



AWARE's recommendations on improving the Women's Charter in relation to the issue of domestic violence

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Introduction

AWARE has identified eight areas of concern in the Women's Charter that relate to domestic violence:

A. Gaps in formulation

- (1) The "family member" criterion
- (2) The current definition of violence
- (3) Corrective violence
- (4) The requirement of "exceptional depravity" in order to give effect to a divorce within the first three years of marriage
- (5) Eligibility for third party applications

B. Problematic conditions of detention

- (6) The detention of women or girls

C. Gaps in practice

- (7) Personal Protection Order
- (8) Expedited order

AWARE offers recommendations for these eight areas of concern and supplies case documentation in the Appendices as supporting evidence. AWARE also comments on the UN CEDAW Committee's Concluding Observations (2011) on violence against women in Singapore.¹

A. Gaps in formulation

(1) The "family member" criterion

Currently, the purview of the Women's Charter is restricted to "family violence" – that is, violence committed by certain recognised categories of family members.² AWARE suggests that

¹ Singapore acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 5 October 1995.

² The Women's Charter (S 64) recognizes only the following as family members:

- (a) a spouse or former spouse of the person;
- (b) a child of the person, including an adopted child and a step-child;
- (c) a father or mother of the person;
- (d) a father-in-law or mother-in-law of the person;
- (e) a brother or sister of the person;

“domestic violence” as a more inclusive term. The present definition of family violence leaves out co-habitants and domestic workers from the protections provided by the Women’s Charter.

While Singapore’s Shared Values document posits family as a “basic unit of society”,³ failure to protect victims in a household from domestic abuse by persons who are not recognised as “family members” perpetuates a culture in which violence is committed with impunity, including within families. With almost 66% of adults stating that they accept co-habitation, especially if it leads to marriage,⁴ failure to protect unmarried co-habitants from domestic violence is likely to encourage the continuation of such violence if and when these co-habitants marry. It is AWARE’s opinion that the Government ought to make changes in the Women’s Charter in the light of changing norms in society, so as not to foster a situation whereby domestic violence is tolerated when co-habitants are not married and prevented belatedly only after they marry.

In addition, non-family members are now protected under the newly enacted Protection from Harassment Act 2014. AWARE thus recommends that the Women’s Charter be amended to reflect the direction provided by the Harassment Act.

With regards to violence against domestic workers, the Ministry of Manpower (MOM) has given the following statistics on reported cases:⁵

1997: 157
1998: 89
1999: 82
2000: 87
2001: 41
2002: 43
2003: 70
2004: 59
2005: 59
2006: 42
2007: 68
2008: 53

However, as noted by TWC2 (Transient Workers Count Too) these ‘MOM statistics underestimate the extent of the problem’.⁶ The Employment of Foreign Manpower Act does not specifically protect domestic workers from violence in the household where they are employed.

Recommendations

- 1.1 Change the term ‘family violence’ to ‘domestic violence’, as the latter would include violence against co-habitants and domestic workers.

(f) any other relative of the person or an incapacitated person who in the opinion of the court should, in the circumstances, in either case be regarded as a member of the family of the person

³ http://eresources.nlb.gov.sg/infopedia/articles/SIP_542_2004-12-18.html

⁴ http://lkyspp.nus.edu.sg/ips/wp-content/uploads/sites/2/2013/06/POPS-6_Aug-12_report.pdf

⁵ Cited from TWC2 *Fact Sheet: Foreign Domestic Workers (Complaints and Abuses)*, <http://twc2.org.sg/2011/11/16/fact-sheet-foreign-domestic-workers-in-singapore-complaints-and-abuses/>

⁶ Ibid

1.2 Expand protection of Women’s Charter against domestic violence to include all persons living in the same household, as well as family members who do not live together. This would include, but not be limited to, co-habitants, domestic workers, and housemates.

(2) The current definition of violence

Physical violence is central to the definition of violence (Women’s Charter, section 64). The notion of hurt is defined as ‘bodily pain, disease or infirmity’.⁷ However, such a definition excludes emotional, financial and sexual abuse.

Currently, the law on emotional, financial and sexual abuse is unclear. It has been established under common law that ‘hurt’ can extend to mental harm, i.e. emotional abuse.⁸ However, applications for Personal Protection Order (PPO) usually occur in cases where physical injury has occurred. Hence it is unclear whether victims suffering solely from emotional abuse or financial abuse are offered protection under the Women’s Charter.

The Women’s Charter is completely silent on sexual abuse, while the Penal Code offers a “marital exemption” in not convicting those who rape their spouses.

It is unclear whether the Women’s Charter recognises the existence of financial abuse, which may be defined as making or attempting to make a person financially dependent by withholding access to money. Women are especially vulnerable to financial abuse as only 52% of women aged 40-49 are in paid employment, as they are more likely than men to drop out of the labour force after marriage and childbirth.⁹ This leaves them with a lack of income and savings, leading to financial dependency on employed family members, with the risk for being financially abused.

AWARE recommends, for the sake of clarity, that the definition of violence under the Women’s Charter be expanded to include emotional, financial, and sexual abuse. While AWARE applauds the common law recognition of emotional abuse, its inclusion under the legislative definition would do much to clarify that violence includes, not just physical violence, but also other forms of abuse, including mental/emotional, financial and sexual.

The state of Queensland in Australia enacted the Domestic and Family Violence Protection Act 2012, replacing old legislation to include economic abuse, emotional abuse and sexual abuse. AWARE recommends that the legislation in Queensland be viewed as a model in reworking the definition of domestic abuse. There, economic abuse is defined as behaviour that is “coercive, deceptive, or unreasonably controls another person... in a way that denies [another] the economic or financial autonomy [that person] would have had but for that behaviour; or... withholding or threatening to withhold the financial support necessary for meeting reasonable living expenses....”¹⁰

⁷ Ibid

⁸ PP v Kwong Kok Hing [2008] 2 SLR 684

⁹ <http://sbr.com.sg/hr-education/commentary/how-attract-singapore-women-rejoin-workforce>

¹⁰ Domestic and Family Violence Protection Act 2012, s 12 (Queensland, Australia)

Recommendations

- 2.1 Expand the definition of hurt under section 64 to include emotional, sexual and financial abuse
- 2.2 Include illustrations of all the above to make it clear to judges what such forms of abuse mean

(3) Corrective violence

Section 64 of the Women’s Charter exempts from the definition of “family violence” the instance of an adult using force against a child under the age of 21, if it is for the correction and discipline of the child. However, a review of 20 years of research on the physical punishment of child found that, even if defined as “punishment”, physical violence is positively correlated with child aggression, delinquency and spousal assault: “no study has found that physical punishment enhances developmental health.”¹¹

AWARE urges the Government to consider the long-term effects of allowing physical violence to be perpetrated against children. In 2011, the UN Committee on the Rights of the Child advised Singapore to prohibit unequivocally all forms of corporal punishment, including caning, in all settings.¹²

Recommendations

- 3.1 Remove from section 64 of the Women’s Charter the exemption of an adult using force against a child under the age of 21 from being regarded as “family violence”, even if this is supposedly for the correction and discipline of the child.

(4) Third party application

Currently, the eligibility criteria for third party applications of a Personal Protection Order listed in Section 65 of the Women’s Charter are restrictive: (1) victims must be under the age of 21 and/or an incapacitated person, and (2) the third party must be a family member, relative, social worker, or a person appointed by the court. Victims under 21 cannot themselves apply for a PPO.¹³

This leaves minors and other vulnerable persons unprotected in the event of domestic violence. In cases of child abuse, the perpetrators of such abuse are often the parents of the child. This leaves the child victim with little to no remedy.

Furthermore, relatives may not intervene due to the mistaken view that domestic violence is a private affair which should be settled within the family. Disturbingly, AWARE has also encountered cases where social workers have been unwilling to apply for a PPO for child victims (see Appendix A).

¹¹ Joan Durrant and Ron Ensom, 2012, “Physical punishment of children: lessons from 20 years of research”, *Canadian Medical Association Journal* 184(12), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3447048/>

¹²

[http://app.msfc.gov.sg/Portals/0/Summary/publication/RPD/Concluding%20Observations%20\(CRC%20C%20S GP%20CO%202-3_en\).pdf](http://app.msfc.gov.sg/Portals/0/Summary/publication/RPD/Concluding%20Observations%20(CRC%20C%20S GP%20CO%202-3_en).pdf)

¹³ Women’s Charter, S 65

In practice, the restriction of third-party applications presents problems even for non-vulnerable adults over the age of 21. Victims may be disadvantaged in their socio-economic status and perceive the legal process as elusive and confusing. Victims may also suffer an irrational fear of confronting the perpetrator, despite knowing that the law offers protection.

Recommendations

- 4.1 Allow third-party applications for all victims, not just those who are under 21 or incapacitated.
- 4.2 Allow the police to be a third-party applicant.
- 4.3 Lower the age requirement from 21 years to 18 years of age, so that 18-year-olds can apply for PPOs by themselves.

(5) Requirement of “exceptional hardship” or “exceptional depravity” for divorce within the first three years of marriage

Currently under Section 94 of the Women’s Charter, married couples are allowed to apply for divorce only after three years of marriage.¹⁴ This is usually justified by the aim of protecting the family. Applications for divorce are considered only when there is proof of “exceptional hardship suffered by the plaintiff or of exceptional depravity on the part of the defendant”.¹⁵ However, domestic violence is not consistently recognised as meeting this requirement.

Recommendations

- 5.1 Recognise domestic violence as meeting the requirement of “exceptional hardship suffered by the plaintiff or of exceptional depravity on the part of the defendant”, so as to qualify for exemption from the 3-year time bar on divorce. In cases where there are official records of domestic violence, such as a PPO, an EO, or police records documenting the violence, the applicant for divorce should not be required to provide additional proof of “exceptional depravity.”
- 5.2 Accept a PPO, an EO or a Domestic Exclusion Order (DEO) as conclusive evidence of domestic violence, so that in applying for divorce, an abused spouse is not required to provide additional proof of the violence, which may be difficult for her and would add to the legal costs and courts’ resources invoked.

B. Problematic conditions of detention

(6) Detention of women and girls

Under Section 160 of the Women’s Charter, women or girls can be brought into detention by the Director of Social Welfare under four conditions:

- If her lawful guardian requests the Director to detain her
- If the Director considers her to be in need of protection and whose lawful guardian cannot be found
- If the Director believes her to have been ill-treated, and

¹⁴ Women’s Charter, s 94(2)

¹⁵ Ibid

- If the Director considers her to be in moral danger.¹⁶

However, there is no clarification of these conditions, resulting in these being overly vague, broad and open-ended. The Director is left to construct his or her own interpretations of such terms as “in need of protection”, “ill-treated” and “in moral danger” – resulting in inconsistency, lack of transparency as well as lack of accountability to the woman or girl detained.

There is also no definition of the “place of safety” where the woman or girl is to be detained. This too is up to the Director to define. Similarly, there is no limitation as to how long this detention is to be; it is “for such period as he [the Director] may determine.”

Moreover, a woman or girl whose lawful guardian requests the Director to detain her may do so without reference to her needs or wishes. This assumes that a woman’s or girl’s guardian always acts in her best interests and in accordance with the woman’s or girl’s own wishes. However, it is strange why a woman who has attained the age of majority is deemed to have a guardian.

Although Section 160 does require the Director to undertake “an inquiry as to the circumstances” of each case and to do so “within a period of one month from the date of the woman’s or girl’s admission into the place of safety”, there is no stipulation about where the results of the inquiry are to be submitted. No court review or court order is mentioned.

Furthermore, Section 160 allows a woman or girl to continue to be detained if the Director considers her to be in moral danger, to the extent of allowing the Director to override the wishes of her lawful guardian for as long as the Director considers necessary, even if her lawful guardian has requested her early release.¹⁷

AWARE understands that the purpose of Section 160 is to protect victims of abuse, especially minors, in conjunction with the other provisions of the Women’s Charter. However, it is questionable whether Section 160 serves this purpose adequately. In this regard, it is useful to draw lessons from other legislation in Singapore, as well as legislation from other jurisdictions.

In Singapore, in addition to the Women’s Charter, there is a Children and Young Persons Act, which covers children, defined as those aged below 14 years of age, and young persons, defined as those aged from 14 to 16 years of age. This implies that Section 160 of the Women’s Charter applies to minors aged above 16 but below 21, as well as women who have attained the age of majority. However, Section 160 does not make its scope of jurisdiction explicit. The potential inclusion of all women and girls under its jurisdiction is problematic.

The Children and Young Persons Act spells out the conditions under which a child or young person would need protection. Significantly, domestic violence is not mentioned as one of these conditions. In contrast, the British Columbia Child, Family and Community Service Act explicitly mentions domestic violence as a condition under which a child would need State protection.¹⁸ Despite the omission of domestic violence as a condition for protecting a minor, in

¹⁶ Women’s Charter, s 160(1)

¹⁷ Women’s Charter, s 160(4)

¹⁸ Under the British Columbia Child, Family and Community Service Act, the conditions under which a child would need protection are:

- a) if the child has been, or is likely to be, physically harmed by the child’s parent;
- b) if the child has been, or is likely to be, sexually abused or exploited by the child’s parent;

Singapore, the Child Protection Service (CPS) in the current Ministry of Social and Family Development recognises the impact of domestic violence on children and young persons. The CPS reported the following figures for the years 2000 – 2004:¹⁹

- Physical abuse: 55% of the total number of child abuse cases
- Sexual abuse: 29%
- Emotional abuse: 5%

Both the Women’s Charter and the Children and Young Persons Act are inadequate in provisions needed to address this reality. As Singapore is a signatory to the Convention on the Rights of the Child (CRC), it is vital that legal reform be undertaken to ensure that all children, young persons, as well as girls aged 16 and above, up to the age of majority, be safe from domestic violence. As stated in Article 19 of the CRC:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Recommendations:

- 6.1 Review Section 160 of the Women’s Charter in conjunction with the Children and Young Persons Act to ensure that both have adequate legal provisions for protecting minors from domestic violence.
- 6.2 Remove the anomaly of stipulating a guardian for a woman who has attained the age of majority.

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- c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child;
 - d) if the child has been, or is likely to be, physically harmed because of neglect by the child’s parent;
 - e) if the child is emotionally harmed by the parent’s conduct, or living in a situation where there is domestic violence by or towards a person with whom the child resides;
 - f) if the child is deprived of necessary health care;
 - g) if the child’s development is likely to be seriously impaired by a treatable condition and the child’s parent refuses to provide or consent to treatment;
 - h) if the child’s parent is unable or unwilling to care for the child and has not made adequate provision for the child’s care;
 - i) if the child is or has been absent from home in circumstances that endanger the child’s safety or well-being;
 - j) if the child’s parent is dead and adequate provision has not been made for the child’s care;
 - k) if the child has been abandoned and adequate provision has not been made for the child’s care;
 - l) if the child is in the care of a director or another person by agreement and the child’s parent is unwilling or unable to resume care when the agreement is no longer in force.

See http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01#section13

¹⁹ *Protecting children in Singapore*, October 2005, [former] Ministry of Community Development, Youth and Sports [currently Ministry of Social and Family Development], Rehabilitation and Protection Division, http://app.msf.gov.sg/portals/0/Summary/research/Materials_Protect_Children_in_Spore.pdf

- 6.3 Review all cases where women and girls have been detained under Section 160 of the Women’s Charter to ascertain whether the detention is in accordance with their own stated needs and wishes.
- 6.4 Provide explicit definitions of the conditions under which minors may be placed in protective shelters, including domestic violence as one of these conditions.
- 6.5 Require the results of the inquiry undertaken by the Director of Social Welfare to be submitted to the Family Court and require a court review and a court order for continuation of protective shelter to the woman or girl at risk, with the duration of the stay stipulated. At the end of the period of stay, the case should be reviewed by the court.
- 6.6 Enable minors to apply for protection in cases where they are victims of domestic violence and remove the need for parental consent in such cases.

C. Gaps in practice

(7) Personal Protection Order (PPO)

Section 65 of the Women’s Charter sets out the principles according to which a PPO should be granted: that the court when satisfied “on a balance of probabilities that family violence has been committed or is likely to be committed against a family member” may make a protection order, “restraining the person against whom the order is made from using family violence against the family member”.²⁰ AWARE advocates that **both the application and enforcement procedures for the PPO be reformed.**

Obtaining a PPO: the length of the application process generally depends on the complexity of the facts of the case. A version of the application procedure for a PPO is listed below²¹:

- Application for PPO: the applicant has to go to the Protection Order Services at the Family Court to apply for the order
- Affirmation: the applicant will then be brought before a judge to affirm the application. The judge may ask some questions before issuing summons and/or a PPO.
- Return date: the applicant will be issued a date to return for the mention of the case in court. A court summons and PPO, if issued, will be served on the respondent
- Mention in court: The judge may order for a counselling session on the same day. If there is agreement between parties, the judge will make any necessary orders. If there is no agreement, the courts may order the disclosure of more documents and fix another hearing date.

The long and difficult application process often imposes mental and financial strain on applicants who may not have the resources to hire a lawyer. This can be compounded by police officers’ inexperience and insensitivity with dealing with cases of domestic violence. Based on AWARE’s casework experience in providing assistance to victims of domestic violence over the years (see Appendix B), the most common difficulties experienced include:

²⁰ Women’s Charter, s 65

²¹ Adapted from Singapore State Courts, “Personal Protection Orders”
<https://app.statecourts.gov.sg/family/page.aspx?pageid=3768>

- Police inexperience and insensitivity, which in one case led to them requiring the applicant to re-apply for a PPO, despite the validity of the existing order
- Financial strain of a protracted court trial for PPO, who may not have the resources to hire lawyers
- Unreasonable burden of proof required, which goes beyond the possession of medical and police reports of domestic violence

Even if an applicant successfully obtains the PPO, she may continue to face considerable difficulties in enforcing it. Again, based on AWARE’s casework experience, police inexperience and insensitivity was cited by most victims as a major reason for shortfalls in enforcement. This is supported by official statistics: the 2013 NCSS survey showed that more than one third of domestic violence victims were reportedly dissatisfied with the police response. Of the cases of domestic violence reported to the police, of which a sizeable proportion involve breach of a PPO, only 12% had charges laid against the perpetrator for domestic violence.²² The police filed reports only for cases involving violence by strangers and friends (81.8% of such cases). The percentage of reports filed drops to 40% for cases in which former partners or family members were implicated, where, instead of laying charges, the police merely gave warnings.²³ These statistics indicate a tendency amongst the police to regard violence by family members less seriously than stranger violence, demonstrating that the police possess discretion in deciding what course of action is properly taken against the perpetrator. Therefore, a code of conduct should be established in guiding police officers in the proper procedure to be followed, and the proper response to victims, in domestic violence cases.

Recommendations

- 7.1 Red-flag (i.e. prioritise) PPO applications where an applicant already possesses a police or medical report.
- 7.2 Adopt more flexibility in the court’s assessment of an application for PPO in the following ways:
 - Take into account the needs of the applicant and any minor who may be affected
 - Be more reasonable in expectations of the type of evidence that an applicant can present in court
 - Be more sensitive to the fact that evidence-gathering can become a source of danger to the victim
- 7.3 Accept written, instead of oral, evidence at the victim’s request.
- 7.4 Establish an objective code of conduct to guide police officers’ conduct in cases of domestic violence, with special attention given to:
 - Procedure
 - Sensitivity to victims’ needs

(8) Expedited Order (EO)

Despite the fact that the EO, as set out in Section 66 of the Women’s Charter, is an accelerated process, victims are still not fully protected between the submission of an EO application and

²² Brigitte Bouhours, Chan Wing Cheong, Benny Bong and Suzanne Anderson, “International Violence Against Women Survey: Final Report on Singapore” June 2013: 56

²³ Ibid

the point at which the perpetrator is served notice, upon which the EO would then come into effect. The EO usually takes one working day to come into effect, if the perpetrator's address is known. However, due to the close living proximity of family members, the safety of victims remains severely compromised during the time frame of 24 hours.

The EO process also disadvantages victims who are unable to obtain the perpetrator's address (home or work). The requirement that notice be served thus becomes a major obstacle. Such situations are common (see Appendix C) and ought not be overlooked.

Recommendations

- 8.1 Allow magistrates to grant an interim EO to the victim immediately, regardless of whether the perpetrator has been given notice.
- 8.2 Following the immediate issuance of an EO, the perpetrator shall be requested to appear at a further hearing of the matter as soon as practicable after the interim court order is made.²⁴

D.AWARE's comments on the UN CEDAW Committee's Concluding Observations (2011) on violence against women in Singapore

In 2011, the UN CEDAW Committee stated the following in its Concluding Observations (2011) on Singapore. Singapore will report to the Committee in 2015 on progress made:

Violence against women

23. The Committee expresses its concern at the persistence of violence against women in the State party, in particular, domestic and sexual violence, which remains, in many cases, underreported. While welcoming the amendments to the Penal Code in 2008 on the criminalization of rape of a spouse, the Committee is concerned that it only applies when the perpetrator and the victim are living apart and are in process of termination of their marriage, and if the victim applied for a personal protection order.
24. The Committee urges the State party to:
 - a) Review its Penal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape, and ensure that the definition of rape covers any non-consensual sexual act;
 - b) Provide mandatory training for judges, prosecutors and the police on the strict application of legal provisions dealing with violence against women and train police officers on procedures to deal with women victims of violence;
 - c) Encourage women to report incidents of domestic and sexual violence, by destigmatizing victims and raising awareness about the criminal nature of such acts;
 - d) Provide adequate assistance and protection to women victims of violence, by strengthening the capacity of shelters and crisis centres, and enhancing cooperation with NGOs providing shelter and rehabilitation to victims; and
 - e) Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator.

²⁴ Crimes (Domestic and Personal Violence) Act 2007, S 4(a) (New South Wales)

33. ... The Committee is further concerned at the lack of legal provisions governing de facto unions, which may deny women protection and redress in case of separation or violence against women.

AWARE's recommendations (given above) relate to the UN CEDAW Committee's Concluding Observations on violence against women in Singapore:

1. As noted above, the Women's Charter is completely silent on sexual abuse, while the Penal Code offers a "marital exemption" in not convicting those who rape their spouses. We agree with the UN CEDAW Committee that the criminalization of rape of a spouse should *not* be limited to a situation "when the perpetrator and the victim are living apart and are in process of termination of their marriage, and if the victim applied for a personal protection order." We agree that "the definition of rape covers any non-consensual sexual act" even within marriage.
2. AWARE also agrees that "mandatory training" should be provided "for judges, prosecutors and the police on the strict application of legal provisions dealing with violence against women and train police officers on procedures to deal with women victims of violence." Through our meetings with the Singapore Police Force, we understand that some training is being provided to police officers on sensitivity towards women victims of violence. However, as we have recommended above and as shown in the cases documented in the Appendices below, many women victims of violence encounter police inexperience and insensitivity, including giving wrong information about the PPO. It is clear that more effective training to police officers is needed. We have thus recommended the following in 7.4 above:

Establish an objective code of conduct to guide police officers' conduct in cases of domestic violence, with special attention given to:

- Procedure
- Sensitivity to victims' needs

We emphasise the need for a code of conduct to guide police officers in the proper procedure to be followed, and the proper response to victims, in domestic violence cases. Results of a 2013 NCSS survey showed that more than one third of domestic violence victims were dissatisfied with the police response for the following reasons:

- In cases involving breach of a PPO, only 12% had charges laid against the perpetrator for domestic violence.
 - The police filed reports only for cases involving violence by strangers and friends: 81.8% of such cases. The percentage of reports filed drops to 40% (more than half) for cases in which former partners or family members were implicated, with the police merely giving warnings. Unjustifiably, the police regard violence by family members as less serious than stranger violence.
3. We do not know of any training offered to judges and prosecutors. But we feel that this is needed as women victims of violence have faced difficulties when the court asks for an unreasonable burden of proof, beyond the possession of medical and police reports of domestic violence. We have thus recommended the following:

- 7.5 Red-flag (i.e. prioritise) PPO applications where an applicant already possesses a police or medical report. (A protracted court trial for a PPO causes financial strain for a victim with scarce resources.)
- 7.6 Adopt more flexibility in the court's assessment of an application for PPO in the following ways:
 - Take into account the needs of the applicant and any minor who may be affected
 - Be more reasonable in expectations of the type of evidence that an applicant can present in court
 - Be more sensitive to the fact that evidence-gathering can become a source of danger to the victim
- 7.7 Accept written, instead of oral, evidence at the victim's request.
- 4. AWARE does encourage women who come to us to report incidents of domestic and sexual violence. However, we are concerned that they are not further traumatised by experiences with the police and with the courts.
- 5. With regards to the provision of shelters and crisis centres, AWARE highlights the need to include domestic violence as a condition under which a girl would need State protection. The Child Protection Service (CPS) in the current Ministry of Social and Family Development also recognises the impact of domestic violence on children and young persons.
- 6. We call on the Government to share statistical data collected on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator. Access to such data will enable the provision of appropriate services.
- 7. Our recommendations in 1.1 and 1.2 deal with the lack of legal provisions governing de facto unions, which may deny women protection and redress in case of separation or violence against women:
 - 1.1 Change the term 'family violence' to 'domestic violence', as the latter would include violence against co-habitants and domestic workers.
 - 1.2 Expand protection of Women's Charter against domestic violence to include all persons living in the same household, as well as family members who do not live together. This would include, but not be limited to, co-habitants, domestic workers, and housemates.



Appendices

AWARE's case documentation

Appendix A – social workers unwilling to apply for a PPO for child victims

The victim walked in to the AWARE Centre on 4 March 2014, visibly bruised with blood on her feet. She told us that her parents had beaten her up. Her stepfather had been abusive to her in the past and the environment at her home, in general, was very tense. Hence, she wanted to leave her home. She was planning to fly to Mauritius to be with her boyfriend but her parents found out. They snatched her passport, money and phone from her.

After the physical tussle she had with them, she packed some of her clothes and left the house and came to AWARE. She was hoping to stay the night with her music teacher who she gets along quite well with but she did not have any money, phone and had not eaten anything since the morning.

AWARE called up the MSF Child Protection hotline but as she was not legally a child (as she turned 18 on 6 March 2014), they could not take up the case. The MSF advised AWARE to bring her to the police station and then to the hospital and said the Medical Social Worker will take care of her from there on.

As her music teacher could not take her, AWARE explored the options she had available for shelter until police investigation was completed.

- Star Shelter said they could not admit a girl **under the age of 21**.
- Care Corner Project Start said they were not sure about shelter options.
- The Ministry of Social and Family Development suggested calling Good Shepherd.
- The Good Shepherd lacked vacancy.
- The Japanese Embassy suggested that the girl should continue living with her friend.
- **The Family Court and they said they could not help in PPO Application as the girl was under 21.**
- Singapore Children's Society directed AWARE to SACS to seek help.
- AWARE spoke to a social worker from SACS who was quite helpful, but he could not admit the girl because of her age and concerns about her running away with her boyfriend and the centre having to take responsibility for her safety.

The victim was later advised by a social worker to return home despite her fears of sharing the same house as her stepfather again and being put at risk of being assaulted again.

Appendix B – difficulties experienced in PPO applications

- **Case 1**

The victim called the police through the AWARE centre. The police officers, while helpful, were inexperienced in handling domestic violence cases and had to constantly refer to their supervisors. In the end, they advised her to go to a hospital to document her bruises and to lodge a police report at a neighbourhood police post. She went to Dover NPP and was greeted by a young officer who continued listening to music when

she approached him to make her report. The officer subsequently pressed her about why she chose to make a report so long after the incident.

The victim then applied to the family court for an EO. It was granted but she was unable to activate the EO as she did not have the respondent's home or work address. She resorted to following him home from his workplace under great fear that he would discover her, and only obtained an address after two weeks. In that time, the respondent came knocking and screaming at her doorstep. She called the police, but they could only give him a warning and advise her to go back to court.

Point to note: Police inexperience and insensitivity in dealing with cases of domestic violence

- **Case 2**

The applicant was advised by the judge to get a lawyer for subsequent PPO hearings as the respondent had hired a lawyer. However, as the applicant was staying in a crisis shelter and was unemployed, she had to take a loan to pay for the lawyer's fees. The hearings dragged for more than six months before she finally got the PPO.

Point to note: Protracted court hearing for PPO affects victims who may not have the resources to hire lawyers.

- **Case 3**

The applicant in this case weathered through four hearings but still did not obtain a PPO. This was so despite the fact that she had already obtained a medical and police report which proved that she had suffered severe physical violence.

Point to note: Unreasonable burden of proof required on the part of the applicant despite the fact that she already possessed a medical and police report.

- **Case 4**

In this case, the applicant took more than six months to obtain her PPO. During the trial, she was asked to submit voice recordings of the emotional abuse she was facing. They were played in court and the applicant was subjected to an intense round of questioning by her husband, which traumatised her. Although she managed to get the PPO, her children did not and the respondent assaulted their daughter. Hence, she was forced to repeat the process to re-apply for another PPO.

Point to note: Unreasonable burden of proof required the applicant to submit voice recordings of their fights, which placed her at further risk. Also, the process of being questioned in court so intensely by the respondent placed her under more stress. The failure to get a PPO for the children resulted in her daughter being assaulted and the subsequent need for her to re-apply for another PPO.

- **Case 5**

The applicant had obtained a PPO against her father but the respondent breached it, punching her in the face. When she informed the police about the breach, they told her the PPO was not valid. She returned to the Family Court to check its validity but the

court verified its validity for life. The police then asked her to report the breach of the PPO to the family court again and she was made to re-apply for the PPO all over again.

Point to note: Police was unsure of the validity of the PPO, resulting in the applicant having to apply for a PPO all over again.

Appendix C – difficulties experienced in EO applications

The victim applied for a PPO and an EO. She was granted the EO, but the court said it would get activated only when the respondent receives the summons. However, they could hand him the summons only if she provided them with either his residence or office address. She didn't have either. She had escaped her home recently and he had moved house after that. She knew the building in which he worked, but didn't have the exact address. She thus decided to follow him from his office building to where he lives, but wasn't sure if he would find out and get violent. He was unable to receive the EO for about two weeks, till she managed to find out his address. **During this time, respondent came knocking and screaming at her door.** When she called the police, they came to her house to give the man a warning, and asked her to go back to the court. Ultimately, she found a way to get his office address and finally the EO was activated.