parent's leave entitlement is affected by the other utilising their leave, especially in the early postpartum period. This can be addressed by reserving a fixed portion of paid leave for fathers (see recommendation on "father's quota").

Working fathers who do not want to deprive their wives of their full 16-week maternity leave entitlement then find themselves unable to be as actively involved in caregiving as they may wish. To counter this, some fathers resort to utilising their annual leave to manage their caregiving responsibilities, especially when their children have health conditions and require regular medical checks.<sup>505</sup>

<sup>502</sup> 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>

<sup>503</sup> Shefaly Shorey, Lina Ang, Esther C.L. Goh and Violeta Lopez, "Paternal involvement of Singaporean fathers within six months postpartum: A follow-up qualitative study", *Midwifery* 70 (2019)

<sup>504</sup> Yvonne Arivalagan, "Stay-at-home" fathers and their families: What lessons for policymakers? (Singapore: Institute of Policy Studies, Lee Kuan Yew School of Public Policy, National University of Singapore, 2020), <https://lkyspp.nus.edu.sg/docs/default-source/ips/stay-at-home-fathers-and-their-families-what-lessons-for-policymakers.pdf>

<sup>505</sup> Bryan Tan, "My struggles with taking paternity leave", TODAY, Mediagroup Pte Ltd., August 11, 2019, <https://www.todayonline.com/commentary/my-struggles-taking-paternity-leave>

Apart from such structural restrictions, the societal norms surrounding gender roles and caregiving create a stigma against men taking on more active caregiving roles. These norms feed into the workplace to create a culture that is uncondusive for working fathers who want to be more active in caregiving. In a 2020 study, fathers who took on the role of primary caregiver reported being negatively perceived by their former colleagues and employers; one respondent was labelled a “troublemaker” by his employer when he revealed his decision to become his child’s primary caregiver, while another faced skepticism from his former colleagues when he revealed that he was a full-time caregiver.<sup>506</sup> Such anecdotes point to a workplace culture that remains unsupportive of working fathers taking on “heavier” caregiving responsibilities, thus obstructing them from being more actively involved in their children’s lives.

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<sup>506</sup> Arivalagan, Stay-at-home, 8

## Recommendations to promote men's role in caregiving

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### **1 Implement more family-friendly labour policies by (a) equalising parental leave policies and (b) legislating the right for all workers to request flexible working arrangements (FWAs).**

Recalling our recommendation made in Section 1, men and fathers could be better supported if caregiver leave was more equitably distributed. This could be achieved by equalising parental leave. Further, legislating FWA (refer to recommendation in Section 1) would aid in the normalisation of such practices and consequently avoid singling out those who opt for FWA to better manage work and caregiving responsibilities. This could help reduce the stigma experienced by fathers who juggle caregiving and work.

## 2 Strengthen teaching of gender equality and the effects of gender-role stereotyping in schools.

Societal norms surrounding gender roles today continue to prescribe stereotypes that are damaging to both men and women. These norms have great influence over individuals' behaviours and roles and punish those who do not conform. As observed in the divergence in working fathers' desire to be more involved in child-rearing and their leave-taking behaviour, gender norms tangibly impact individuals' life experiences and trajectories by feeding into structures that reinforce gender stereotypes and influencing individual decision-making.

As mentioned, children as young as six years old have a clear sense of gendered expectations, which then influences their actions and behaviours.<sup>507</sup> Such internalised beliefs include occupational stereotypes. Without adequate and timely gender education that challenges these stereotypes, the labelling of specific tasks and jobs as being "masculine" or "feminine" often steers children towards making the "gender-appropriate" career choice and leads to the reproduction of the gendered division of labour, both in the workplace and at home.

Thus, we recommend that sexuality education be reviewed to start tackling the effects of gender-role socialisation at an earlier age. By educating children from a younger age, the entrenchment of gender stereotypes and norms can be prevented, contributing to a more equal division of caregiving responsibilities between men and women.

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<sup>507</sup> Hill and Flow, "18- and 24-month-olds"; Bian, Leslie and Cimpian, "Gender stereotypes about intellectual ability"

## Issue 6.3

# Male victim-survivors of sexual violence

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According to police data, the number of outrage of modesty cases involving male victim-survivors has increased from 73 cases in 2009 to 125 in 2018.<sup>508</sup> In 2019, the Penal Code was updated to make the offence of rape gender-neutral. This was done through the expansion of the legal definition of rape to include non-consensual penetration of the anus or the mouth using one's penis. These trends and legal changes reflect a growing recognition of the fact that boys and men can be victims of sexual violence. However, male victim-survivors still face significant barriers to reporting and seeking help.

These barriers are largely rooted in dominant modes of masculinity and rape myths, such as the belief that men cannot be raped and that “real men” are able to defend themselves. An SACC client, Sam\*, sought help many years after he was molested by his older brother multiple times over a period of two years. He was not confident reaching out earlier because he felt “emasculated” speaking about his assault, and it was only after his wife coaxed him to seek help that he contacted SACC.

Sam blamed himself for his experience because of his inability to protect himself as a “man should”. In sessions with SACC, he shared the ridicule he faced from friends when he told them he was contemplating receiving counselling. Sam's case illustrates how societal stereotypes about how men behave—such as “real men solve problems on their own” and “real men don't talk about feelings”—stigmatise help-seeking and reporting.

Another myth is the belief that men enjoy all manner of sexual interactions, whether consensual or not. Another client, John\*, had trouble making sense of comments from a female colleague at work, who asked him what he thought of her body. When he told his friends about his discomfort, they suggested that regardless of his own feelings, “as a guy, he couldn't lose out” in this situation. Such responses, which disregard the non-consensual nature of such an interaction, do a huge disservice to sexual harassment victim-survivors.

Again, how society reacts to male victim-survivors is a reflection of entrenched gender norms. To rectify this, we repeat our call for gender education. We also recommend public education on the barriers that prevent reporting and help-seeking behaviour, and more support for recovery and mental health services to help male victim-survivors of sexual assault.

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<sup>508</sup> Hwee Min Ang, “Male molest numbers continue to rise; experts say some victims struggle to report cases”, Channel NewsAsia, Mediacorp Pte Ltd., 26 October 2019, <https://www.channelnewsasia.com/news/singapore/male-victims-molest-outrage-modesty-singapore-cases-12027482>

## Section 7:

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# **National machinery to promote gender equality**

## Recommendations on national machinery to advance gender equality

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The UN CEDAW Committee has regularly (most recently in Singapore's 2017 review) recommended that Singapore include protections against gender discrimination in its Constitution. While Singapore has maintained that article 12(1) of the Constitution enshrines the principle of equality of all persons before the law, and that it broadly encompasses and affirms the principle of non-discrimination, the CEDAW Committee has expressed concerns at the absence of a "specific definition of discrimination against women".<sup>509</sup>

The Committee has also recommended specific steps that can be taken to create a strong national machinery responsible for implementing all necessary measures to achieve the goal of gender equality. This process should be overseen, monitored and coordinated by a specific body. Presently, the Office for Women's Development (OWD) seems to be a natural fit for this task, given that one of its stated activities is to monitor the progress and implementation of CEDAW. The mandate and capacity of the OWD should be strengthened to work on all gender inequality-related issues. Further, the government should consider updating OWD's title to "Office for Gender Equality" to better represent its mission to address gender issues.

Below are recommendations on how to strengthen the national machinery to advance gender equality.

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<sup>509</sup> Concluding observations of the fifth periodic report of Singapore



## 1 Include gender equality in the Singapore Constitution and national pledge.

Worldwide, 85% of all constitutions have explicit prohibitions against gender discrimination. All new constitutions enacted since 2000 have included this protection.<sup>510</sup>

The Singapore government should add “gender equality” into the Constitution and pledge—the two most authoritative expressions of Singapore’s values—in order to imprint the concept in the collective consciousness of all Singaporeans and to explicitly guarantee the equality of genders. This constitutional change may necessitate a review of all laws that are not gender neutral.

## 2 Adopt a specific action plan, with the active participation of civil society, to implement CEDAW.

In the last CEDAW review, the Committee expressed concern at the lack of information on “concrete measures” taken to implement CEDAW and on monitoring mechanisms to track Singapore’s progress on implementation. We strongly recommend that an action plan be created to state clearly the specific actions that will be taken to implement each of the Committee’s recommendations. The White Paper on women’s development should make explicit links to how each recommendation corresponds to CEDAW principles.

Further, the government should proactively and regularly engage civil society in the formation and implementation of the action plan. Conscious efforts must be made to include representatives and groups working with marginalised communities, e.g. sex workers, LGBTQ+ women and migrant women.

<sup>510</sup> “Fact Sheet: January 2020, Constitutional Equal Rights Across Gender and Sex”, WORLD Policy Analysis Centre, accessed on 9 June 2021, <https://www.worldpolicycenter.org/sites/default/files/Fact%20Sheet%203%20-%20Constitutional%20Equal%20Rights%20Across%20Gender%20and%20Sex.pdf>

### 3 Improve the collection of gender-, age-, ethnicity-, nationality etc.-disaggregated data.

Gender-disaggregated data is critical for monitoring and assessing the impact of measures adopted. One area to prioritise for comprehensive data collection is information on informal caregivers. There has been growing attention paid to the well-being of informal family caregivers in recent years, but it is difficult to estimate the scale of the challenges they face without systematic tracking of the number of caregivers. A national survey is long overdue.

The other area to prioritise would be national data on sexual violence, including a breakdown by relationship between victim-survivor and perpetrator and the number of cases resulting in convictions. While such data was recently revealed after Parliamentary Questions were filed<sup>511</sup>, this should instead be regularly collected and proactively published on government websites. Relying on Parliamentary Questions to obtain data takes away precious time in Parliament for debates on policies. Data should also be freely available to anyone who requests it.

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<sup>511</sup> "Written Reply to Parliamentary Question on Sexual Assault Cases (5 January 2021), by Mr K Shanmugam, Minister for Home Affairs and Minister for Law", Ministry of Home Affairs, Ministry of Home Affairs, 5 January 2021, <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-sexual-assault-cases-5-january-2021-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law>

## 4 Apply gender mainstreaming consistently in the development and implementation of all laws, policies and programmes in all ministries and legislative structures.

The OECD toolkit for Mainstreaming and Implementing Gender Equality defines gender mainstreaming as the “process of assessing the implications for women and men of any planned action, including legislation, regulations, policies or programmes, in all areas and at all levels”.<sup>512</sup> It is a “strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies”.<sup>513</sup> The United Nations has a similar definition.<sup>514</sup>

Governments that have successfully implemented gender mainstreaming in their policy-making processes have seen positive results in promoting gender equality. Sweden, for instance, has pursued gender mainstreaming as its main strategy in achieving gender equality objectives since 1994. Across the national, regional and local level, each minister is responsible for gender mainstreaming in their areas of responsibility. The Minister for Gender Equality is responsible for coordination, development and follow-up on gender mainstreaming work. In 2019, evaluation of gender mainstreaming efforts found that government agencies have changed working methods to increase gender equality among their target groups. For example, the Swedish Migration Agency has begun to apply the principle that all adults receive a bank card of their own, instead of only the man of the family.<sup>515</sup>

<sup>512</sup> OECD, Toolkit for Mainstreaming and Implementing Gender Equality (OECD, 2018), 114, <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>

<sup>513</sup> Ibid

<sup>514</sup> Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated.

UNESCO, Gender Equality Guidelines for Unesco Publications (Geneva: UNESCO, 2018), 1, [https://en.unesco.org/system/files/ge\\_guidelines\\_for\\_publications\\_-\\_annex\\_3.pdf](https://en.unesco.org/system/files/ge_guidelines_for_publications_-_annex_3.pdf)

<sup>515</sup> “Gender mainstreaming in government agencies”, Government Offices of Sweden, Ministry of Employment, 16 April 2020, <https://www.government.se/articles/2020/04/gender-mainstreaming-in-government-agencies>

In Taiwan, gender equality and gender mainstreaming units have been set up within central and local government bodies to develop implementation tools and practices to enact the Gender Equality Policy Guidelines introduced in 2011.<sup>516</sup> These units are also responsible for training civil servants in gender mainstreaming, and promoting government bodies to implement gender assessments of government plans, laws and regulations, etc.<sup>517</sup> A 2015 evaluation study of Taiwan's gender mainstreaming efforts found that effectiveness of their functions was limited by bureaucratic structures and inadequate resources, such as the lack of expertise. A proposed solution to address these limitations was to recruit gender scholar-experts from academia and activists from feminist NGOs to serve as full-time coordinators for gender mainstreaming in each ministry.<sup>518</sup> This is in recognition of the need for appropriate technocratic expertise as well as perspectives from intersectional marginalised communities (which could be represented through NGOs) to successfully implement gender mainstreaming.<sup>519</sup>

We hope that Singapore could study the experiences of countries in adopting gender mainstreaming and empower a suitable national body to adapt and implement these measures.

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<sup>517</sup> "About us", Gender Equality Committee of the Executive Yuan, Gender Equality Committee of the Executive Yuan, accessed on 20 May 2021, <https://gec.ey.gov.tw/en/8FB10983A3908085>

<sup>518</sup> Ibid

<sup>519</sup> Ibid

<sup>520</sup> Ibid

## Section 8:

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# Women's Charter

Our proposed areas of reform in this section primarily concern family violence, as well as ancillary issues that have been highlighted for legislative reform on previous occasions and continue to warrant legislative and/or policy review. The recommendations will refer to relevant sections of the Women's Charter and related legislation; they cover both procedural and substantive points of reform. Where applicable, the policy rationale that underpins these proposed reforms will also be addressed.

Through our Women's Care Centre (WCC) and SACC, we have supported thousands of women who have experienced domestic violence, sexual assault and harassment, and other gender-related issues. In addition to these first-hand experiences, our comments in this section draw on the professional experiences of family lawyers (our active volunteers), and on emerging social trends in relation to gender and family matters in Singapore.

Recommendations dealing with divorce, the determination and enforcement of maintenance, as well as barriers that migrant spouses face in divorce have been addressed in a separate submission.

## Issue 8.1

# Family violence and the enforcement of protection orders

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## Definition of family violence

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Currently, physical violence is central to the definition of “violence” under Section 64 of the Women’s Charter. Under this provision, “hurt” refers to “bodily pain, disease or infirmity”. However, it excludes other forms of abuse, including emotional, financial and sexual abuse, coercive control or technological abuse.<sup>520</sup>

In addition, the current definition of a “family member” under Section 64 appears to exclude individuals who are cohabiting, or who are in intimate and close relationships but unmarried.

Amendments to the Penal Code and the Protection from Harassment Act in 2019 have since provided enhanced penalties for individuals who commit sexual and hurt offences against vulnerable victim-survivors. These include victims in intimate and close relationships with the perpetrator; children under the age of 14 years; domestic workers; and physically or mentally disabled victims who are substantially unable to protect themselves from abuse, neglect or self-neglect.

However, when asked about the differences between getting a protection order (PO) under the Women’s Charter and POHA, 43.8% of family lawyers in a 2021 survey<sup>521</sup> by AWARE responded that acquiring a PO is more time-consuming and costly. Another issue that victims face is that breach of a PO is generally a non-arrestable offence. The perceived lack of severity and penalties for breaches may deter individuals from applying for them. Finally, victim-survivors do not feel confident applying for a PO without a lawyer. For all these reasons, we worry that those unable to apply for a Personal Protection Order (PPO) under the Women’s Charter due to the narrow definition of a “family member” will face additional barriers in seeking a PO under POHA. With the establishment of the POHA court in June this year, we look forward to these issues being addressed.

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<sup>520</sup> Coercive control refers to an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten a victim. These acts can be just as distressing to the victim as physical acts of abuse.

<sup>521</sup> This survey was conducted between April and May 2021, prior to the establishment of the POHA court.

The recent review of the sentencing framework for sexual and hurt offences has also reinforced the government's tough stance towards such offences by enhancing their penalties.

In tandem with these changes, it is timely for the definition of “family violence” to be revisited and revised. This would afford clarity to other forms of violence, beyond physical violence, perpetrated by offenders against family members, which many women have reported experiencing when they call AWARE's Women's Helpline. For instance, some callers shared that they were denied access to their children, while others were prevented from seeing their counsellors for emotional support. One particular woman was suffering financial abuse as her husband did not give her any money and had cancelled all her cards. He also refused to let her work. As a result, she was totally dependent on her children for money, which made her distressed.<sup>522</sup>

Reforms to the statutory definition of family violence are currently underway in the U.K. The Domestic Abuse Bill 2020 seeks to create a cross-government statutory definition of domestic abuse that encompasses not just physical or sexual violence, but also emotional, coercive (or controlling) and economic abuse. Though domestic abuse has tended to be defined almost exclusively in physical terms, attempts to criminalise other forms of abuse can help close a gap in the law around patterns of controlling or coercive behaviour (i.e. coercive control) between intimate partners or family members. Crucially, it recognises the cumulative impact caused by coercive control while acknowledging that a pattern of abuse can at times be more injurious and harmful than a single violent episode—potentially even fatal.

As coercive control is a relatively “new” form of abuse, there may be concerns that law enforcement authorities would not be equipped to handle cases falling outside the purview of “typical” abuse or family violence. One way to address this is to establish law enforcement guidelines on coercive control that list several potential sources of evidence to corroborate victim-survivors' allegations of abuse. In Scotland, training programmes were conducted for police officers to tackle misconceptions around coercive control as a form of abuse before their laws came into force.<sup>523</sup> Scottish law also includes provisions for law enforcement to charge perpetrators of physical and psychological abuse together under a single offence. This helps reflect the growing understanding of domestic abuse or violence as a pattern, as opposed to single, isolated incidents.

<sup>522</sup> AWARE (2020, June 25), “AWARE Helpline saw record calls in May, with 137% increase in family violence and 436% increase in emotional and psychological distress over 2019”, <https://www.aware.org.sg/2020/06/aware-helpline-saw-record-calls-in-may-with-137-increase-in-family-violence-and-436-increase-in-emotional-and-psychological-distress-over-2019> (accessed 2 May 2021)

<sup>523</sup> Nugent, C. (2019, June 21), “Abuse Is a Pattern.’ Why These Nations Took the Lead in Criminalizing Controlling Behavior in Relationships”, TIME, <https://time.com/5610016/coercive-control-domestic-violence> (accessed 30 April 2021)

Further, the inclusion of intimate partners as victim-survivors of sexual and hurt offences under the Penal Code and POHA should likewise be extended to all other relevant legislation, such as the Women's Charter. The U.K.'s Domestic Abuse Bill 2020, for instance, proposes the use of the term "personally connected" to capture non-familial relationships between offender and victim, such as that of ex-partners, cohabitantes and those in non-heterosexual relationships.

We recognise that such an expansive definition may go against prevailing conservative sentiments around the issues of cohabitation, sexual orientation and family values. However, it must be stressed that the wider public policy consideration is to ensure the safety and protection of all individuals against all forms of violence; it is not to be viewed as an endorsement of particular personal lifestyle choices. Notably, Section 8B of POHA, which provides for enhanced penalties for offences committed against a victim in an intimate relationship with the offender, is phrased in a gender-neutral manner. Section 8B(3) then sets out the various factors that the court will consider in determining whether the parties were or are in an intimate relationship, such as whether they reside in the same household, share the tasks and duties of their daily lives, or are in a sexual relationship. It is submitted that this provision implicitly recognises the different types of relationships that may be regarded as an intimate partner relationship, and is an approach that should similarly be adopted in cases of family violence or abuse. Such an approach also accords with the primary intent behind the enhanced penalties, in terms of reflecting the government's toughened stance against perpetrators of violence and the law's protection of victim-survivors.<sup>524</sup>

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<sup>524</sup> Mohan, M. (2019, February 21), "More protection for victims abused by intimate partners: Shanmugam". Channel NewsAsia. <https://www.channelnewsasia.com/news/singapore/poha-protection-for-victims-of-intimate-partner-abuse-shanmugam-11275484> (accessed 30 April 2021)



## Application and enforcement of Personal Protection Orders

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From 2018 to 2020, 97 (16.7%) of AWARE legal clinic clients experienced family violence and abuse. These clients had experienced several challenges when applying for a PPO, pursuant to Section 65 of the Women's Charter. These include:

(a) fears that applying for a PPO would infuriate the offender further; and

(b) fears that applying for a PPO would result in the offender initiating divorce proceedings

Several clients also shared that they faced difficulties applying for a PPO due to lack of "hard evidence" of family violence. One client recounted being subjected to a torrent of verbal abuse, harassment and undue pressure to sell her house against her will, but the absence of physical injury made her application difficult.

In a 2015 submission, we had similarly outlined the various practical barriers that victim-survivors face when applying for and seeking the enforcement of PPOs. These largely pertain to the restrictive eligibility criteria for such applications—namely, that:

(a) they may be made by the family member concerned only if the family member is above the age of 21 years and not an incapacitated person;

(b) in the case of third-party applications, the victim-survivor must be under the age of 21 and/or an incapacitated person, and the third party must be a family member, relative, social worker or a person appointed by the court.

Notably, individuals under 21 years old may apply for a PPO if they are married or have been previously married, and are:

- (a) themselves the victim of the family violence, or
- (b) parent to a child (below 21 years old) who is the victim-survivor, including an adopted child or a stepchild, or
- (c) responsible for the care of the victim-survivor, who is a relative below the age of 21 years.

Victim-survivors under 21 years of age are therefore unable to apply for a PPO on their own, unless they fall within the criteria set out above.

In the case of third-party applications, we note that relatives may be hesitant to intervene due to the view that family violence is a private or personal affair. In our 2015 submission, we also cited a case study concerning social workers who were unwilling to apply for a PPO for a child victim-survivor.<sup>525</sup>

The restrictive criterion for third-party applications also poses problems for adult victims who are over 21 years of age and not incapacitated. As clients at AWARE's legal clinics have shared, some victim-survivors are reluctant to file an application for fear of confronting the offender and infuriating them, prompting retaliatory action. Furthermore, victim-survivors who are disadvantaged in socioeconomic status may find the legal process of applying for a PPO confusing and elusive.

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<sup>525</sup> AWARE (2015). AWARE's recommendations on improving the Women's Charter in relation to the issue of domestic violence. Retrieved from [https://aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter\\_rev17Jan2015.pdf](https://aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter_rev17Jan2015.pdf) (accessed 30 April 2021)

# Recommendations on enhancing support for victim-survivors of family violence

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## 1 Expand the definition of “family violence”.

We recommend that the definition of “family violence” be expanded to include emotional, sexual and financial abuse, as well as coercive control. Relevant illustrations or statutory guidance can be included to provide greater clarity on the different types of abuse and the forms they can take.

We further recommend that the reference to “family members” under Section 64 of the Women's Charter be expanded to include individuals in intimate and close relationships with the offender.

## 2 Make PPO applications more accessible to victim-survivors.

With regard to applications for PPOs, AWARE reiterates its recommendations as follows:

- (a) That third-party applications be permitted for all victim-survivors, not just those who are under 21 and/or incapacitated.
- (b) That the police and/or relevant Ministry of Social and Family Welfare (MSF) department be included as a third-party applicant.
- (c) That the age requirement for applications be lowered from 21 years to 18 years of age, so that younger victim-survivors facing family violence can apply for a PPO by themselves.

With regard to the enforcement of PPOs, we likewise reiterate our recommendation that a code of conduct be established to guide police officers on the proper procedures and responses when dealing with victim-survivors of family violence.

## Issue 8.2

# Ancillary issues under the Women's Charter

## Recommendations on ancillary issues

### 1 Rename the “Women's Charter” as the “Family Charter”

In his opening speech at the Second Reading of the Women's Charter (Amendment) Bill in 2016, then-Minister for Social and Family Development, Mr Tan Chuan-Jin, noted that some Singaporeans had proposed that marriage- and divorce-related matters be addressed through a new “Family Charter”, rather than the Women's Charter.<sup>526</sup>

He cited the arguments put forward by some Singaporeans on this issue, which reflected contrasting views on whether spousal maintenance should be gender-neutral and awarded on a needs-only basis. While recognising the diverse views on the subject, it was concluded that Singapore society was “not quite ready for gender neutrality on the spousal maintenance front” and the Women's Charter would not be renamed.<sup>527</sup>

The recent Conversations on Singapore Women's Development has brought to the fore, yet again, the need for society to shift away from seemingly prevailing attitudes towards gender roles and perceptions—in particular, of men as breadwinners and women as caregivers.

It is therefore timely that the issue of renaming the Women's Charter should be revisited in light of these ongoing Conversations. A more equitable and inclusive society can be brought about by reflecting the principle and philosophy of gender-neutrality through key legislation like the Women's Charter.

It also reinforces the fact that the Women's Charter sets out the rights and responsibilities of all the parties to a marriage—regardless of gender.

<sup>526</sup> Opening Speech By Mr Tan Chuan-Jin, Minister For Social And Family Development, At The Second Reading Of The Women's Charter (Amendment) Bill 2016 (2016, February 29). Ministry of Social and Family Development Media Room. <https://www.msf.gov.sg/media-room/Pages/Opening-Speech-by-Mr-Tan-Chuan-Jin%2C-Minister-for-Social-and-Family-Development%2C-At-The-Second-Reading-of-The-Women%27s-Charte.aspx> (accessed 30 April 2021)

<sup>527</sup> Ibid

## 2 Prohibit marriages where either party is under 18 years of age without exemptions.

Under Section 9 of the Women's Charter, the minimum age for civil marriages between non-Muslims is 18 years. However, the Ministry of Social and Family Development can grant a special marriage licence with the necessary parental consent so that a minor below the age of 18 years can marry.

In addition, under Section 96(4) of the Administration of Muslim Law Act (AMLA), the minimum age of marriage is 18. However, Section 96(5) of AMLA permits a kadi (an official of religious standing who is authorised to solemnise Muslims) in special circumstances to solemnise the marriage of a girl under the age of 18 years who has attained the age of puberty.

We recommend the express prohibition of marriages under 18 years of age in all relevant legislation, and the abolition of exceptions for such marriages.

Singapore has acceded to the various international conventions pertaining to the rights of women and children. It is imperative that current legislation aligns with the overarching policy rationale behind these conventions.

# PART 3

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Part 3 of AWARE's omnibus report focuses on procedural issues and challenges faced by victim-survivors of sexual violence as they navigate the criminal justice system, particularly at the reporting stage. The issues raised in this section are based on analyses of cases seen at our Sexual Assault Care Centre (SACC) as well as insights from SACC case managers. Recommendations made here are targeted at addressing these existing issues with the aim of enhancing the survivor-centricity of Singapore's criminal justice system.

## Section 9:

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# **Procedural issues faced in reporting sexual violence**

## Issue 9.1

# Lingered problems in reporting and investigation process

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While new measures have been implemented in the last few years to facilitate victim-survivors reporting their cases—e.g. setting up of the One-Stop Abuse Forensic Examination (OneSAFE) Centre in 2017—there are still remaining barriers to victim-survivors making formal reports, which may have the inadvertent effect of re-traumatising them. Below, we offer our insights on these shortcomings.

## (i) Reporting process may still be daunting for some, despite special arrangements

When reporting their cases at police stations, victim-survivors are offered the following arrangements:<sup>528</sup>

- To be assigned a Victim Care Officer (VCO) who can provide emotional support
- To be interviewed in a private room

Presently, VCOs are volunteers trained under the Victim Care Cadre programme to “provide a listening ear and to look out for [victims of crimes not limited to sexual violence], who may be struggling to cope in the aftermath of trauma”.<sup>529</sup> These volunteers must have a background in psychology, counselling and social work and will receive up to one week of training on topics including knowledge of court processes, counselling techniques and suicide risk awareness.<sup>530</sup> When requested by a victim-survivor, a pair of VCOs are dispatched to the police station or courts to provide emotional and informational support.<sup>531</sup> If victim-survivors decline VCO support at the initial stage of reporting, Investigation Officers (IOs) may offer the service throughout the investigation process to them, if need be.

<sup>528</sup> “Victim Care is a Key Aspect in Investigations into Sexual Offences”, Singapore Police Force, Singapore Police Force, 26 May 2016, [https://www.police.gov.sg/media-room/news/20160526\\_online-letter\\_victim-care-is-a-key-aspect-in-investigations-into-sexual-offences](https://www.police.gov.sg/media-room/news/20160526_online-letter_victim-care-is-a-key-aspect-in-investigations-into-sexual-offences); “Victim Care Cadre Programme (VCCP)”, Ministry of Home Affairs, Ministry of Home Affairs, accessed on 20 May 2021, [https://www.mha.gov.sg/volunteers/home-team-volunteer-scheme/detail/Details/victim-care-cadre-\(vcc\)-programme](https://www.mha.gov.sg/volunteers/home-team-volunteer-scheme/detail/Details/victim-care-cadre-(vcc)-programme)

<sup>529</sup> “Victim Care Cadre Programme (VCCP)”, Singapore Police Force and Ministry of Law, Reporting Sexual Assault Cases - Investigation and Court Processes (Singapore: Singapore Police Force, n.d.).

<sup>530</sup> Cheng Wei Aw, “Being there for the victims of trauma”, The Straits Times, Singapore Press Holdings Ltd. Co., 25 February 2018, <https://www.straitstimes.com/singapore/being-there-for-the-victims-of-trauma>

<sup>531</sup> Ibid



In addition to the aforementioned arrangements, victim-survivors can also request to be interviewed by an IO of the same gender.

While these arrangements do provide some degree of support for victim-survivors, elements of the reporting process still remain daunting:

(a) Lack of privacy: Prior to recording their official statements, victim-survivors are required to first disclose the nature of their cases at the counter upon arriving at the police station. Understandably, many victim-survivors are uncomfortable with this as the front counter is in a public space.

We understand that the police proactively offer private rooms for interviews with victim-survivors. However, the experiences of some SACC clients show that there may be an issue with implementation: In 2020, nearly one-fifth (17) of 95 SACC clients who filed a police report were not brought to a private room for report-taking.<sup>532</sup> Given the traumatic nature of their experiences, such lack of privacy during disclosure can cause unease, and hinder victim-survivors from providing detailed statements. To ensure the safety and privacy of all victim-survivors of sexual violence, we hope that the police can review this practice so that there are no gaps in its implementation.

(b) Lack of awareness: The option to be interviewed by an IO of the same gender is available to victim-survivors only on an opt-in basis. We fear that victim-survivors may not request this if they are unaware of such an option. Even if they are aware, they may be so overwhelmed at the reporting stage that they may not remember to opt in.

(c) Limited role that VCOs play: Based on some SACC clients' experiences, we understand that VCOs' interactions with victim-survivors at the station tend to be one-off, which may limit their ability to provide adequate emotional support. As far as we understand, VCOs also cannot be present during statement-taking, which is an especially vulnerable and stressful time for victim-survivors.

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<sup>532</sup> Based on an analysis of 284 cases where clients accessed case management services at SACC in 2020

## (ii) Access to forensic medical examination

There are two issues with forensic medical examination that we wish to highlight:

(a) Access to forensic medical examination is only granted upon the filing of a police report: Victim-survivors of sexual violence may be brought to a hospital<sup>533</sup> or the OneSAFE Centre for a forensic medical examination to undergo testing for sexually transmitted infections (STIs), document any injuries sustained and collect physical evidence. However, this examination is only accessible to victim-survivors who have filed a police report. Experiencing sexual violence can generate overwhelming feelings of shock, anxiety, guilt and shame, which require time to process. Thus, many victim-survivors are not emotionally ready to file a police report immediately. The current preclusion of victim-survivors from independently accessing the forensic medical examination without a police report results in a loss of forensic evidence that could support their cases should they decide to pursue them at a later date. Alison\*, an SACC client, faced such a barrier—she wanted to have the forensic medical examination done as she suspected that she had been drugged and possibly sexually assaulted. However, she was deterred after being told that a police report had to be filed first (she did not want the perpetrator to be investigated without more certainty about what had happened to her). When she decided to go through with filing a police report at a later date, too much time had lapsed for any significant forensic evidence to be found.

(b) Parental consent required for victim-survivors below 21 years old: In response to a parliamentary question on the rationale for this requirement, the Minister for Home Affairs said that all victim-survivors have to consent to the examination, given its “highly intrusive” nature.<sup>534</sup> Since victim-survivors below 21 are “considered minors under common law”, consent has to be sought from “both the victim-survivor and the victim-survivor’s parent or guardian”.<sup>535</sup> While this ensures that parents are aware of the medical procedures that their children undergo, SACC has come across cases where victim-survivors below 21 years old chose not to file police reports to avoid disclosing their sexual assaults to their parents. This was the plight of 20-year-old Priya\* who

<sup>533</sup> KK Women’s and Children’s Hospital (KKH), National University Hospital (NUH) and Singapore General Hospital (SGH) are equipped to handle rape cases.

<sup>534</sup> “Written Reply to Parliamentary Question on Sexual Assault Cases (4 January 2021) by Mr K Shanmugam, Minister for Home Affairs and Minister for Law”, Ministry of Home Affairs, Government of Singapore, 4 January 2021, <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-sexual-assault-cases-4-january-2021-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law>

<sup>535</sup> Ibid

was raped but did not go through with filing a police report. She was concerned about disclosing her rape to her parents, as one of her parents had health concerns and she did not want to cause them both further stress.

### (iii) Fear of polygraph test

Victim-survivors are sometimes asked to take a polygraph test as part of the investigation process. Polygraph test results are inadmissible in court as evidence in Singapore due to the lack of scientific evidence on the test's robustness and accuracy. However, many victim-survivors are expressly concerned about the polygraph test as they fear that negative test results would fuel the police's doubt in their credibility and weaken their cases. One SACC client, Aisha\*, became highly distressed upon being informed that the perpetrator had denied his actions and that she would be called in for a polygraph test. She feared that this meant that she was not being believed and was at risk of being charged for false reporting, due to a lack of evidence. The client expressed that she had difficulty coping after knowing this development and had thoughts of hurting herself. Given that one of the top reasons for not reporting cited by SACC clients is the fear of not being believed, the possibility of being subjected to the polygraph test only reinforces their fear and reluctance to file a report.

The test experience itself can also result in re-traumatisation. In 2020, five SACC clients<sup>536</sup> who went through the polygraph test reported having negative experiences. Many victim-survivors of sexual violence are already fearful of not being believed and any potentially retraumatising remarks made by the police officers during the test can sometimes worsen their anxiety and trauma. Negative test experiences reinforce victim-survivors' fear and leave them feeling unsupported in their attempts to seek justice.

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<sup>536</sup> Based on the analysis of 284 SACC cases in 2020. Of these 284 cases, 11 clients went through the polygraph test.

#### (iv) Lack of regular communication on progress and outcome of investigation

In our experience working with clients at SACC, several issues relating to communication between the IO and the victim-survivor have been raised:

(a) Lack of updates on the progress of one's case: In 2020, 45.3% (43) of 95 SACC clients who filed a police report had IOs who were not proactive in providing updates on their cases; 40% (38) also said that they were not provided with sufficient information on next steps for their cases.<sup>537</sup> The Singapore Police Force's (SPF) brochure on Reporting Sexual Assault Cases states that "[the] Investigation Officer (IO) will provide [victim-survivors] periodic updates on investigation". However, it is unclear how "periodic" is defined. While officers are, understandably, not able to share many details, so as to maintain the integrity of the investigation, keeping victim-survivors updated on the stage of investigation can provide them with some degree of assurance that action is being taken.

(b) Lack of updates on handover of cases: As the investigation progresses, cases may sometimes be transferred between IOs for administrative reasons. However, some clients at SACC have reported that they were not informed of this change. They expressed concern that the new IO was not sufficiently familiar with their case. An SACC client shared her worries that her case was not being taken seriously as she was not notified of the change in IO; she only found out about the change when she called to ask about the progress of the case.

(c) Lack of updates on case outcome: A number of victim-survivors have reported not being in contact with the police at all until, or even after, their cases were closed. One SACC client, Raudha\*, shared that she did not hear from her IO for three years and was only informed that her case had been closed after she herself reached out to the police.

(d) Lack of clarity on case outcome: Victim-survivors are left unsettled and confused at times as they are not fully informed of what their case outcomes mean.

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<sup>537</sup> Based on the analysis of 284 SACC cases in 2020.

Overall, the lack of clear and consistent communication with victim-survivors about their cases can reinforce their loss of control and agency. For example, many wonder if their perpetrators will continue inflicting harm upon them or others.

The current measures put in place to ensure a more survivor-centric approach need to be further strengthened so as to ensure that victim-survivors are not further traumatised throughout the criminal justice process.

## Recommendations to address under-reporting

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In recent years, the government has made efforts to enhance the survivor-centricity of our criminal justice system, in hopes that more victim-survivors would be encouraged to report their cases. Apart from the arrangements that victim-survivors can opt for during reporting, victim-survivors who are required to testify can request special court arrangements, which include testifying in a closed-door hearing, behind a physical screen in the courtroom or via a video link in a separate room.<sup>538</sup> Other protective legislative measures include the prohibition on disclosure of the identity of a complainant or an alleged victim of a specified sexual or child abuse offence, as well as restrictions on questions relating to victim-survivors' sexual behaviour or physical appearance during cross-examination. These are stated under the Criminal Procedure Code and Evidence Act respectively.<sup>539</sup>

However, mentions of these existing protective measures for victim-survivors are scattered across various pieces of legislation and official sources of information. Organising this information in such a way impedes victim-survivors' understanding of their rights and options throughout the criminal justice process and adds to their uncertainty and unwillingness to proceed with reporting.

We recommend creating a Comprehensive Guide or Code of Practice that contains all information about what victims can expect at each stage of the criminal justice process, as well as available support both within and without the criminal justice system.

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<sup>538</sup> The alternative court arrangements, made possible under Sections 281A and 281B in the Criminal Procedure Code, are aimed at minimising interactions between victim-survivors and perpetrators.

"Criminal Procedure Code", Singapore Statutes Online, Singapore Attorney-General's Chambers, accessed on 20 May 2021, <https://sso.agc.gov.sg/Act/CPC2010>; SPF and MinLaw, Reporting Sexual Assault Cases.

<sup>539</sup> "Criminal Procedure Code"; "Evidence (Restrictions on Questions and Evidence in Criminal Proceedings) Rules 2018", Singapore Statutes Online, Singapore Attorney-General's Chambers, accessed on 20 May 2021, <https://sso.agc.gov.sg/SL-Supp/S726-2018/Published/20181030?DocDate=20181030>

## 1 Establish a Comprehensive Guide or a Code of Practice that sets out the minimum standards of service and support to victim-survivors of sexual violence.

This Code confers proactive support for victim-survivors and sets out the roles and responsibilities of criminal justice practitioners and other professionals, including Victim Care Officers.

Below, we highlight specific provisions—largely pertaining to the reporting and investigation stages of the criminal justice process—that the Code of Practice should include.

### (a) Strengthen the Victim Care service provision to support victim-survivors of sexual violence.

#### I. Introduce new laws to protect the confidentiality of communications between sexual assault victim-survivors and their Victim Care Officers/counsellors

Currently, the communications between victim-survivors and VCOs/counsellors are not protected by legal privilege. Thus, VCOs and counsellors may be called up in court to disclose their communications with victim-survivors. This impacts both victim-survivors and VCOs/counsellors. When victim-survivors become aware that counselling notes may be subpoenaed, they may censor themselves during counselling sessions, refuse to go through with reporting, be guarded about what they reveal, or not seek help at all.

The lack of protection for communications between victim-survivors and their counsellors is also problematic as it places counsellors in a difficult position when they are called upon by the police or defence lawyers to testify. Privilege is not only necessary for victim-survivors but also for counsellors, to ensure their own legal safety while remaining committed to client relationships.

Another consequence of the lack of privilege is that the police do not allow VCOs to accompany and support victim-survivors during the investigation when they give their statements. In SACC's experience, many victim-survivors would like their VCOs to be in the room with them, as they find the statement-taking process to be extremely challenging.

Laws to protect the confidentiality of communications between sexual assault victim-survivors and their VCOs/ counsellors already exist in many countries. Australia holds a promising precedent for Singapore to follow. Its Sexual Assault Communications Privilege was first introduced in the Evidence Amendment Act 1997, before undergoing further amendments in 2010.

As Jeff Shaw, former attorney general of New South Wales, said, “The counselling relationship, built on confidentiality, privacy and trust, enables a victim to explore major issues concerning [their] sense of safety, privacy and self-esteem. The knowledge that details of a victim’s conversations with [their] therapist may be used against [them] in subsequent criminal proceedings can inhibit the counselling process and undermine its efficacy.”<sup>540</sup>

Additionally, in Canada, Sections 278.1-278.91 of the Criminal Code contain the statute for confidential records in sexual offence cases. Recognising the detrimental effect of “compelled production of records”, Canada grants privilege to any record for which there is a reasonable expectation of privacy. The legislation also comprehensively delineates the process of applying for disclosure, including what basis is and is not sufficient for a disclosure. While Australia and Canada’s disclosure processes differ in detail, they both serve as functioning models.

The United States, too, provides legal privilege for counselling records. In Pennsylvania and Colorado, counsellors have an absolute privilege to not be questioned in court without the client’s consent. More generally, the right to privacy within the American Constitution offers protection, and the Supreme Court has established an absolute privilege for counselling communications, holding that confidentiality is essential to the therapeutic process.<sup>541</sup>

The protection of communication between victim-survivors and VCOs/counsellors will hopefully pave the way for more victim-survivors to exercise the option to request the services of a VCO, and for the VCO to be allowed to accompany the victim-survivor through all stages of the criminal justice process, including investigation.

<sup>540</sup> Bartley, Glenn. “Sexual Assault Communications Privilege under Siege.” *Journal of the NSW Bar Association*, 1 Jan. 2001.

<sup>541</sup> Temkin, Jennifer. “Digging the Dirt: Disclosure of Records in Sexual Assault Cases.” *The Cambridge Law Journal*, vol. 61, no. 1, 2002, pp. 126–145. JSTOR, [www.jstor.org/stable/4508856](http://www.jstor.org/stable/4508856). Accessed 15 July 2021.



## II. Make VCO services available throughout the entire criminal justice process

We recommend that VCOs be:

- i) Provided by the police or an experienced trauma-informed organisation, such as SACC.<sup>542</sup>
- ii) Available on site, i.e. at police stations and hospitals, to support all cases, regardless of whether the victim-survivor first approaches the police station or hospital.
- iii) Responsible for providing victim-survivors with both emotional and informational support throughout the criminal justice process, to minimise their vulnerability to re-traumatisation and keep them informed of their options at each stage. Ideally, the same VCO should assist the victim-survivor throughout the entire process.

The VCO should be allowed to accompany them throughout the investigation and court processes, including all police interviews and statement-taking, and when the victim-survivors give evidence in court (including in-camera). The VCO's role during police interviews would be to look out for any signs of distress and support the victim-survivor; they would not participate in the actual interview process.<sup>543</sup> This is important, as a 2016 study in the U.S. found that, following a traumatic experience, victim-survivors who get triggered during a police interview may be unable to recognise that they are in a safe environment, thus affecting their ability to aid in the investigation.<sup>544</sup> With the VCO present, the necessary emotional support can be provided to help victim-survivors re-establish a sense of safety and control.<sup>545</sup> NCSS's Appropriate Adults Scheme for Young Suspects sets a precedent for vulnerable persons to have an appropriate person sit in with them during police interviews.<sup>546</sup> Victim-survivors of sexual assault should be granted the same protection.

<sup>542</sup> Presently, victim-survivors who contact SACC before making a police report can make a request for a Befriender to accompany them to hospitals and police stations, sit in on limited police interviews and accompany them to the court. In addition to providing emotional support, these befrienders can answer practical questions from victim-survivors.

<sup>543</sup> Rebecca Campbell and Patricia Yancey Martin, "Services for sexual assault survivors: The role of rape crisis centers". In Claire M. Renzetti, Jeffrey L. Edleson and Raquel Kennedy Bergen, Sourcebook on Violence against Women (Sage Publications, 2011).

<sup>544</sup> Christopher Wilson, Kimberly A. Lonsway, Sergeant Joanne Archambault and James Hopper, Understanding the Neurobiology of Trauma and Implications for Interviewing Victims (The United States: End Violence Against Women International, 2016), 31, <https://www.nationalpublicsafetypartnership.org/clearinghouse/Content/ResourceDocuments/The%20Neurobiology%20of%20trauma%20and%20interviewing%20victims.pdf>

<sup>545</sup> Ibid

<sup>546</sup> "Appropriate Adult Scheme for Young Suspects", National Council of Social Services, National Council of Social Services, accessed on 20 May 2021, <https://www.ncss.gov.sg/Our-Initiatives/Appropriate-Adult-Scheme-for-Young-Suspects>

In the U.S., several states (California, Iowa, Louisiana, Montana, New York, Oregon, Washington, and Wyoming) have laws explicitly granting victim-survivors the right to have an advocate present during police investigation or interviews.<sup>547</sup> Additionally, granting access to rape crisis centre advocates from the Metropolitan Organization to Counter Sexual Assault (MOCSA) is a key component of Kansas City's victim-centered response to sexual assault. Advocates are called to the hospital when a victim is brought in for a forensic exam, and they are present during the police interview.<sup>548</sup>

This will enhance the criminal justice system's survivor-centric focus, as VCOs' priority will be the victim-survivor's well-being throughout the criminal justice process. Several studies conducted in the U.S. have shown that victim advocates have led to reduced re-traumatization during and after interactions with the medical and legal system, and increased victim-survivors' likelihood of reporting the crime and staying engaged throughout the process.<sup>549</sup> Victim-survivors also report lower levels of distress after medical exams and their interactions with the legal system.<sup>550</sup>

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<sup>547</sup> Human Rights Watch, *Improving Police Response to Sexual Assault (The United States: Human Rights Watch, 2013)*, 11-15, [https://www.hrw.org/sites/default/files/reports/improvingSAInvest\\_0.pdf](https://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf)

<sup>548</sup> Ibid

<sup>549</sup> Rebecca Campbell, "Rape Survivors' Experiences With the Legal and Medical Systems Do Rape Victim Advocates Make a Difference?", *Violence Against Women* 12, no. 1 (2006), [https://www.researchgate.net/publication/7453682\\_Rape\\_Survivors'\\_Experiences\\_With\\_the\\_Legal\\_and\\_Medical\\_Systems\\_Do\\_Rape\\_Victim\\_Advocates\\_Make\\_a\\_Difference](https://www.researchgate.net/publication/7453682_Rape_Survivors'_Experiences_With_the_Legal_and_Medical_Systems_Do_Rape_Victim_Advocates_Make_a_Difference); Debra Patterson and Rebecca Campbell, "Why rape survivors participate in the criminal justice system", *Journal of Community Psychology* 38, no. 2 (2010), [https://www.researchgate.net/publication/230205791\\_Why\\_Rape\\_Survivors\\_Participate\\_in\\_the\\_Criminal\\_Justice\\_System](https://www.researchgate.net/publication/230205791_Why_Rape_Survivors_Participate_in_the_Criminal_Justice_System)

<sup>550</sup> Ibid

**(b) Ensure that IOs and medical professionals (where applicable) receive the following training before being assigned sexual violence cases:**

### **I. Trauma-informed and survivor-centred investigative strategies**

Victim-survivors should be assured that IOs will handle their cases with sensitivity and empathy.

It is imperative that IOs continue to be trained on the neurobiology of trauma, and on strategies to investigate sexual assault in a survivor-centred and trauma-informed manner, before they are assigned to sexual assault cases. They should also be provided with periodic refresher courses to update their knowledge. In addition to providing emotional support to victim-survivors, sensitive IOs can aid in the investigation too. Multiple studies have shown that adopting a more empathic, accommodating and cooperative interviewing style (as opposed to a rushed or aggressive approach) encourages victim-survivors of sexual violence to provide more detailed statements, as they feel respected and less anxious.<sup>551</sup>

The government should publicise that their IOs are well-trained and specialise in handling cases of sensitive nature, such as sexual violence, to assure victim-survivors that they will be treated with the requisite consideration and care. Ultimately, stepping up training and publicising the training IOs undergo will help boost confidence in the system and encourage more victim-survivors to come forward.

### **II. Child-sensitive interviewing practices (before being assigned cases involving minors)**

In 2018, it was announced that a multi-disciplinary interview model would be piloted at KK Women's and Children's Hospital: Interviews by child protection officers and doctors would be integrated into a coordinated interview led by the police.<sup>552</sup> While this is a positive initiative to minimise the need for young victim-survivors to repeatedly recount their experiences, it is important that police officers conducting such interviews are well-equipped with the competencies to manage disclosures by this particularly vulnerable group.

<sup>551</sup> Ulf Holmberg, "Crime Victims' Experiences of Police Interviews and Their Inclination to Provide or Omit Information", *International Journal of Police Science & Management* 6, no. 3 (2004); Miet Vanderhallen, Geert Vervaeke and Ulf Holmberg, "Witness and suspect perceptions of working alliance and interviewing style", *Journal of Investigative Psychology and Offender Profiling* 8, no. 2 (2011); Kent Madsen and Ulf Holmberg, "Interviewees' Psychological Well-being in Investigative Interviews: A Therapeutic Jurisprudential Approach", *Psychiatry Psychology and Law* 22, no. 1 (2014)

<sup>552</sup> Louisa Tang, "Video interviews for suspects, victims of sex crimes targeted to start mid-2018", *TODAY*, Mediagroup Pte Ltd., 22 February 2018, <https://www.todayonline.com/singapore/video-interviews-suspects-victims-sex-crimes-targeted-start-mid-2018>

In one case seen at SACC, a parent shared that the IO who interviewed her daughter seemed unprofessional. The daughter was posed questions such as, “Are you aware that by making this report you would be sending your father to jail?” Such methods of questioning can be especially distressing to young victim-survivors—not only placing them at risk of re-traumatisation, but also potentially hindering them from engaging further in investigations.

Thus, to ensure the well-being of these victim-survivors, it is imperative that police officers are trained on child-sensitive interviewing practices prior to being assigned such cases.<sup>553</sup>

### III. LGBTQ+-sensitive interviewing practices

As mentioned in Section 3 of the omnibus report, LGBTQ+ individuals continue to be stigmatised and subject to discrimination in Singapore today. Thus, victim-survivors from the LGBTQ+ community may have even greater reservations about making a police report than other victim-survivors of sexual violence.

Additionally, Section 377A further deters male victim-survivors from reporting as they fear being charged should they disclose that their perpetrator was male. Although male victim-survivors would likely not be charged, given that offences were committed against them, many continue to fear the potential legal implications.

All victim-survivors of sexual violence should be able to report their cases and undergo forensic medical examination without fear of being subject to judgement or discrimination. IOs and medical professionals should be trained to sensitively carry out the necessary reporting and investigation procedures. In particular, medical professionals conducting the forensic examination on transgender victim-survivors should assure them that they are mindful of the sensitivities regarding their bodies, to abate these victim-survivors’ concerns about being subject to judgement.

<sup>553</sup> Fei Yue Community Services, SHINE Children and Youth Services and Singapore Children’s Society, Coalition Alternative Report to the UNCRC (Republic of Singapore) (Singapore: 2019), 18, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SGP/INT\\_CRC\\_NGO\\_SGP\\_34699\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SGP/INT_CRC_NGO_SGP_34699_E.pdf)

### III. Disability sensitivity and etiquette

Victim-survivors with disabilities face a unique set of challenges during the reporting process. To better support victim-survivors with disabilities, IOs should proactively offer accommodations, such as sign language interpreters, screen reader accessibility, supported decision-making arrangements, etc.

#### **(c) Ensure that all protective arrangements are proactively offered during reporting at police stations.**

As mentioned above, victim-survivors are offered VCO services and a private room in which to be interviewed when making a report at the station.

To further minimise victim-survivors' risk of re-traumatisation during the reporting process, the option to be interviewed by an IO of the same gender should also be proactively offered upon disclosure.

Finally, the police should conduct a review to ensure that there are no gaps in the implementation of these measures.

**(d) Ensure that disclosures to a protective adult for victim-survivors under 21 years of age are facilitated by a professional trained in trauma and child-centred practices.**

Presently, the police are responsible for disclosing reports of extra-familial sexual violence to an under-21 victim-survivor's protective adult. Child Protective Services (CPS) are only involved if there is no protective adult involved in the minor's life.

However, given that these victim-survivors are particularly vulnerable due to their young age, special care needs to be taken to ensure that disclosures are facilitated in a sensitive, child-centric manner. To ensure this, those facilitating such disclosures should be trauma-informed and trained in working with children and young persons to minimise victim-survivors' distress. This facilitation of disclosures to protective adults could be taken on by CPS officers and/or social service professionals who have received relevant training. These professionals are also best placed to create and monitor safety and care plans for a young victim-survivor after disclosure—a task which is outside of the scope of the police's work. As the core focus of CPS officers and/or trained social service professionals' work is the safety and well-being of young people, they would be better suited to both facilitating disclosure to protective adults, and providing support to victim-survivors and their families post-disclosure. Such an arrangement would also allow the police to focus on the investigation process.

We hope that this practice can be extended to all victim-survivors of sexual violence under 21 years of age. Those between 16 and 21 years old are still required to have a parent or legal guardian sign off on their police report and medical forensic examination, which necessitates disclosure. Ideally, there would be a full waiver of parental consent for victim-survivors below 21 to undergo the forensic medical examination (as discussed below).

If this requirement for parental consent remains, disclosure to parents of victim-survivors between 16 and 21 years old should at least be managed by a trauma-trained professional who is able to provide continued support after disclosure. As mentioned above, such support should include monitoring a victim-survivor's safety plan and well-being, as well as supporting their family after police reporting. The police could work closely with social service professionals or have disclosure be done by professionals who can address the needs of the victim-survivor and their family beyond the criminal justice process.

**(e) Remove polygraph tests from the investigation process.**

Little justification exists for subjecting vulnerable victim-survivors to polygraph tests since the results of polygraph tests are considered unreliable and are generally inadmissible in court. According to the American Psychological Association, evidence does not support the existence of a pattern of physiological reactions unique to deception.<sup>554</sup> In other words, an investigator cannot definitively tell what a victim-survivor's physiological response means based on the test results alone, as other factors that influence one's response, such as anxiety and fatigue resulting from extensive questioning, may be at play. Similarly, the British Psychological Society found that "[even] in the most favourable circumstances polygraphic lie detection accuracy is not high".<sup>555</sup>

Given the inaccuracy of the polygraph test, we call for this to be removed from the investigation process entirely.

If this test is maintained, there should be policies to ensure that police officers carry out the tests professionally and take due care to avoid re-traumatising victim-survivors undergoing testing (recall our recommendation on trauma-informed and survivor-centred investigative strategies). This should include clear channels for complaints.

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<sup>554</sup> "The Truth About Lie Detectors (aka Polygraph Tests)", American Psychological Association, American Psychological Association, 5 August 2004, <https://www.apa.org/research/action/polygraph>

<sup>555</sup> British Psychological Society, A review of the current scientific status and fields of application of Polygraphic Deception Detection Final report (UK: British Psychological Society, 2004)

**(f) Ensure that IOs fulfil their responsibility to inform victim-survivors, throughout the investigation, of:**

**I. What each stage of the criminal justice process entails and the available support services for victim-survivors<sup>556</sup>**

Lack of clarity on what the criminal justice process entails leaves many victim-survivors feeling anxious, unsupported and lost as they attempt to navigate the process. To address this, victim-survivors should be informed by the police (if not, a VCO) about the workings of the criminal justice system and what to expect at each stage of reporting and investigation, including how long the investigation may take and what is required of them during this process. Victim-survivors should also be informed about the different possible outcomes of the reporting process—i.e. when a perpetrator may be prosecuted, be given a warning or face no further action—as well as the evidentiary standards to be met for perpetrators to be convicted and sentenced. Available support services in the community who work with victim-survivors beyond the criminal justice process (such as SACC) should also be made known to them.

Ensuring that victim-survivors understand these criminal justice processes and the support services available to them will help them regain a sense of control after their traumatic experience.

**II. How questions asked by IOs and medical professionals relate to the investigation**

To aid in their investigation, IOs may ask reporting parties what they did to defend themselves in the moment, as this can be important in helping IOs understand the circumstances of the crime. However, such questions can cause distress among sexual violence victim-survivors, as they can be interpreted as victim-blaming or reflective of an IO's disbelief in their accounts. We recommend that IOs proactively clarify how their questions relate to the investigation before proceeding with the interview.

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<sup>556</sup> This is based on existing Victims' Codes available in countries such as the UK, Canada and New Zealand. United Kingdom Ministry of Justice, Code of Practice for Victims of Crime in England and Wales (United Kingdom: Ministry of Justice, 2020), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/974376/victims-code-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf); New Zealand Ministry of Justice, Victims Code (New Zealand: Ministry of Justice, 2016), <http://www.victiminfo.govt.nz/assets/Publications/Victims-Code.pdf>; "Canadian Victims Bill of Rights Act", Government of Canada, Government of Canada, 23 October 2020, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vrww-vctm-bll-rghs/index-en.aspx>



Similarly, such clarifications should be provided during the forensic medical examination. Some SACC clients reported feeling uneasy when medical professionals asked them questions about their sexual history during the forensic medical examination. Considering that some medical procedures and interview questions can be invasive in nature, medical professionals should take care to establish an understanding with victim-survivors about why these are necessary before proceeding to conduct the examination.

### III. The status and outcome of their case<sup>557</sup>

As mentioned, some victim-survivors remain uninformed of progress in the investigation after reporting, despite the police stating that “periodic” updates will be provided. There should be greater clarity about the frequency of such updates, and about the various points at which victim-survivors can expect updates. We recommend that IOs provide case updates every two to four weeks at minimum, with victim-survivors having the option to request alternative arrangements, including changes in the frequency of updates.

In the event that a case is transferred to a new IO, victim-survivors also should be assured that this new IO is familiar with their case such that there will be no need for them to recount their experiences again.

Victim-survivors should also be made aware of what their case outcome means, especially when a case is closed due to “insufficient evidence”, as they may blame themselves for being “responsible” for such an outcome. It should thus be clearly explained to them why a certain outcome has been decided and how the case had been investigated, in order to better grant victim-survivors a sense of closure.

Finally, victim-survivors should be directed to legal clinics to better understand if there are other legal options they can explore beyond the criminal justice option.

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<sup>557</sup> This is based on existing Victims' Codes enacted in countries such as the UK, Canada and New Zealand.

#### IV. The option to withdraw participation from the case

During the initial reporting stage, victim-survivors should be informed of their ability to withdraw participation if they feel emotionally triggered at any point in the investigation. The consequences of withdrawal should also be clearly and sensitively conveyed to them by the police. The police or Attorney-General's Chambers (AGC) can decide if it is possible to continue the investigation without the victim-survivor.

**(g) During statement-taking, ensure that IOs offer victim-survivors the option to make a Victim Impact Statement. Allow victim-survivors to update the statement throughout the investigation process.<sup>558</sup>**

Currently, victim-survivors can request to make a victim impact statement as part of the prosecution's address upon conviction of the accused. Instead, victim-survivors should be allowed to draft an impact statement during statement-taking at the police station, and be allowed to update this statement throughout the investigation process. Granting this option to victim-survivors would assure them of their autonomy to represent their personal experiences of trauma, which can manifest over a period of time (e.g. lack of sleep, loss in income and/or employment). This would also enable victim-survivors to document interactions with the criminal justice system that have mitigated or exacerbated their trauma.

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<sup>558</sup> This is adapted from the existing Code of Practice for Victims of Crime implemented in the UK.

**(h) During statement-taking, ensure that IOs proactively offer breaks.**

IOs should continue to offer breaks during statement-taking if victim-survivors display signs of distress, in order to minimise potential re-traumatisation. VCOs should also be allowed to request breaks on their clients' behalf.

It should be noted that this is not an exhaustive list of provisions—a comprehensive Code of Practice should encompass the minimum level of service throughout the criminal justice process, including trial and sentencing.

This Guide or Code of Practice should be easily accessible online and could build on the existing brochure on Reporting Sexual Assault Cases, published by the Singapore Police Force. The provision of guidance ensures that victim-survivors are well-informed, which could help them re-establish a sense of control, thus facilitating their recovery and reporting.

## 2 Increase accessibility of forensic medical examination by:

**(a) Allowing all victim-survivors to undergo forensic medical examination, regardless of whether a police report has been filed.**

Allowing victim-survivors to request forensic medical examination at hospitals or the OneSAFE centre, regardless of whether they have already filed a police report, would allow them to access the healthcare they require, and allow for evidence to be gathered should they decide to pursue criminal charges at a later point. This flexibility will greatly help victim-survivors to regain a sense of control during their recovery.

In Scotland, the Forensic Medical Services (Victims of Sexual Offences) Bill provides a clear statutory duty for health boards to provide forensic medical services for victims of rape, sexual assault or child sexual abuse. It affirms that each individual's healthcare and support needs are paramount.<sup>559</sup> The Bill also sets out provisions for health boards to retain certain evidence from forensic medical examinations (which may support any future criminal investigation or prosecution), even if a victim-survivor does not wish to report the incident to the police, or is undecided about doing so.<sup>560</sup>

The evidence collected should also be stored for a few years so as to provide victim-survivors the leeway to decide whether to report their cases at a later date. In Ireland, forensic evidence is kept up to one year, and thereafter destroyed unless victim-survivors request an extension.<sup>561</sup>

<sup>559</sup> "Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill", The Scottish Parliament, The Scottish Parliament, accessed on 20 May 2021, <https://www.parliament.scot/bills-and-laws/bills/forensic-medical-services-victims-of-sexual-offences-scotland-bill>

<sup>560</sup> Ibid

<sup>561</sup> National SART Guidelines Development Group, National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Ireland) (Ireland: National SART Guidelines Development Group, 2018), 218, <https://www.hse.ie/eng/services/publications/healthprotection/sexual-assault-response-team-national-guidelines.pdf>

**(b) Allowing victim-survivors below 21 years old to undergo the forensic medical examination without parental consent.**

We welcome the Ministry of Home Affairs' ongoing review of the minimum age of consent to forensic medical examinations,<sup>562</sup> and hope that the following recommendations will be taken into consideration.

A full waiver of consent for victim-survivors below 21 years of age should be granted to potentially remove a barrier to police reporting and ensure that forensic evidence is not lost. While we understand the need to inform parents, there should minimally be a clause to highlight exceptional circumstances under which victim-survivors below 21 are allowed to access forensic medical examinations without parental consent. These could include cases of intra-familial child sexual abuse and/or domestic violence, and instances where the victim-survivor believes that the perpetrator would inflict harm upon them should the victim-survivor's parents be informed.

In Ireland, consent for a medical forensic examination is required of victim-survivors under the age of 16.<sup>563</sup> However, the minor may make a decision on their own without parental involvement if they are assessed to be a "mature minor".<sup>564</sup> A minor's capacity to consent to the medical examination is determined by assessing their maturity to understand the information relevant to the decision and an appreciation of the potential consequences.<sup>565</sup> Unfortunately, confidentiality cannot be assured even if mature minors consent to undergoing the forensic medical examination, as parents and/or legal guardians can have access to minors' records under Freedom of Information Act 1997.

We hope that all victim-survivors, including those below 21 years of age, will be allowed to access forensic medical examinations and the necessary healthcare following sexual assault.

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<sup>562</sup> "Written Reply to Parliamentary Question on Sexual Assault Cases"

<sup>563</sup> National SART Guidelines Development Group, National Guidelines, 49.

<sup>564</sup> Ibid, p176

<sup>565</sup> Ibid

### 3 Legislate two days of paid leave for victim-survivors aiding in police investigation.

After filing of a report of sexual violence, victim-survivors may be required to aid in police investigations for up to a week. During this period, many victim-survivors have to utilise their annual leave or request unpaid leave from work to participate in the investigation. To avoid unduly penalising victim-survivors, they should minimally be granted two days of paid leave and allowed to request flexible work arrangements for the remaining period for which they are required by the investigation. Victim-survivors should be allowed to apply for such leave by submitting a letter from the police, informing their employer that they are required to aid in an investigation without disclosing the nature of the crime.

### 4 Grant restitution or compensation to victim-survivors for injuries and trauma sustained, as well as any resultant loss in income and/or employment.

As a result of sexual violence, victim-survivors sustain both physical injuries and psychological trauma, which necessitate medical treatment. The association between experiencing sexual violence and poor mental health such as anxiety, depression and post-traumatic stress disorder (PTSD) has been shown in several studies.<sup>566</sup> Specifically, PTSD can manifest in such symptoms as hyper-alertness to signs of danger in one's surroundings, intrusive thoughts and dissociation.<sup>567</sup> Given that trauma recovery can take months (or even years), medical expenses incurred over this period of time can be financially taxing on victim-survivors. Furthermore, their physical injuries and psychological trauma can affect their ability to work, which then impacts their income. Some victim-survivors may even be forced to leave their jobs entirely to focus on recovery as their symptoms of PTSD can be disruptive to their work.<sup>568</sup> Consequently, the physical, emotional and financial costs of the perpetrator's crime on the victim-survivor are extremely high.

<sup>566</sup> Maria A Pico-Alfonso, M Isabel Garcia-Linares, Nuria Celda-Navarro, Concepción Blasco-Ros, Enrique Echeburúa and Manuela Martinez, "The impact of physical, psychological, and sexual intimate male partner violence on women's mental health: depressive symptoms, posttraumatic stress disorder, state anxiety, and suicide", *J Womens Health (Larchmt)* 15, no. 5 (2006), <https://www.liebertpub.com/doi/pdf/10.1089/jwh.2006.15.599> ;

World Health Organization, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence* (Geneva: WHO, 2013), <https://www.who.int/publications/i/item/9789241564625> ; Laura Tarzia, Sharmala Thuraisingam, Kitty Novy, Jodie Valpied, Rebecca Quake and Kelsey Hegarty, "Exploring the relationships between sexual violence, mental health and perpetrator identity: a cross-sectional Australian primary care study", *BMC Public Health* 18, no. 1410 (2018): 8, <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-018-6303-y>

<sup>567</sup> Judith Herman, *Trauma and Recovery: The Aftermath of Violence - from Domestic Abuse to Political Terror* (New York: Basic Books, 1992). Quoted in Rebecca Marie Loya, *Economic Consequences of Sexual Violence for Survivors: Implications for Social Policy and Social Change* (Michigan: ProQuest LLC, 2012), 26, <https://static1.squarespace.com/static/551e0348e4b0c1bae0983f61/t/55b19581e4b01705b03e0b1c/1437701505>

<sup>568</sup> Elizabeth Ellis, Beverly Atkeson, Karen Calhoun, "An assessment of long-term reaction to rape", *Journal of Abnormal Psychology*, 90, no. 3 (1981), quoted in *The National Alliance to End Sexual Violence, The Costs and Consequences of Sexual Violence and Cost-Effective Solutions*, (Washington D.C.: The National Alliance to End Sexual Violence, 2011), 1, <https://www.nsvrc.org/sites/default/files/CostsConsequencesSV.pdf>

Presently, the Court recognises the harm caused to victim-survivors and may make an order for payment of compensation (under Section 359 of the Criminal Procedure Code) if it finds that appropriate. According to an article on obtaining compensation for victim-survivors published on the Singapore Legal Advice website, there was one rape case in which the court ordered compensation for the “costs of the victim’s psychotherapy treatment to help her cope with the psychological and emotional effects of the sexual assault”.<sup>569</sup> That said, there is no guarantee of compensation to victim-survivors since it is up to the Court’s discretion to make an order. Such compensation is also typically limited to out-of-pocket costs, as shown in the case above. Hence, victim-survivors are not compensated for any loss of wages due to extended leave-taking or unemployment as a result of the perpetrator’s crime.

If the Court does not order compensation, eligible victim-survivors may apply for compensation under the Community Justice Centre’s Victim Assistance Scheme, which grants up to \$1,000 in medical fee reimbursement.<sup>570</sup> However, this is only accessible to victim-survivors who pursue criminal cases and if the perpetrator is convicted of offences under Sections 323, 324, 325, 326, 337 and/or 338 of the Penal Code.<sup>571</sup> Notably, the offences currently covered under the scheme do not include sexual offences.

Considering the heavy financial costs that stem from the harm and trauma caused by a perpetrator’s crimes, all victim-survivors of sexual violence should be eligible for restitution. Such compensation should be accessible to victim-survivors regardless of whether a police report has been filed. In the event that victim-survivors do not report their case but seek help from SACC or a government-linked victim support organisation, such organisations should be able to submit a report detailing the incident(s) to enable their clients to apply for compensation.

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<sup>569</sup> “Compensation for Crime Victims in Singapore: How to Obtain”, Singapore Legal Advice, Singapore Legal Advice, 7 September 2020, <https://singaporelegaladvice.com/law-articles/criminal-compensation-in-singapore>

<sup>570</sup> “Victim Assistance Scheme”, Community Justice Centre, Community Justice Centre, accessed on 20 May 2021, <https://www.cjc.org.sg/services/social-support/victim-assistance-scheme>

<sup>571</sup> *Ibid*

This is the existing practice in New South Wales, Australia where victim-survivors need not make a police report before applying for compensation. Apart from producing a report by a government-funded victim support organisation, victim-survivors may be required to submit medical or counselling reports showing how they have been affected by the crime, as well as statements from their employer on the amount of leave taken after the crime.<sup>572</sup> Victim-survivors of sexual violence and attempted sexual violence can receive between SGD\$1,300 and SGD\$10,300 depending on the severity of the crime.<sup>573</sup> This recognition payment acknowledges that a violent crime has been committed against them.<sup>574</sup> Victim-survivors can also receive further financial assistance to cover medical bills (up to SGD\$31,000) and loss of income (up to SGD\$21,000).<sup>575</sup> In all, the barriers to receive compensation are lowered and victim-survivors are better supported in their recovery as they feel less pressured to report their case or pursue a court case when they are not ready to do so.

At the very least, the current Victim Assistance Scheme in Singapore should be extended to all victim-survivors of sexual violence whose cases have resulted in a conviction (but where an order of compensation has not been made). This compensation should cover the medical expenses incurred due to physical and psychological harm from the crime as well as secondary damages such as loss of income and/or employment.

## 5 Extend the time frame of “hot cases” to preserve forensic evidence that would otherwise be lost.

The way that “hot cases” are currently classified may inadvertently create extra pressures on victim-survivors to file a police report before they are ready to do so.

“Hot” cases refer to cases where the act of sexual violence takes place up to 72 hours before the filing of a police report. Conversely, “cold” cases refer to cases where the act of sexual violence took place more than 72 hours before the police report was filed. The current classification and timeline allows for “hot” cases to be given immediate and/or more attention and resources. The timeframe of 72 hours was originally established because it was generally considered the window of opportunity for the collection of forensic evidence.

<sup>572</sup> New South Wales Victims Services, Department of Communities and Justice, Victims Support Scheme Detailed guide (New South Wales: New South Wales Victims Services, Department of Communities and Justice, 2013), [https://www.victimsservices.justice.nsw.gov.au/Documents/bk19\\_vss-guide-details.pdf](https://www.victimsservices.justice.nsw.gov.au/Documents/bk19_vss-guide-details.pdf)

<sup>573</sup> Ibid

<sup>574</sup> Ibid

<sup>575</sup> Ibid



However, the time at which the forensic medical examination takes place is dependent on victim-survivors' readiness to file a police report. For "cold" cases, forensic examinations can be conducted at a much later date, sometimes as late as three to four weeks after the police report has been filed. The delay in conducting forensic examinations for "cold" cases where sexual violence occurred just over 72 hours before potentially poses the risk of evidence loss—research suggests that forensic evidence may still be found on the victim-survivor's body more than 72 hours after assault.<sup>576</sup> In response to a Parliamentary Question, the Minister for Home Affairs also said that "[for] cases beyond 72 hours, Police may order the forensic medical examinations to be conducted if there is reason to believe that evidence can still be recovered through the examination".<sup>577</sup>

We propose increasing the cut-off time for "hot" cases from 72 hours to 120 hours, rather than solely relying on police discretion to determine victim-survivors' access to the forensic medical examination after the cut-off period of 72 hours. This accounts for advancing DNA technologies that can conduct examinations up to nine days post-assault in a living patient. In the U.S., time frames for sample collection tend to fall between 96 and 120 hours in the majority of jurisdictions. Even so, the U.S. Department of Defense currently extends their collection period to seven days. In addition to increasing the cut-off time, we also propose allowing the police to request that forensic medical examinations be conducted within a shorter period of time should the need arise, based on the facts of the case. In Scotland, for example, forensic examination is undertaken within three hours of the victim-survivors' request.

Extending this time frame would accommodate victim-survivors who need more time to process their trauma and decide whether or not to file a police report, without compromising their forensic evidence.

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<sup>576</sup> Patricia Speck and Jack Ballantyne, Post-Coital DNA Recovery Study (Washington, DC: National Institute of Justice, 2015), quoted in Scientific Working Group on DNA Analysis Methods, Recommendations for the Efficient DNA Processing Of Sexual Assault Evidence Kits (United States: Scientific Working Group on DNA Analysis Methods, 2016), 9, [http://media.wix.com/ugd/4344b0\\_4daf2bb5512b4e2582f895c4a133a0ed.pdf](http://media.wix.com/ugd/4344b0_4daf2bb5512b4e2582f895c4a133a0ed.pdf)

<sup>577</sup> "Written Reply to Parliamentary Question on Sexual Assault Cases"

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