

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

***“Many Voices, One Movement”***  
**Coalition Report of National NGOs**

**FOR THE 68<sup>TH</sup> SESSION OF THE  
UNITED NATIONS COMMITTEE ON CEDAW**

## **GLOSSARY**

This glossary explains acronyms and key terms of art used in this report.

AMLA: Administration of Muslim Law Act

ASSIST: Assistance Scheme for Second-Timers (Divorced/Widowed Parents)

AWARE: Association of Women for Action and Research (an NGO)

CCG: Code of Corporate Governance

CDCSA: Child Development Co-Savings Act

Committee: The United Nations CEDAW Committee

Convention: CEDAW

CPF: Central Provident Fund

CRPD: Convention on the Rights of People with Disabilities

DAC: Diversity Action Committee

DEO: Domestic Exclusion Order

EFMA: Employment of Foreign Manpower Act

FDW: Foreign domestic worker

FJC: Family Justice Courts

HDB: Housing Development Board

HOME: Humanitarian Organization for Migration Economics (an NGO)

ICA: Immigration and Checkpoints Authority

IFPA: Inheritance (Family Provisions) Act

ILO: International Labour Organization

L(G)BT: Lesbian, (gay,) bisexual and transgender

LFPR: Labour force participation rate

LOC: Letter of Consent

LTVP: Long-term visit pass

LTVP+: Long-term visit pass plus

MUIS: Majlis Ugama Islam Singapura, the Islamic Religious Council of Singapore.

Medisave: A national medical savings scheme, which helps CPF members save for future medical expenses, especially after retirement.

Medishield Life: A national basic health insurance plan that provides lifelong protection for all Singapore Citizens and Permanent Residents against large hospital bills.

MHA: Ministry of Home Affairs

MOE: Ministry of Education

MOH: Ministry of Health

MOM: Ministry of Manpower

MSF: Ministry for Social and Family Development

MND: Ministry for National Development

NGO: Non-governmental organisation

NS: National Service

PGP: Pioneer Generation Package (details are explained in the section on Article 12)

PHTA: Prevention of Human Trafficking Act

PMLA: Pre-Marriage LTVP Assessment

PO: Protection Order available under POHA (see below)

POHA: Protection from Harassment Act

PPO: Personal Protection Order available under WC (see below)

PR: Permanent Residence

PWD: Person with disability

ROMM: Registry of Muslim Marriages.

SACC: Sexual Assault Care Centre (run by NGO AWARE)

SRS: Sex-reassignment procedures

State's Report: Singapore's Fifth Periodic Report

STI: Sexually transmitted infection

SYC: Syariah Court

TAFEP: Tripartite Alliance for Fair Employment Practice

TIP: Trafficking In Persons

TWC2: Transient Workers Count Too (an NGO)

UN: United Nations

UN TIP Protocol: UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

UPR: Universal Periodic Review

VAW: Violence against women

WC: Women's Charter

WHO: World Health Organization

## EXECUTIVE SUMMARY

This coalition report, "*Many Voices, One Movement*", has been prepared by a coalition of 13 national NGOs listed in Annex 1: the first time national NGOs in Singapore have united to prepare a joint CEDAW report. (Workshops, meetings, dialogue sessions and other events held as part of this process of preparation are found in Annex 2.)

Despite some advances, significant gender inequalities remain in Singapore. Key recommendations are summarised here:

- Reservations: Completely withdraw all reservations to Articles 2, 11 and 16 of the Convention.
- Article 1: Incorporate in the Constitution and legislation a definition of discrimination against women, and prohibit all forms of such discrimination on all grounds.
- Article 5: Eliminate the “head of household” concept from policy- and decision-making, and implement explicit gender equality education in schools. Expand the professional care economy and compensate caregivers to forestall financial insecurity. Repeal Section 377A of the Penal Code and review broadcasting policies to prevent stigmatisation of LGBT people.
- Article 6: Review PHTA in light of experience, accession to the UN TIP Protocol and the need for a victim-centered approach.
- Article 7: Adopt numerical targets for the appointment of women to public positions, including Cabinet, with specific, timed action plans to fulfil these targets.
- Article 10: Move away from abstinence-based sexuality education in schools to neutral, informative education including a focus on gender equality.
- Article 11: Enact a comprehensive employment anti-discrimination law; in particular, release data on, and take action against, pregnancy discrimination and discrimination against Muslim women who wear a headscarf. Provide holistic support to women combining work and caregiving, including increased parental and childcare leave regardless of nationality. Increase financial support for older women with inadequate retirement savings. Remove gender wage differentials presently justified by reference to men’s military NS; compensate NS directly through pay and benefits, and expand it to include military and non-military roles assigned by preference, aptitude and need rather than gender. Amend the Code of Corporate Governance to increase the proportion of women on corporate Boards. Make the policy for licensed sex workers more transparent and bring the terms of their contracts in line with international labour standards.
- Article 12: Extend PGP to all individuals reaching 65. Remove SRS as a precondition to access medical and other benefits. Provide more holistic support for HIV-positive individuals, including subsidies for medication, anti-discrimination policies and an end to the law prohibiting them from entering and working in Singapore. Conduct a systematic and gender-sensitive review of mental health provision.

- Article 16 (Muslim law): Allow Muslims to choose to distribute estates in accordance with Muslim or civil law; allow non-Muslim next-of-kin to inherit from the estate of a deceased Muslim. Ban polygamy or introduce measures to end it in practice (e.g. make consent of the first wife mandatory before a second marriage can be contracted). Remove the requirement of consent of a wali for women to marry; make ROMM the automatic wali (unless women opt out) pending this. Allow suits by Muslim parties and involving children to be heard in FJC instead of automatically staying them for transfers to SYC.
- Article 16 (others): Remove all legal/policy distinctions between married and unmarried parents and children based on “legitimacy”; allow an unmarried parent and her child to form a “family nucleus” to access public housing. Set the minimum marriage age at 18; remove all exceptions for younger girls. Reduce the time bar for divorce to one year and remove it in cases of violence. Set up a Child Support Agency to collect maintenance. Abolish “head of household” concept in all policy- or decision-making.
- VAW: Reform laws to make protection available for all people from all VAW and sexual violence; completely remove marital immunity for all sexual violence offences and ensure access by non-marital intimate partners to protection orders against violence. Collect and release systematic data on the effectiveness of anti-harassment legislation in ending sexual harassment; implement employer responsibility for workplace sexual harassment if necessary. Sensitise public agencies (especially in criminal justice) to VAW and the needs of marginalised groups (LGBT people, sex workers).
- FDWs: Include these workers in the Employment Act, and take stronger measures to ensure regular rest days. Require employers to maintain, and give FDWs access to, proper salary records. Allow FDWs to seek employment transfers freely without the permission of their employers.
- Foreign wives: Automatically grant the LTVP+, with the right to work and healthcare subsidies, to all foreign spouses of citizens, with a defined path to permanent residence based on transparent criteria. Improve access to public housing for transnational couples.

## ARTICLE 1 – DISCRIMINATION

The State’s Report argues that the “principle of equality of all persons before the law is enshrined in [Article 12 of] the Singapore Constitution”, which “encompasses the non-discrimination of women”.<sup>1</sup> This has been disavowed by Singapore’s highest court, which clarified that the Constitution forbids only discrimination on grounds listed explicitly in Article 12(2) thereof: “religion, race, descent, or place of birth”.<sup>2</sup> The Court emphasised that additional grounds can only be added by Parliament, not judicial statutory interpretation; thus Article 12(2) does not prevent state discrimination on grounds of sex or gender. Article 12(1) of the Constitution contains a broader statement that “all persons are equal before

<sup>1</sup> State’s Report, para 1.1, retrieved from <http://app.msf.gov.sg/Portals/0/Summary/research/WD/CEDAW%20Reports/Singapore's%20Fifth%20CEDAW%20Periodic%20Report.pdf>, accessed on 6 December 2016.

<sup>2</sup> Lim Meng Suang and another v Attorney-General and another appeal and another matter [2014] SGCA 53, <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/15754-lim-meng-sua>, accessed on 9 May 2017.

the law and entitled to the equal protection of the law” (possibly, impliedly, regardless of gender). However, the Court described Article 12(1) as “declaratory and aspirational in nature”, involving the application of a “reasonable classification” test, which serves only a “minimal *threshold* function of requiring logic and coherence”. It is therefore clearly not equivalent to a specific enshrinement of gender equality.

No definition of “discrimination against women” appears in relevant legislation.

*Recommendation:* As the Committee recommended, incorporate in the Constitution and other appropriate legislation a definition of discrimination against women, including direct and indirect discrimination, and prohibit all forms of discrimination against women on all grounds.<sup>3</sup>

## ARTICLE 2 – POLICY MEASURES

The Committee expressed concern at the reservations to Article 2(a) to (f), Article 16, paragraphs 1(a), 1(c), 1(h), Article 16, paragraph 2, and Article 11, paragraph 1 of the Convention; these are impermissible since these Articles are fundamental to implementing all other Convention provisions.<sup>4</sup> The Committee urged the State to: (i) fully incorporate applicable parts of Articles 2 and 16; and (ii) withdraw remaining reservations within a concrete timeframe. Gender equality is not constitutionally enshrined (see above).

### *State justifications and our rebuttals*

The State justifies the reservation to Article 2 as “[protecting] the rights of minorities in the practice of their personal and religious law”, particularly AMLA.<sup>5</sup> Yet this supports at most a reservation only to Article 2(f), which may eventually be removed if steps are taken to reconcile Muslim law in Singapore with its requirements. CEDAW can coexist with respect for the rights of minorities. Muslim-majority countries such as Turkey and Malaysia have no similar reservation.

The State argues that women enjoy strong legal protection, even absent specific gender-equality legislation. If so, reservations against Articles 2(b) and (c) should be unnecessary. However, as discussed below, laws do not sufficiently protect women’s rights, but they need not be perfect for this reservation to be lifted.

*Recommendation:* Completely withdraw the reservation against Article 2.<sup>6</sup>

## ARTICLE 3 – GUARANTEE OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

We support the Committee’s recommendation to establish, within a clear time frame, an independent national human rights institution in accordance with the Paris Principles, addressing CEDAW issues.<sup>7</sup>

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<sup>3</sup> UN CEDAW Committee (2012). *Concluding observations of the Committee on the Elimination of All Forms of Discrimination Against Women*. Retrieved from <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-SGP-CO-4.pdf>, accessed on 6 December 2016.

<sup>4</sup> *Ibid.*

<sup>5</sup> State’s Report, para 16.11, *op. cit.* (see note 1).

<sup>6</sup> UN CEDAW Committee (2012), *op. cit.* (see note 3).

## ARTICLE 5 – SEX ROLE STEREOTYPING AND PREJUDICE

State policies presume a gendered division of labour within heterosexual nuclear families,<sup>8</sup> with women as primary caregivers and men as breadwinners. Gender stereotypes lead to inadequate support for combining unpaid care work and paid employment. Marginalised groups (e.g. single parents, poorer women, migrants, LBT women and sex workers) face stereotyping which stems from marital status, class, ethnicity etc. and is also gender-based (see General Recommendation 28).<sup>9</sup>

### A. HEAD OF HOUSEHOLD

In 2015, the State classified 75% of households as male-headed.<sup>10</sup> The “head of household”, criticised by the Committee as a “discriminatory cultural concept”,<sup>11</sup> reflects a hierarchical view of family: a male breadwinner above a female caregiver. It affects decision-making by public agencies (e.g. on housing).<sup>12</sup> The “head of household” is the person acknowledged as such by other household members<sup>13</sup> in response to surveys. It is unknown why a head must be identified, or if households can state that there is none.

Public support for unequal familial gender roles casts doubt on the State’s success in promoting equality.<sup>14</sup> In the group aged 18-29 years, male (66%) and female (43%) respondents to a survey believed men should be “heads of households” making most family decisions. Male (58%) and female (38%) respondents believed women should take care of household chores and caregiving.

*State justifications:* The State raises awareness of fathers’ responsibilities<sup>15</sup> through television programmes.<sup>16</sup> Tax relief for working women recognises them as breadwinners.<sup>17</sup>

*Recommendations:* Eliminate the “head of household” concept in all policy- and decision-making. To build equal partnerships in the family, introduce explicit gender equality education in schools.

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<sup>7</sup> *Ibid.*

<sup>8</sup> For example, MSF’s “Families and Households in Singapore 2000 - 2014” includes definitions for nuclear families etc., but no mention is made of the possibility of LGBT families.

<sup>9</sup> General Recommendation No 28 on the Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (2010), para 18, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>, accessed on 6 December 2016.

<sup>10</sup> MSF, Singapore’s Demographic: Heads of Households, <http://www.msf.gov.sg/Research-Room/Research-Statistics/Heads-of-Households>, accessed on 9 May 2017.

<sup>11</sup> UN CEDAW Committee (2012), para 22(b), *op. cit.* (see note 3).

<sup>12</sup> ‘Head of Household Concept has no Place in Policy’, *The Straits Times*, 4 February 2016, <http://www.straitstimes.com/forum/letters-on-the-web/head-of-household-concept-has-no-place-in-policy>, accessed on 25 April 2017.

<sup>13</sup> AWARE Correspondence with MSF officer, 19 February 2016.

<sup>14</sup> AWARE: <http://www.aware.org.sg/information/violence-against-women-in-singapore/>, accessed on 25 April 2017.

<sup>15</sup> State’s Report, para 5.14 - 5.16, *op. cit.*, (see note 1).

<sup>16</sup> *Ibid.*, paras 5.18.

<sup>17</sup> *Ibid.*, para 5.19.



## B. FAMILY CAREGIVERS

In 2015, 273,400 women (and under 15,000 men) were outside the labour force due to “family responsibilities” (housework, childcare, caregiving for relatives). Women are stereotyped as natural carers, who should provide care without compensation or support, leading to financial hardship and stress.

*State justifications and our rebuttals:* The State has increased the availability of interim caregiver services (for older people discharged from hospital and awaiting long-term arrangements) and centre-based weekend respite care.<sup>18</sup> Notwithstanding the FDW Grant,<sup>19</sup> eldercare costs are largely left to families to meet on their own, not budgeted for as a social good. In many households, especially those unable to employ FDWs, younger female relatives leave or reduce employment to provide caregiving.

*Recommendations:* Expand the professional care economy. Support individuals to combine paid work and care through eldercare leave and flexible work. Compensate caregivers to forestall financial insecurity.

## C. ELDERLY WOMEN

The stereotyping of women across their life course as caregivers and their mostly intermittent pattern of labour force participation impacts them in old age, engaging General Recommendation 27. The State has outlined its work to eliminate gender stereotypes through education and the mass media.<sup>20</sup> However, it does not specifically address negative stereotyping, perceptions and reality of older women.

*Recommendations:* Promote and publicise the success of older women in public life. Recognise caregiving materially through CPF credits or state allowances.<sup>21</sup> Provide more subsidised respite care facilities. Support research to better understand the impact of stereotyping of women across their life course. Develop policies consistent with the WHO framework on Healthy Ageing (2015) and Active Ageing (2002).

## D. LBT WOMEN

Section 377A of the Penal Code criminalises sex between men, stigmatising all LGBT persons. State media broadcast policy is stigmatising, providing that “[i]nformation, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, paedophilia and incest should be treated with utmost caution”. It warns against treatment that will “promote, justify or glamorise such lifestyles”, forbidding “explicit depiction”.<sup>22</sup> Books featuring same-sex parents were removed from the children’s section of public libraries; politicians’ pro-LGBT comments were edited from broadcast;<sup>23</sup>

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<sup>18</sup> State’s Report, para 12.12 - 12.13, *op. cit.*, (see note 1).

<sup>19</sup> *Ibid.*, para 12.14.

<sup>20</sup> State’s Report, para 5.1-5.6, *op. cit.*, (see note 1).

<sup>21</sup> ‘Three post-Budget wishes’, *The Straits Times*, 26 Mar 2016, <http://www.straitstimes.com/opinion/three-post-budget-wishes> accessed on 5 December 2016.

<sup>22</sup> Infocomm Media Development Authority, Free-to-Air Radio Programme Code, <https://www.imda.gov.sg/~media/imda/files/regulation%20licensing%20and%20consultations/codes%20of%20practice%20and%20guidelines/acts%20codes/08%20policiesandcontentguidelinesradioradioprogramcode.pdf?la=en>, accessed on 25 April 2017.

<sup>23</sup> ‘Singapore cuts Obama’s LGBT comments on Ellen’, *The Straits Times*, 25 February 2016, <http://www.straitstimes.com/lifestyle/entertainment/singapore-cuts-obamas-lgbt-comments-on-ellen-0>, accessed on 25 April 2017.

a song about same-sex partners' healthcare decisions was prohibited from broadcast.<sup>24</sup> Only negative portrayals of same-sex relationships can be broadcast on freely accessible channels.

Further, in the 2012 Concluding Observations of the CEDAW Committee,<sup>25</sup> the State was asked to: "Put in place, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, including those based on sexual orientation and gender identity, in conformity with the provisions of the Convention." To date, nothing has been done on this.

*State justifications and our rebuttals:* The State's Report did not address this. The State represented to the UPR that Section 377A is not proactively enforced, claiming LGBT people are not discriminated against in schools or the workplace (despite evidence to the contrary).<sup>26</sup> The State suggested that the ability to hold limited LGBT events (such as a pro-equality assembly) demonstrates LGBT people's freedom.

*Recommendations:* Repeal legislation prohibiting same-sex relations and marriage. Review media policies so that LGBT content is not censored for representing LGBT experiences or pro-LGBT points of view.

## ARTICLE 6 – EXPLOITATION OF WOMEN

### TRAFFICKING

Recent progress includes PHTA and ratification of the UN TIP Protocol. PHTA criminalises sex, labour and organ trafficking, but may deter victims from reporting by not fully recognising their rights to housing or work,<sup>27</sup> though some employment is available under a Temporary Job Scheme.<sup>28</sup> The government runs no trafficking-specific shelters.<sup>29</sup> NGO HOME questioned whether PHTA's definition of trafficking corresponds with that of the UN TIP Protocol.<sup>30</sup> Of over 20 cases submitted to authorities for investigation, most were assessed as non-trafficking cases ("authorities are not required by law to" disclose why).<sup>31</sup> It is too early to judge the effectiveness of PHTA and accession to the UN TIP Protocol, but state assistance for victims and public awareness are limited.<sup>32</sup>

The US 2015 TIP Report classified Singapore as Tier 2 (a status maintained in 2017),<sup>33</sup> indicating a lack of full compliance with US laws on human trafficking but significant efforts to comply.<sup>34</sup> The Singapore

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<sup>24</sup> 'Jolin Tsai's same-sex marriage music video and song banned on TV and radio, MDA clarifies', *The Straits Times*, 26 May 2015, <http://www.straitstimes.com/lifestyle/entertainment/jolin-tsais-same-sex-marriage-music-video-and-song-banned-on-tv-and-radio>, accessed on 25 April 2017.

<sup>25</sup> UN CEDAW Committee (2012), *op. cit.*, (see note 3).

<sup>26</sup> Sayoni, 'Report on Discrimination against Women in Singapore based on Sexual Orientation and Gender Identity', 20 June 2011, <https://iglhrc.files.wordpress.com/2011/07/sayoni-singapore-cedaw-shadow-report-2011.pdf>, accessed on 26 May 2017.

<sup>27</sup> 'Anti-trafficking law: Singapore can do better', *The Straits Times*, 21 December 2014, <http://www.straitstimes.com/opinion/anti-trafficking-law-singapore-can-do-better>, accessed on 25 April 2017.

<sup>28</sup> MOM, 'Foreign workers may work temporarily while assisting in investigations', *The Straits Times*, 17 January 2017.

<sup>29</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *2014 Trafficking in Persons Report, Tier 2*, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226811.htm>, accessed on 25 April 2017.

<sup>30</sup> Tam, P.H. 'S'pore's anti-trafficking norms must evolve', 14 October 2015, first published by TODAY, Voices, on 6 October 2015, <https://stoptrafficking.sg/2015/10/14/spores-anti-trafficking-norms-must-evolve/#more-443>, accessed on 25 April 2017.

<sup>31</sup> *Ibid.*

<sup>32</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. *2015 Trafficking in Persons Report*. <http://www.state.gov/documents/organization/243561.pdf>, accessed on 25 April 2017.

<sup>33</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. *2017 Trafficking in Persons Report*. <https://www.state.gov/j/tip/rls/tiprpt/index.htm>, accessed on 7 July 2017.

Inter-agency Taskforce on TIP disputed the report's accuracy.<sup>35</sup> In 2014, the authorities investigated 49 potential cases of sex trafficking (25 were substantiated) and 41 of potential labour trafficking, initiating prosecutions of four suspects.<sup>36</sup> Cases are likely underreported.<sup>37</sup>

*Recommendations:* Review PHTA in light of experience and accession to the UN TIP Protocol. Take a victim-centered approach, with speedier investigation and case resolution. Work with national and regional agencies to prevent trafficking and enhance victim protection and care.

## ARTICLE 7 – PUBLIC AND POLITICAL LIFE

The Committee expressed concern at women's underrepresentation in decision-making in government, judiciary, the diplomatic service and the private sector, including among full Cabinet ministers.<sup>38</sup> In the 2015 general election, women candidates (no more than 27% of any party slate) faced gender stereotyping from media and politicians.<sup>39</sup> The Cabinet later included one woman as full Minister (with a second appointed, without her own portfolio, in 2017) and 19 men. Five women took sub-Cabinet positions (Ministers of State). The Prime Minister characterised this Cabinet as part of long-term leadership renewal; two first-time male parliamentarians became Acting Ministers.<sup>40</sup> In 2016, six men were named as potential candidates to succeed the Prime Minister.<sup>41</sup> In September 2017, a walkover election resulted in Singapore's first woman President: a historical and symbolic first, but it may not reflect improved broader access to politics for women, due to restrictive qualifying criteria in controversial preceding constitutional changes.<sup>42</sup>

*State justifications and our rebuttals:* The State highlighted individual women in political decision-making roles, stating: women are not prevented from entering politics; the Parliamentary Secretariat provides support to all parliamentarians; women MPs are supported in participating in regional and international events; efforts have been made to promote women in corporate leadership. These measures do not reflect a proactive effort to achieve full and equal participation, beyond the absence of formal barriers (see General recommendation No. 23).

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<sup>34</sup> 'US annual trafficking report not an accurate representation: Singapore', *The Straits Times*, 29 January 2015, <http://www.straitstimes.com/singapore/manpower/us-annual-trafficking-report-not-an-accurate-representation-singapore>, accessed on 25 April 2017.

<sup>35</sup> *Ibid.*

<sup>36</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. *2015 Trafficking in Persons Report. op. cit.*

<sup>37</sup> 'Taking aim at human trafficking', *Asia One*, 24 March 2014, <http://news.asiaone.com/news/singapore/taking-aim-human-trafficking?page=0%2C1>, accessed on 25 April 2017.

<sup>38</sup> UN CEDAW Committee (2012), *op. cit.*, p. 6, (see note 3).

<sup>39</sup> AWARE, 'Vote for your favourite sexists for the Alamak! Award 2015', 22 September 2015, <http://www.aware.org.sg/2015/09/alamak-award-2015/>, accessed on 25 April 2017.

<sup>40</sup> Prime Minister's Office Singapore, Transcript of speech by Prime Minister Lee Hsien Loong at Swearing-in Ceremony on 1 October 2015, <http://www.pmo.gov.sg/mediacentre/transcript-speech-prime-minister-lee-hsien-loong-swearing-ceremony-1-oct-2015>, accessed on 25 April 2015.

<sup>41</sup> 'The next Prime Minister: 6 men to watch', *The Straits Times*, 4 September 2016, <http://www.straitstimes.com/singapore/6-men-to-watch>, accessed on 25 April 2017.

<sup>42</sup> 'Why Singaporeans aren't all glad to get the president they wanted', *BBC News*, 13 September 2017, <http://www.bbc.com/news/world-asia-41237318>; AWARE, 'Submissions to the Constitutional Commission on Elected Presidency', 21 March 2016, <http://www.aware.org.sg/2016/03/submission-to-the-constitutional-commission-on-elected-presidency/>, accessed on 14 September 2017.

*Recommendations:* Adopt numerical targets for the appointment of women to public positions, including Cabinet, with specific, timed action plans to fulfil them. Raise awareness about gender equality in political participation, including directly addressing gender stereotypes. Develop media guidelines for non-discriminatory discussion of politics. Include gender equality in school educational curriculum.

## ARTICLE 10 - EDUCATION

### A. Sexuality education

Public schools implement sexuality education overseen by MOE. Its abstinence-based approach<sup>43</sup> provides limited factual information about contraception and STI prevention<sup>44</sup> and stigmatises sexual activity outside heterosexual marriage. There is no explicit focus on gender equality, consent, sexual violence, negotiation around family planning and inclusion of LGBT people.

Abstinence-oriented education is neither relevant nor helpful for sexually active young people.<sup>45</sup> Reduced teen pregnancy results from increased contraceptive use, not abstinence education.<sup>46</sup>

*Recommendations:* Key messages<sup>47</sup> of sexuality education should explicitly focus on gender equality, and equality regardless of gender identity and sexual orientation. Move away from abstinence-based approaches to treat non-marital sex and same-sex sexual activity as neutral personal choices. More detailed practical information is needed on safer sex, contraceptives, sexual violence and consent.

### B. Education for PWDs

The Compulsory Education Act does not ensure that children with intellectual or physical disabilities attend school with all appropriate support, notwithstanding Article 24 of CRPD.<sup>48</sup> The Act is to be amended to include children with disabilities from 2019,<sup>49</sup> leaving a two-year delay, and raising questions about the support for children left outside of rehabilitation or mainstream school since the last CEDAW report.

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<sup>43</sup> MOE, 'MOE Framework for Sexuality Education: Goals of Sexuality Education', <https://www.moe.gov.sg/education/programmes/social-and-emotional-learning/sexuality-education/moe-framework-for-sexuality-education>, accessed on 25 April 2017.

<sup>44</sup> MOE, 'MOE Framework for Sexuality Education', *op. cit.*

<sup>45</sup> 'Underage sex on the rise in Singapore, say social workers', *The Straits Times*, 9 February 2015, <http://www.straitstimes.com/singapore/underage-sex-on-the-rise-in-singapore-say-social-workers>, accessed on 26 April 2017.

<sup>46</sup> 'Big drop in number of teen pregnancies', *The Straits Times*, 22 February 2016, <http://www.straitstimes.com/singapore/big-drop-in-number-of-teen-pregnancies>, accessed on 26 April 2017.

<sup>47</sup> MOE, 'MOE Framework for Sexuality Education', *op. cit.*

<sup>48</sup> Disabled People's Association, 'Singapore and the UN CRPD', 2015, <http://www.dpa.org.sg/wp-content/uploads/2015/06/Singapore-and-UN-CRPD.pdf>.

<sup>49</sup> 'Compulsory Education for All Special Needs Children from 2019', *Channel NewsAsia*, 4 November 2016, <http://www.channelnewsasia.com/news/singapore/compulsory-education-for-all-special-needs-children-from-2019-7718218>.

## ARTICLE 11 – EMPLOYMENT

### RESERVATION TO ARTICLE 11

We welcome the lifting of the reservation to paragraph 1. The reservation against paragraph 2 remains.

State justifications and our rebuttals: The State justifies its reservation against paragraph 2 by arguing:

- Higher-income workers, domestic workers and seamen are excluded from the Employment Act (basic labour protections, e.g. rest days, work hours, overtime entitlements, annual leave, medical leave). The State claims domestic workers' irregular working hours create difficulty calculating overtime pay.
- Parents of non-citizen children do not enjoy government-paid maternity leave and the Baby Bonus financial benefits available to other parents under the CDCSA. The State maintains these benefits are available to encourage more citizen births.<sup>50</sup>

The State asserts, unpersuasively, that neither exclusion is gender-based. FDWs are largely women; support for their ill-defined working hours is based on the gendered devaluation of domestic work. (See section on FDWs.) Discrimination against mothers of non-citizen children treats maternity leave as an incentive for women to reproduce to meet State goals, not a protection of women's fundamental needs.

Recommendation: Lift all reservations against paragraph 2.

### FURTHER SUBSTANTIVE ISSUES

The Committee has raised: (i) vertical and horizontal occupational segregation; (ii) the gender wage gap; (iii) sexual harassment (see section on VAW); (iv) nationality- and marital status-based restrictions on maternity and childcare leave; and (v) discrimination against pregnant women.<sup>51</sup>

#### A. LFPR

Female LFPR increased from 57% in 2011 to 60% in 2015, but Singapore lacks the “M curve” for women returning to work after childbirth.<sup>52</sup> Of women aged 25-64 outside the labour force, 78% cite family obligations as their main reason for not participating.<sup>53</sup>

Recommendation: Set out holistic policies to better support women combining employment and caregiving.

#### B. Gender wage gap

In 2015, women earned less than men (usually over 10% less) in all occupational categories except clerical support.<sup>54</sup> Company directors face a 43% gender wage gap.<sup>55</sup> It has been argued that gender

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<sup>50</sup> AWARE Correspondence with MSF officer, 19 February 2016.

<sup>51</sup> UN CEDAW Committee (2012), *op. cit.*, (see note 3). Reservations and issues affecting FDWs are discussed elsewhere.

<sup>52</sup> MOM, ‘Speech by Minister Lim Swee Say in Response to Motion on Aspirations of Singaporean Women in Parliament’, 6 April 2017, <http://www.mom.gov.sg/newsroom/speeches/2017/0405-speech-by-minister-mr-lim-swee-say-in-response-to-motion-on-aspirations-of-singaporean-women-in-parliament>, accessed on 9 May 2017.

<sup>53</sup> *Ibid.*

differences in pay are justified because men perform two years of compulsory military NS, while women are exempt. But compensation for NS should be appropriate pay and benefits during NS, not a lifelong wage differential.

*Recommendation:* Require employers to publish gender-disaggregated salary and bonus data, to highlight the wage gap and encourage equal pay. Compensate those who perform NS through NS pay and benefits; remove wage differentials in non-NS positions that are presently justified by reference to NS. Consider expanding NS to include more non-military options (e.g. community service) and assign individuals to NS roles based on need, aptitude and preference, rather than gender stereotyping all men as suitable for military service and all women as unsuitable for military service.

### C. Retirement Benefits

The main social security framework is the self-funded CPF. With fewer years in the workforce and lower pay, women can face problems meeting the minimum amount for monthly CPF pay-outs.<sup>56</sup> In 2015, men aged 50-55 had 14% more CPF savings than women in that age group.<sup>57</sup>

The government has paid into the CPF accounts of some citizens, depending on age and wealth/income. Family members can make voluntary transfers and receive tax relief. In 2016, the Silver Support Scheme became the first non-contributory retirement support for older people, paying out up to \$250/month to those with lower CPF totals, subject to a per capita household income cap and by bands according to home size.<sup>58</sup>

*Recommendations:* Increase the quantum of Silver Support pay-outs. To support older women with little CPF savings, \$300-750 a quarter is inadequate given the cost of living. Implement state support for caregivers, e.g. through an allowance or direct CPF payments. Women need more support to join and remain in the workforce (flexible work arrangements, support for quality child care, co-sharing of parenting).

### D. Parental leave and childcare leave

Paid paternity leave, introduced in 2013, increased to two weeks in 2017, for fathers of citizen children.<sup>59</sup> From July 2017, fathers can share up to four weeks of maternity leave by agreement with the mother.<sup>60</sup> Yet the gap between maternity and paternity leave promotes unequal caregiving.

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<sup>54</sup> MOM, *Labour Force in Singapore*, 2015, *op. cit.*, p. 105, <http://stats.mom.gov.sg/Pages/Labour-Force-In-Singapore-2015.aspx>, accessed 4 November 2016.

<sup>55</sup> 'Female directors on SGX listcos paid substantially less than male counterparts: NUS study', *Business Times*, 1 March 2017, <http://www.businesstimes.com.sg/companies-markets/female-directors-on-sgx-listcos-paid-substantially-less-than-male-counterparts-nus>, accessed on 25 May 2017.

<sup>56</sup> SCWO, (2014), *Equality for women is progress for all: achieving the Millennium Development Goals in Singapore*. Submission at the 16<sup>th</sup> General ASEAN Confederation of Women's Organisations (ACWO) Assembly and Conference on 23-24 August, 2014, Kuala Lumpur. Available at: <http://www.scwo.org.sg/wp-content/uploads/2016/12/Equality-for-Women-is-Progress-for-All.pdf>, p. 5, note 14, accessed on 11 May 2017..

<sup>57</sup> CPF Board, *CPF Board Annual Report 2015*, <https://www.cpf.gov.sg/Assets/common/Documents/ViewAnnualReport2015inPDF.pdf>, accessed on 26 April 2017.

<sup>58</sup> MOM, *Silver Support Scheme*, <http://www.mom.gov.sg/employment-practices/silver-support-scheme>, accessed on 7 November 2016.

<sup>59</sup> Gallezo-Estaura, Krisana, 'How do companies feel about the parental leave?' *Singapore Business Review*, 23 May 2013, <http://sbr.com.sg/hr-education/exclusive/how-do-companies-feel-about-parental-leave>, accessed on 26 April 2017. See MoM website, <http://www.mom.gov.sg/employment-practices/leave/paternity-leave>, accessed on 4 November 2016.



Since 2013, maternity protection covers employees under the Employment Act and CDCSA.<sup>61</sup> Employers who retrench qualifying employees or dismiss them without sufficient cause during pregnancy must pay maternity leave benefits. Little official data demonstrates if this is effective (on-the-ground experience suggests not). Parents of non-citizen children are not covered, nor are they entitled to childcare leave.

In 2016, the State extended full maternity leave to unmarried mothers.<sup>62</sup> Adoption leave increased to 12 weeks for mothers of infants, but not adoptive fathers, seemingly due to gender stereotyping. From July 2017, public servants have four further weeks of unpaid infant-care leave per parent, in a pilot to test the viability of longer parental leave.<sup>63</sup>

*Recommendations:* Increase maternity/paternity leave to reflect infants' needs for longer periods of care. Move toward a shared parental leave model where parents divide maternity, paternity and adoption leave between themselves, instead of fixing periods by gender. Grant equal maternity and childcare leave for all mothers, regardless of nationality of the child. Release systematic data on pregnancy discrimination.

## **E. Work-life balance/Flexible work arrangements**

One survey showed 74% of Singaporean women turn down jobs because of work-life balance.<sup>64</sup> State grants help companies to implement flexible work arrangements.<sup>65</sup> As of 2012, over 840 companies had benefited from Work-Life Works Fund and Flexi-Works Scheme.<sup>66</sup> Yet flexi-work has limited availability. Schemes supporting it have limited take-up, as does family leave. One survey of 400 women found 68% want greater workplace flexibility.<sup>67</sup> Two-thirds of respondents to another survey felt obliged to work longer than contracted hours, without being paid.<sup>68</sup>

*Recommendation:* Systematically review barriers to women accessing employment and family life. Review existing schemes to support flexible working and reasons for lack of uptake. Fully implement flexible working throughout the State's workplaces.

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<sup>60</sup> MOM website, <http://www.mom.gov.sg/employment-practices/leave/shared-parental-leave>, accessed on 4 November 2016.

<sup>61</sup> State's Report, paragraphs 11.23 and 11.24, *op. cit.*, p. 48, (see note 1).

<sup>62</sup> 'Giving unwed mothers more benefits an inclusive move', *The Straits Times*, 14 April 2016,

<http://www.straitstimes.com/opinion/giving-unwed-mothers-more-benefits-an-inclusive-move>, accessed on 26 April 2017.

<sup>63</sup> 'Civil Service to pilot scheme for more unpaid infant-care leave', *Today*, 2 March 2017,

<http://www.todayonline.com/singapore/new-scheme-support-help-young-couples-start-families-josephine-teo>, accessed on 25 April 2017.

<sup>64</sup> 'Survey: 74% of women turn down jobs due to work-life balance concerns', *The Straits Times*, 4 March 2013,

<http://www.straitstimes.com/singapore/survey-74-of-women-turn-down-jobs-due-to-work-life-balance-concerns>, accessed on 26 April 2017.

<sup>65</sup> 'Parliament: \$43.2m committed for WorkPro grants so far', *The Straits Times*, 12 February 2015,

<http://www.straitstimes.com/singapore/parliament-432m-committed-for-workpro-grants-so-far>, accessed on 26 April 2017;

MOM (2015), Speech at ILO Asia-Pacific Regional Conference, 'Fostering Female Talent in the Workforce' Dr Amy Khor, Senior Minister of State for Manpower and Health, 3 July 2015, <http://www.mom.gov.sg/newsroom/speeches/2015/0703-speech-at-ilo-regional-conference>, accessed 24 November 2015.

<sup>66</sup> MOM, Parliamentary Questions on Promoting Flexible Work Arrangements, 10 July 2012,

<http://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2012/oral-answer-by-mr-tan-chuanjin-minister-of-state-for-national-development-and-manpower-to-parliamentary-questions-on-promoting-flexible-work-arrangements>, accessed 25 November 2015.

<sup>67</sup> CFO Innovation Asia (2013), 'Singapore's Female professionals choose work-life balance over wealth', 6 March 2013.

Available online: <http://www.cfoinnovation.com/story/6306/singapores-female-professionals-choose-work-life-balance-over-wealth>, accessed 25 November 2015.

<sup>68</sup> Press Release from Morgan Mc Kinley, 23 June 2016, <https://www.morganmckinley.com.sg/article/press-release-singapore-s-work-life-balance-improving-increased-flexibility-having-positive>, accessed on 7th November 2016.

## F. Leadership positions

Leadership parity remains an issue.<sup>69</sup> A quarter of businesses see no women in senior management (the regional average is 31%).<sup>70</sup> Women form 8% of boards.<sup>71</sup> In 2012, the CCG was revised to include ‘gender’ in the guideline on board diversity. The DAC, established in 2014, advocates women’s representation on Boards.<sup>72</sup>

*Recommendations:* Amend the CCG to increase the proportion of women, including stricter review of independent directors after nine years. Independent directors should form at least half of the board under certain circumstances. The DAC must address not only the absolute number of women on boards but the underlying issue of women’s access to positions of leadership.

## G. Employment discrimination

Workplace gender discrimination and attitudinal bias are present at all levels: hiring, promotion and firing.<sup>73</sup> Marginalised groups (e.g. pregnant women, mothers, women wearing the hijab/tudung, ethnic minority women, LBT women, disabled women, older women) face additional forms of discrimination. Women wearing the hijab/tudung face discriminatory human resource policies from some industries, e.g. they cannot be nurses. A 2015 study found transgender women are often limited to sex work as job discrimination and stigma (at hiring or during employment) prevent them from succeeding in other work.<sup>74</sup>

There is no clear right to recourse for workers facing discrimination, no legal duty for employers to avoid it, no Ombudsman and no Equal Opportunities Commission. If complaints are made to TAFEP, it may mediate but cannot take enforcement measures such as reinstatement, compensation or punishment. TAFEP’s published guidelines are silent on discrimination due to sexual orientation or gender identity.<sup>75</sup>

*State justifications:* Urged by the Committee to ratify ILO Convention No. 111, Singapore argues: “anti-discrimination legislation would introduce labour market rigidities that might erode Singapore’s economic competitiveness while not necessarily eliminating discrimination.” TAFEP works with employers, unions and the government to promote non-discrimination on the basis of age, race, gender, religion, family status or disability. By November 2015, 4,244 organisations had pledged support for fair employment.<sup>76</sup>

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<sup>69</sup> Singapore Business Review. *A quarter of Singaporean businesses have no women in senior leadership roles : survey*, 8 March 2016, <http://sbr.com.sg/hr-education/news/quarter-singaporean-businesses-have-no-women-in-senior-leadership-roles-survey>, accessed on 7 November 2016.

<sup>70</sup> *Ibid.*

<sup>71</sup> Karishma Vaswani, ‘Women in the workplace: The Singapore way’, *BBC News*, 19 November 2015, <http://www.bbc.com/news/business-34864993>, accessed on 7 November 2016.

<sup>72</sup> For more information on DAC, see its website: <http://www.diversityaction.sg>.

<sup>73</sup> Robert Half, *Women more likely to advance in larger companies than in SMEs*, 11 February 2014, <https://www.roberthalf.com.sg/press/women-more-likely-advance-larger-companies-smes>, accessed on 8 November 2016.

<sup>74</sup> “*They Only Do This to Transgender Girls*”, *Abuses of Transgender Sex Workers in Singapore*, Project X, Allard K. Lowenstein International Human Rights Clinic, May 2015. Available online <http://theprojectx.org/wp-content/uploads/2015/02/They-Only-Do-This-to-Transgender-Girls-Singapore-Report-Final.pdf>, accessed on 25 April 2017.

<sup>75</sup> TAFEP Guidelines on Fair Employment Practices, [https://www.tafep.sg/sites/default/files/Publications%20-%20Tripartite%20Guidelines%20on%20Fair%20Employment%20Practices%20%28English%29%20as%20of%20March%202014\\_1.pdf](https://www.tafep.sg/sites/default/files/Publications%20-%20Tripartite%20Guidelines%20on%20Fair%20Employment%20Practices%20%28English%29%20as%20of%20March%202014_1.pdf), accessed on 29 November 2016.

<sup>76</sup> TAFEP, <https://www.tafep.sg/employers-pledge-fair-employment-practices>, accessed 25 November 2015.



*Recommendations:* Enact a comprehensive anti-discrimination law to forbid discrimination on the basis of gender, race or ethnicity, religion, disability, age, marital status, sexual orientation and gender identity. An administrative body should monitor and enforce compliance. Publish detailed evidence on the nature and extent of employment discrimination, including the impact of the prohibition of headscarves on Muslim women's employment. The State as an employer should remove this discriminatory barrier.

## **H. Labour rights of sex workers**

Under an opaque and unaccountable brothel licensing scheme, licensed sex workers (largely migrants from approved countries) report their passports are withheld and freedom of movement restricted. They report working six days a week without medical leave or medical benefits. At the end of their contracts, they face a lifetime travel ban into Singapore. It is unclear if they are covered by the Employment Act.

*Recommendations:* Make the policy for licensed sex workers transparent. Bring the terms of their contracts in line with international labour standards.

## **ARTICLE 12 – HEALTH**

### **1. Healthcare financing for older women**

The PGP offers healthcare subsidies, lifetime annual payments into Medisave (a specialised health savings account) and subsidies for MediShield Life premiums to individuals aged 65 and above in 2014 (but not those reaching this age subsequently). MediShield Life was introduced in 2015 to replace MediShield, a catastrophic illness insurance scheme, to provide better protection against large hospital bills and outpatient treatment. Financial support over its first five years (e.g. subsidies) is intended make premium payments affordable; after this, the position of those with little retirement savings (disproportionately women) is unclear. Patients make coinsurance and deductible payments (Medisave or cash).

### **2. Women living with HIV**

As of 2015, women were under 9% of persons with HIV/AIDS. Most were married. In one study,<sup>77</sup> almost half of the HIV-positive married women believed they acquired HIV from their husbands (potentially through abuse). The study found societal stigma, particular vulnerability of foreign wives of citizens, and high costs for medication. Criminalisation of sex work-related activity and use of condoms as evidence of sex work impedes sex workers' access and responsiveness to HIV prevention programmes.<sup>78</sup>

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<sup>77</sup> AWARE, 'World Aids Day: AWARE highlights vulnerability of married women, especially foreign wives, living with HIV/AIDS', 29 November 2016, <http://www.aware.org.sg/2016/11/world-aids-day-aware-highlights-vulnerability-of-married-women-especially-foreign-wives-living-with-hiv-aids/>, accessed on 26 April 2017.

<sup>78</sup> UNAIDS, *The Gap Report 2014*, [http://www.unaids.org/sites/default/files/media\\_asset/06\\_Sexworkers.pdf](http://www.unaids.org/sites/default/files/media_asset/06_Sexworkers.pdf), accessed on 9 May 2017.

### 3. SRS as condition for rights and benefits

Following SRS, a transgender person is legally recognised by their reassigned gender, permitting access to, for example, marriage. Yet 39% of respondents in one survey said they have no plans to go through SRS.<sup>79</sup> Self-identification should be adopted on identity documents, which are often required in daily life, as misgendering can expose transgender people to discrimination.

#### Recommendations:

Extend PGP to all individuals who reach the age of 65, regardless of year of birth.

Provide more subsidies for HIV medication, including for foreign spouses of citizens on the basis of need, not citizenship. Introduce anti-discrimination policies to ensure equal access to housing and employment for HIV-positive women. Increase funding for community-based services for HIV prevention and treatment. Fully repeal the law prohibiting HIV-positive people from entering and working in Singapore.

Consent to SRS should not be a condition for access to medical care or any other benefit (such as recognition of identity, medical insurance, social assistance, employment or release from an institution).

### 4. Mental health of women

Mental health remains poorly understood and stigmatised by society.<sup>80</sup> Women have reported barriers to accessing quality care resulting from a lack of gender sensitisation on the part of healthcare professionals.<sup>81</sup>

Recommendations: Conduct a systematic and gender-sensitive review of mental health provision.

## **ARTICLE 16: MARRIAGE AND FAMILY LIFE**

### **RESERVATIONS TO ARTICLE 16**

We welcome the removal of blanket reservations to Article 16, and the partial removal of reservations to paragraphs 1(b), 1(d), 1(e), 1 (f) and 1(g). Reservations are still maintained to paragraphs 1 (a), (c) and (h) and paragraph 2. These are impermissible: Article 16 is fundamental to the implementation of all other Convention provisions.<sup>82</sup>

#### State justifications and our rebuttals

The State argues these reservations protect the rights of minorities in the practice of personal and religious law,<sup>83</sup> specifically AMLA. This suggests the State believes AMLA, and Muslim values, are incompatible with Article 16. However, AMLA can be amended to protect the Muslim community's religious and cultural rights while proffering equal treatment of Muslim men and women.

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<sup>79</sup> SherQueShaa, S., Ho, V., & Zheng, D. (2016), 'The Forced Sterilization of Transgender and Gender Non-conforming People in Singapore', *LGBTQ Policy Journal at the Harvard Kennedy School*, VI. Available online <http://theprojectx.org/wp-content/uploads/2015/02/2016-LGBTQ-full-journal.pdf>, accessed on 26 April 2017.

<sup>80</sup> Vimitas Mohandas, 'More awareness of mental disorders needed in Singapore: study', Channel News Asia, 6 October 2016, <http://www.channelnewsasia.com/news/singapore/more-awareness-of-mental-disorders-needed-in-singapore-study-8250018>.

<sup>81</sup> Pooja Makhijani, 'More Than Just the Baby Blues: Postpartum Depression in Singapore', SassyMama, 21 October 2015, <https://www.sassymamasg.com/postpartum-depression-in-singapore-resources/> and Nabilah Husna, 'Family, professionals crucial in providing support for mothers', TODAY, 13 May 2017, <http://www.todayonline.com/voices/family-professionals-crucial-providing-support-mothers>.

<sup>82</sup> UN CEDAW Committee (2012), *op. cit.*, (see note 3).

<sup>83</sup> State's Report, *op. cit.*, (see note 1).

Other jurisdictions offer more progressive interpretations of Islam, e.g. Morocco in 2004 amended its Family Code to legally acknowledge husband and wives as equal partners in marriage; its 2011 constitutional amendments stipulate equal sharing of responsibilities between men and women; in 2014, there was a proposal for equal inheritance rights.<sup>84</sup> Tunisia lifted reservations to Article 16 in 2011.

*Recommendations:* Lift all reservations to Article 16. Include in pre-marriage courses: (i) an understanding that in Islam, marriage is a partnership of equal responsibilities and rights, rethinking the notion of men as heads of families; (ii) syllabus on legal rights and obligations on issues such as domestic violence and maintenance.

## A. INHERITANCE

The distribution of deceased Muslims' estates must be in accordance with AMLA, which generally favours male beneficiaries. 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 hiba document disposing of property to female family members faces strict limitations, i.e. unless disbursed before the giver dies, the hiba is subject to consent of the giver's heirs,<sup>85</sup> and it may not be upheld by a court.<sup>86</sup> In general, the need for special instruments and arrangements to create fairer outcomes disadvantages those with less information and fewer financial resources.

In many instances, daughters who looked after their deceased parents receive only half the share of their brothers. Other categories of dependents such as adopted children/parents, non-Muslim spouses (as mixed marriage are permissible) and non-Muslim dependents are excluded from receiving any share.

The provisions of AMLA that generally apportion men a greater share of inheritance presume that men maintain women in their families, an unfounded assumption in the modern context. The rights of Muslim men (on inheritance) are codified, but not corresponding financial duties.

### *State justifications and our rebuttals*

In 2008, MUIS issued a fatwa on immovable properties held by Muslims under joint tenancy,<sup>87</sup> stating that if no other arrangement has been made, upon death of one joint owner, the surviving joint owner is only entitled to 50% of the property's value.<sup>88</sup> It urges Muslims to prepare a nuzriah or hibah ruqbah to preserve the surviving owner's rights to the entire property. This is intended to align Islamic law with the civil law,<sup>89</sup> whereby a surviving owner has automatic and full ownership if they satisfy the eligibility conditions to own a flat. Although civil law prevails over the fatwa, where there is no nuzriah and/or hibah ruqbah, surviving owners have faced coercive pressure from faraidh beneficiaries (citing the fatwa

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<sup>84</sup> Inter Press Service, 'Morocco Divided Over Equality', 29 April 2014, <http://www.ipsnews.net/2014/04/morocco-divided-equality>, accessed on 26 April 2017.

<sup>85</sup> Office of the Mufti, AMLA <http://www.officeofthemufti.sg/Fatwa/cpf-nomination.html>, accessed on 26 April 2017.

<sup>86</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>87</sup> Guidelines for Muslims on Purchasing and Owning an HDB Property Under Joint Tenancy, issued by MUIS, <http://haniff.sg/wp-content/uploads/2013/07/muis-guidebook-on-joint-tenancy-fatwa.pdf>, accessed on 26 April 2017.

<sup>89</sup> Shafeeq Bin Salim Talib & Abor v Fatimah Bt Abud Talib & O/rs [2009] SGHC 100, [aw/laws-of-singapore/case-law/free-law/high-court-judgments/13803-shafeeq-bin-salim-talib-and-another-administrators-of-the-estate-of-obeidillah-bin-salim-bin-talib-deceased-v-fatimah-bte-abud-bin-talib-and-others-2009-3-slr-439-2009-sghc-100](http://laws-of-singapore/case-law/free-law/high-court-judgments/13803-shafeeq-bin-salim-talib-and-another-administrators-of-the-estate-of-obeidillah-bin-salim-bin-talib-deceased-v-fatimah-bte-abud-bin-talib-and-others-2009-3-slr-439-2009-sghc-100), accessed on 7 May 2017.

as moral authority) to distribute the deceased's 50% share to faraidh beneficiaries. Some wives have preemptively sold their share of the flat, leaving them homeless.

In early 2017 MUIS announced it will be issuing a fatwa on joint bank accounts states that if the contribution of each account holder can be ascertained, the deceased's share is distributed to their faraidh beneficiaries. Otherwise, the monies are considered equally contributed by both parties and the deceased's 50% share is distributed to their faraidh beneficiaries. This position may disadvantage "non-contributing" account holders, who are often dependents (spouse, parents or children). They may need funds more than the faraidh beneficiaries, yet face deprivation if the deceased was the only or major contributor.

The fatwa on CPF nominations and revocable insurance nominations recognises that when Muslim CPF account holders or policy holders make a nomination in favour of their spouse or dependents, it is a valid *inter vivos* gift outside of faraidh.

Recent 2017 amendments to AMLA focus only on limited procedural changes regarding inheritance (e.g. the application for grant of letters of administration is made gender-neutral), with no impact on substantive inequality in outcomes.

### Recommendations

Allow Muslims 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). The latter would offer relief to non-Muslim relatives (especially dependents) of converts to Islam, or non-Muslim spouses and children. Amend the IFPA<sup>90</sup> Section 1(2) to bring Muslims into its ambit. If the above are not adopted, legally mandate the responsibility of male beneficiaries to discharge financial obligations towards female beneficiaries who receive lesser share of deceased's estate.

MUIS should clarify that parties need not prepare the nuzriah, hibah ruqbah or any other instrument for property held under joint tenancy to pass to the surviving co-owner as a virtually automatic operation of the law.

Educate religious teachers and the community about compassion (ihsan) in dealing with inheritance, rights and responsibilities, the status of faraidh (optional or compulsory), the various legal instruments and the urgency of managing inheritance early.

## **B. OBLIGATORY BEQUESTS**

If the son or daughter of a Muslim predeceases their parent, the children of that son or daughter (i.e. grandchildren of the Muslim) cannot share in the estate of the Muslim grandparent who later passes.

Recommendation: As in other countries (Pakistan, Saudi Arabia, Egypt, Syria, Morocco, Indonesia, state of Selangor in Malaysia), use obligatory bequests (wasiyah wajibah) to provide for adoptive children, orphaned grandchildren and non-Muslim relatives/dependents, who are not otherwise entitled to a share.

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<sup>90</sup> Section 3(1) allows dependents (children and spouses) of deceased to apply to court for an order for reasonable provision for maintenance, to be paid out of the deceased's estate but under Section 1(2), Muslim estates are expressly excluded.

## C. POLYGAMY

The Committee has concerns about the legal authorisation of polygamy.<sup>91</sup> Muslim men may marry up to four Muslim wives.<sup>92</sup> For others, polygamy is prohibited.<sup>93</sup> 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 their second marriages.<sup>94</sup>

### State justifications and our rebuttals

In 2016, 0.2% of Muslim marriages registered in Singapore were polygamous.<sup>95</sup> The State argues that applications for such marriages, reviewed by ROMM, are subject to stringent requirements ((i) able to support more than one wife, (ii) treat wives with equity, and (iii) there must be a benefit from the second marriage). The first wife may voice objections to a second marriage to ROMM, appeal with the Appeal Board and/or seek divorce on the ground of her husband's inequitable treatment resulting from the polygamous marriage.

Despite the small numbers, the legality of polygamy reinforces its cultural acceptance, and may legitimise unregistered marriages.<sup>96</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>97</sup> Husbands may contract multiple marriages without their wives' knowledge. Wives in foreign marriages lack access to rights in the divorce process or in relation to children of the unregistered marriage. In 2014, it was reported that over 100 Singaporean men contracted a second, unregistered marriage in Indonesia.<sup>98</sup>

### Recommendations

Prohibit polygamy. This is compatible with Islamic religious values and has occurred in Tunisia, Kyrgyz Republic, Tajikistan and Uzbekistan.<sup>99</sup> Tunisia cited the verse in the Qur'an, An-Nisa (4:3), that it is impossible to fulfill the requirement of justice in a polygamous marriage.<sup>100</sup>

Otherwise, make the consent of the existing wife mandatory for second marriages (as in Indonesia),<sup>101</sup> or adopt a rebuttable legal presumption that the applicant cannot be fair and/or provide equally for both his existing and potential wives. This leaves the law in place, but ends polygamy in practice.<sup>102</sup>

Include an additional clause in the "automatic" standard and printed clauses in the Marriage Certificate, stipulating in the marriage contract that the husband cannot take another wife; if he breaches this term, the

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<sup>91</sup> UN CEDAW Committee (2012), *op. cit.*, (see note 3)..

<sup>92</sup> ROMM (2015), [https://www.romm.gov.sg/about\\_marriage/romm\\_polygyny.asp](https://www.romm.gov.sg/about_marriage/romm_polygyny.asp), accessed on 28 March 2016.

<sup>93</sup> MSF, Women's Charter, <https://www.msf.gov.sg/policies/Women-Celebrating-Women/Legislation/Pages/default.aspx>, accessed on 9 May 2017.

<sup>94</sup> Coalition for Sexual and Bodily Rights in Muslim Societies, SIS Research on the Impact of Polygamy.

<sup>95</sup> Replies of Singapore to List of issues and questions in relation to the State's Report, 18 July 2017.

<sup>96</sup> Berita Harian, 28-09-2014: 'Tidak mahal Pak, \$300 saja termasuk dua saksi dan wali hakim'.

<sup>97</sup> ROMM, Registering a Marriage outside Singapore, [https://www.romm.gov.sg/about\\_marriage/romm\\_register\\_marriage2.asp](https://www.romm.gov.sg/about_marriage/romm_register_marriage2.asp), accessed on 26 April 2017.

<sup>98</sup> Berita Harian 03-11-14: 'Penguam: Isteri teraniaya boleh tuntutan cerai taklik atau fasakh'.

<sup>99</sup> Musawah Fact Sheet: Marriage & Family Relations, July 2012.

<sup>100</sup> Malaysiakini, 'Polygamy not a God-given right', 21 May 2010, <https://www.malaysiakini.com/news/132369>, accessed on 27 April 2017.

<sup>101</sup> 'Indonesia: Defence Ministry circulates Polygamy Rules', *Global Legal Monitor*, 12 August 2015,

<http://www.loc.gov/law/foreign-news/article/indonesia-defense-ministry-circulates-polygamy-rules/>, accessed on 26 April 2017.

<sup>102</sup> Suggestion from CEDAW Committee member Ms Halperin-Kaddari, expert from Israel during the July 2011 oral presentation at our 4<sup>th</sup> periodic reporting session.

woman has the right to divorce. This is used in Saudi Arabia, Syria, Jordan, Egypt, Lebanon and Bahrain.<sup>103</sup>

As some women may want to remain in polygamous relationships, undertake public education on the negative impact of polygamy. Steps should be taken to discourage unregistered polygamous marriages abroad.

#### **D. WALI**

Under AMLA, a woman cannot marry without consent of her wali (male next of kin, usually her birth father, brother, grandfather, paternal uncle or paternal male relative).<sup>104</sup> Where she has no wali or the wali unreasonably withholds consent, the marriage may be solemnised with approval of the kadi or wali hakim (ROMM registrar).<sup>105</sup> Men face no such requirement.

*State justifications:* The State claims the right of the woman to be heard is protected because the marriage may be solemnised by a kadi if the wali refuses to consent to the marriage. The Appeal Board has in several cases dismissed the wali's appeal against the kadi's decision to act as wali hakim.<sup>106</sup>

*Recommendations:* We ultimately recommend that the requirement of wali be abolished for all women when they reach the legal age of consent (as in Morocco and Tunisia). Immediately, however, we recommend the ROMM registrar to be the default wali for all women. Should a bride wish to have her own wali, she can apply for this. Our recommendation will make it un-necessary for the bride to publish three months of press announcements to find her absent wali.

#### **E. UNDERAGE MARRIAGES**

Generally, the minimum age for marriage is 18 years.<sup>107</sup> For civil marriages, a girl below 18 may marry with parental consent, a special marriage license and ministerial permission.<sup>108</sup> Under AMLA, a kadi may in some circumstances solemnise the marriage of a girl below 18 who has attained the age of puberty.<sup>109</sup>

*State justifications:* The number of such marriages fell from 29 in 2009 to 18 in 2014.<sup>110</sup> A Special Marriage Licence and mandatory marriage preparation programme are prerequisites.<sup>111</sup>

*Recommendation:* Set 18 years as the minimum marriage age for all. Remove exceptions for girls under 18.

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<sup>103</sup> Musawah Fact Sheet: Marriage & Family Relations, July 2012.

<sup>104</sup> Section 2 of AMLA.

<sup>105</sup> Section 95(3) of AMLA read with Rule 4 Muslim Marriage & Divorce Rule (1999).

<sup>106</sup> Abu Samah b Md Dros [1990] 5 SSAR 31; Re Rizal b Ahmad [1992] 5 SSAR 87, Re Taha b Busu [1991] 5SSAR 44.

<sup>107</sup> Registry of Marriages, Minors, [https://www.rom.gov.sg/reg\\_info/rom\\_minors.asp#MinorQ8](https://www.rom.gov.sg/reg_info/rom_minors.asp#MinorQ8), accessed on 27 April 2017.

<sup>108</sup> *Ibid.*

<sup>109</sup> AMLA, section 96(5) Restriction on Solemnization of Marriage,

<http://statutes.agc.gov.sg/aol/search/display/view.w3p:ident=a1005c4a-f96c-484c-ae60-3dfcfc7deda7;page=0;query=DocId%3A3e90fc65-b364-434b-b2dc-ced1d9608640%20%20Status%3Ainforce%20Depth%3A0;rec=0#P1V1>,

accessed on 29 April 2016.

<sup>110</sup> CEDAW (2015, p. 39). *Consideration of reports submitted by States parties under article 18 of the Convention*,

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW\\_C\\_SGP\\_5\\_6007\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf), accessed on 28 March 2016.

<sup>111</sup> State's Report, para 16.6, *op. cit.*, (see note 1).

## F. CHOICE OF ADJUDICATION

The Family Justice Act (2014) takes a laudable child-centric approach to divorce. Though the SYC has facilities focusing on the needs of children, parties before it cannot access resources available in the FJC. While the State has indicated an intention to increase SYC resources, there is no real assurance the provision will equal that for the FJC<sup>112</sup> (which includes advice to judges from mental health professionals and community partners (background checks into family violence, financial problems, social assistance, offender records, mental health, drug abuse), the Child Focused Resolution Centre, an early conciliatory forum to help divorcing couples reach agreement on care of their children and Counselling & Psychological Services.

Muslim parties can bring a legal suit on children in FJC only if there is no divorce proceeding in SYC. Once divorce summons are issued in SYC, the FJC proceeding must be stayed, unless both parties agree to continue in FJC, or leave is obtained from SYC for FJC proceedings to continue.<sup>113</sup> The switch to SYC leads to a protracted and expensive process which is not in children's best interest.

*Recommendation:* If proceedings start in FJC, they shall remain in FJC even if SYC divorce summons are issued. The parties are not required to do anything else, as the civil suit will automatically remain in FJC. However, if one party insists that the FJC proceeding be stayed, they can apply for leave from FJC (not SYC) for the FJC suit to be stayed, so that fresh proceedings can commence in SYC.

## NON-MUSLIM MARRIAGES UNDER WC

### A. THREE YEAR BAR TO DIVORCE

No divorce application can be filed in the first three years of marriage, unless leave of court is given on the ground of exceptional hardship for the plaintiff and exceptional depravity for the defendant.<sup>114</sup> This prevents women from leaving unsuitable marriages for a significant time, potentially putting women at risk of prolonged spousal abuse. A court held in one case that situations of "extreme abuse" would not be treated as a case of exceptional hardship by the Courts, so the time bar would not be lifted.<sup>115</sup>

*State justifications and our rebuttals:* This is to "promote the sanctity of marriage and to ensure that parties did not rush into or out of marriage capriciously",<sup>116</sup> and to safeguard against irresponsible or trial marriage. Yet this is unduly onerous (given the period of separation also required), especially in cases of violence.

*Recommendation:* Shorten the time bar from three years to one. Remove it entirely in cases of violence.

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<sup>112</sup> 'Consultation Paper On Draft Administration Of Muslim Law Act (AMENDMENT) BILL 2017', [https://www.mccy.gov.sg/~media/MCCYcorp/Topics/Community/Files/AMLA17\\_Consultation\\_Paper\\_14\\_Mar\\_2017.ashx](https://www.mccy.gov.sg/~media/MCCYcorp/Topics/Community/Files/AMLA17_Consultation_Paper_14_Mar_2017.ashx), accessed on May 2017.

<sup>113</sup> Section 35 of AMLA

<sup>114</sup> Section 95 of WC.

<sup>115</sup> 'Court denies woman permission to divorce before completing mandatory 3-year period of marriage', *The Straits Times*, 8 October 2014, <http://www.straitstimes.com/singapore/courts-crime/court-denies-woman-permission-to-divorce-before-completing-mandatory-3-year>, accessed on 27 April 2017.

<sup>116</sup> *Ng Kee Shee v Fu Gaofei* [2005] SGHC 171 at 762.



## **B. SEPARATION AS FACTOR ESTABLISHING GROUND FOR DIVORCE**

Irretrievable breakdown of a marriage, the legal ground for divorce, can be established through five factors, two of which are (i) three years separation or living apart (with defendant's written consent); and (ii) four years separation (no formal consent by defendant).<sup>117</sup> To satisfy these factors, women may have to endure unsuitable and potentially abusive marriages for prolonged periods. We recommend reducing the requirement of "separation with consent" from three years to one year and "separation without consent" from a period of four years to two years.

## **C. ENFORCEMENT OF MAINTENANCE ORDERS**

We welcome efforts to enhance enforcement.<sup>118</sup> Maintenance Record Officers investigate claims that husbands or ex-husbands are unable to pay court-ordered maintenance, reporting findings to the court, and liaising between the Courts and MSF for financial assistance.<sup>119</sup> However, making repeated applications for enforcement is time-consuming and difficult.

Under the Administration of Justice (Protection) Act passed in 2016, disobedience of maintenance orders are punishable as contempt of court. It remains to be seen if this will motivate compliance; imprisonment may disrupt the defaulter's ability to make maintenance payments in the future.

*Recommendation:* Establish a Child Support Agency to make the necessary applications in cases of default. Reducing the procedural difficulty of collection, rather than punishing defaulters, will assist women.

## **E. SINGLE PARENTS**

"Illegitimate" children (mothers are not married to the biological father) face discrimination. Under civil (but not Muslim) law, if a mother dies intestate, these children can inherit from her estate only if there are no competing legitimate children.<sup>120</sup> They cannot inherit from an intestate biological father. The IFPA provides for dependents to make a claim for reasonable maintenance out of a deceased's net estate, but case law has interpreted "dependents" to exclude illegitimate children.<sup>121</sup>

Unwed mothers cannot apply for public housing under schemes intended for families: they and their child are not recognised as constituting a "family nucleus".<sup>122</sup> They can only seek public housing when aged 35

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<sup>117</sup> Section 95(3)(d) to (e) of WC.

<sup>118</sup> Amendments to WC in 2011: ordering defaulter to set up bankers guarantee, ordering defaulter to attend financial counseling, or performing community services, reporting defaulter to Commercial Credit Bureau which may result in defaulter having a poor credit rating, directing CPF Board to disclose the employment information of defaulters.

<sup>119</sup> Speech by Chief Justice Sundaresh Menon at the Workplan Seminar of Family Justice Courts on 6 April 2016, [https://www.familyjusticcourts.gov.sg/NewsAndEvent/Documents/2016April06\\_ChiefJusticeKeynoteAddress.pdf](https://www.familyjusticcourts.gov.sg/NewsAndEvent/Documents/2016April06_ChiefJusticeKeynoteAddress.pdf), accessed on 9 May 2017.

<sup>120</sup> MSF, 'Legal and policy distinction between legitimate and illegitimate children', <https://www.msf.gov.sg/media-room/Pages/Legal-and-policy-distinction-between-legitimate-and-illegitimate-children.aspx>, accessed on 9 May 2017.

<sup>121</sup> AAG v Estate of AAH deceased [2009] SGCA 56, [2010] 1 SLR 769 and LIEW OI YOONG v ESTATE OF TAN KOH TIONG, deceased [2009] SGHC 33.

<sup>122</sup> Prime Minister's National Day Rally Speech, 'Moral Values: The Foundation of a Vibrant State' <http://www.nas.gov.sg/archivesonline/data/pdfdoc/1994NDRenglishspeech.pdf>, p. 47, accessed on 27 April 2017.



or above (compared to 21 for married individuals). If they require housing subsidies, they can only choose smaller flats in less accessible areas.<sup>123</sup>

An illegitimate child will not acquire citizenship by birth if the mother is not a citizen. The child is not eligible for Baby Bonus cash gifts. The mother cannot enjoy tax reliefs applicable to “legitimate” children.

Some restrictions on public housing particularly harm divorced mothers.<sup>124</sup> After disposal of a matrimonial flat, if care and control of children is split, parties face 30-month / three-year debarments from renting or purchasing subsidised flats respectively. Public rental housing is subject to a household income ceiling of \$1,500/month, creating difficulty for single mothers raising children (in 2015, average monthly income of the bottom 10% of resident-employed households was \$1,927).<sup>125</sup> Housing schemes intended to improve divorced parents’ access to housing have limited impact due to restrictive conditions (ASSIST) and a focus on home ownership instead of the more urgent need for rental housing (“Fresh Start”).<sup>126</sup>

*State justifications:* Unmarried mothers now enjoy equal access to Government-paid maternity leave (from 2017) and qualify for Child Development Accounts (from 2016). The State justifies discriminating against “illegitimate” children by reference to a desire to promote strong marriages and the idea that parenthood within marriage is the desired and prevailing social norm.

*Recommendations:* Remove all legal and policy distinctions: (i) between single and married mothers, and (ii) between children based on “legitimacy”. Amend IFPA so illegitimate children may claim maintenance from the estate of their deceased father (as under the UK Act on which the legislation was based). Allow an unmarried parent and their children to form a “family nucleus” to access public housing. Raise the income cap for eligibility to rent public housing. Exempt divorced parents with (split) care and control of children from debarment periods for accessing public housing.

## ARTICLE 24 – COMMITMENT OF STATES PARTIES

### VAW

The Committee has expressed “concern at the persistence of violence against women in the State party, in particular domestic and sexual violence, which remains, in many cases, underreported” and the continuing marital immunity for rape and sexual penetration of a minor.<sup>127</sup> In one study, 9% of female respondents

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<sup>123</sup> AWARE, ‘Single parents need more inclusive policies on public housing’, 15 February 2017, <http://www.aware.org.sg/2017/02/single-parents-face-restrictive-policies-in-accessing-public-housing/>, accessed on 30 May 2017.

<sup>124</sup> *Ibid.*

<sup>125</sup> Department of Statistics Singapore, ‘General Household Survey 2015’, [https://www.singstat.gov.sg/docs/default-source/default-document-library/publications/publications\\_and\\_papers/GHS/ghs2015/ghs2015.pdf](https://www.singstat.gov.sg/docs/default-source/default-document-library/publications/publications_and_papers/GHS/ghs2015/ghs2015.pdf), accessed on 11 May 2017.

<sup>126</sup> ‘The limitations of Fresh Start’, *The Online Citizen*, 4 March 2016, <http://www.theonlinecitizen.com/2016/03/04/limitations-fresh-start/>, 27 April 2017.

<sup>127</sup> UN CEDAW Committee (2012), *op. cit.*, p. 5, (see note 3).

had experienced one or more incidents of physical violence by a man as adults.<sup>128</sup> Many believe family units must be preserved even if women are at risk. Gender-based violence is not widely understood.

Only a third of SACC clients make police reports.<sup>129</sup> Of 500 young people, one in three had experienced sexual assault and/or sexual harassment; only 6% had sought help.<sup>130</sup> Low awareness of options, and stigma, impede help-seeking.<sup>131</sup> Prevalent norms excusing sexual violence include belief in frequent false allegations, acceptance of jokes and threats of sexual violence (including in the military)<sup>132</sup> and a lack of respect for consent.<sup>133</sup>

There is no systematic published data on violence against LBT women. Reports indicate they experience violence due to prejudicial attitudes from family, peers, educators and others,<sup>134</sup> including “corrective” sexual violence.<sup>135</sup> Educators, social workers<sup>136</sup> and the police are not systematically sensitised to LGBT experiences and needs.

Sex workers face particular violence. Sex work *per se* is not illegal, but related activities (e.g. solicitation, pimping or living on the earnings of a prostitute, owning a brothel) are illegal. Migrant sex workers are “prohibited migrants” under the Immigration Act. Male and transgender sex workers may face charges of public obscenity, gross indecency, or engaging in homosexuality. These rules contribute to stigma and discriminatory (even violent) practices by police and the public. Media reports perpetuate prejudice about sex workers, leading to calls for crackdowns on areas frequented by them,<sup>137</sup> with attendant violence.

In a 2015 study of gender-based violence and abuse faced by sex workers, 29% of complaints related to violence by law enforcement officials (clients (24%), family/partners (15%), general public (28%), teenagers (4%)),<sup>138</sup> including intimidation, entrapment, confiscation of condoms as evidence of sex

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<sup>128</sup> Brigitte Bouhours, Chan Wing Cheong, Benny Bong, Suzanne Anderson, *International Violence Against Women Survey: Final Report On Singapore*, June 2013, <http://www.socialserviceinstitute.org/RP/Families/Fulltext/16.pdf>, accessed on 9 May 2017.

<sup>129</sup> ‘Sexual crimes remain under radar in S’pore’, *The Straits Times*, 25 November 2013, <http://www.straitstimes.com/singapore/sexual-crimes-remain-under-radar-in-spore>, accessed on 9 May 2017.

<sup>130</sup> SACC, ‘Survey: 1 in 3 young people have faced sexual violence; few seek or receive help’, 23 September 2015, <http://sacc.aware.org.sg/portfolio/survey-1-in-3-young-people-have-faced-sexual-violence-few-look-or-receive-help/>, accessed on 27 April 2017.

<sup>131</sup> AWARE experience.

<sup>132</sup> ‘Purple Light has not been banned, Mindef clarifies’, *Asia One*, 17 November 2013, <http://news.asiaone.com/news/singapore/purple-light-has-not-been-banned-mindef-clarifies>, accessed on 27 April 2017.

<sup>133</sup> SACC, *op cit.* (see note 130)

<sup>134</sup> The Swan Project, ‘Sham and Patricia’, 13 November 2014, <https://swanprojectsg.wordpress.com/2014/11/13/sham-and-patricia/>, accessed on 27 April 2017

<sup>135</sup> ‘Woman who was raped twice becomes pregnant after being gang-raped’, *Asia One*, 8 January 2013, <http://news.asiaone.com/print/News/Latest%2BNews/Singapore/Story/A1Story20130107-393927.html>, accessed on 27 April 2017.

<sup>136</sup> ‘Social workers ‘feel ill-equipped to deal with LGBT clients’’, *The Straits Times*, 11 February 2016, <http://www.straitstimes.com/singapore/social-workers-feel-ill-equipped-to-deal-with-lgbt-clients>, accessed on 27 April 2017.

<sup>137</sup> ‘Sisters Peddle Sex in Cars at Park’, *The Straits Times*, 11 October 2015, <http://www.straitstimes.com/singapore/sisters-peddle-sex-in-cars-at-park>, accessed on 12 October 2015; ‘MP pledges to clean up sleazy Woodlands park’, *The Straits Times*, 10 October 2015, <http://www.straitstimes.com/singapore/mp-pledges-to-clean-up-sleazy-woodlands-park>, accessed on 20 October 2015.

<sup>138</sup> ‘Increasing Access to Justice for Sex Workers’, Project X, 20 June 2016, <http://theprojectx.org/2016/06/20/increasing-access-justice-sex-workers-2015-report/>, accessed on 27 April 2017.

work,<sup>139</sup> misuse of authority and profiling, including when workers are not soliciting.<sup>140</sup> Only 24% of cases were reported to police (due to fear); of these, 24% were rejected by police.

Trafficking victims face barriers in accessing protection from violence. Because the State wrongly conflates consensual sex work with trafficking, based on Stop Trafficking SG's experience, the authorities can be unwilling to accept sex trafficking cases if the victim has consensual experience of sex work. A victim testifying in court in 2015 faced prejudicial remarks from the defence lawyer about her place of origin, appearance and sexual history. Other violence against migrant women is addressed below.

Recent developments include:

## 1. Sexual violence

New initiatives are to improve the victim-centricity of processes dealing with sexual crimes.<sup>141</sup> A new one-stop centre allows complainants to undergo forensic and medical examinations in a private facility (though its hours and reach are limited). The police will work with SACC to develop a training video to sensitise officers to victims' experience of investigations.

The police use polygraph tests on sexual assault victims despite their negative psychological impact, lack of scientific justification, and the inadmissibility of results in court.<sup>142</sup>

The definition of "consent" in case law is fairly comprehensive, but there is no single statutory definition, only a statement in the Penal Code of selected circumstances precluding consent. This causes confusion for victims, police officers and the public.<sup>143</sup> The government has signalled an intention to remove marital immunity for rape.<sup>144</sup> It is not clear when this will occur and whether the repeal will be total or qualified.

## 2. POHA

Passed in 2014, POHA establishes that harassment and stalking are criminal offences, and provides civil remedies for victims (POs). Few PO applications have been made due to expense and complexity.<sup>145</sup> Police cannot arrest for their breach; few officers inform complainants of the PO option.<sup>146</sup>

The government rejected calls to mandate anti-harassment measures for employers.<sup>147</sup> Voluntary best practice guidelines for employers (released 2015) have not been widely implemented.

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<sup>139</sup> Human Rights Watch, 'US: Police Practices Fuel HIV Epidemic', 19 July 2012, <https://www.hrw.org/news/2012/07/19/us-police-practices-fuel-hiv-epidemic>, accessed on 29 September 2015.

<sup>140</sup> Abuser Alert reports.

<sup>141</sup> 'Aware welcomes improvements to investigations, court processes; hope it will address under-reporting of sexual crimes', *The Straits Times*, 17 February 2017, <http://www.straitstimes.com/singapore/courts-crime/aware-welcomes-improvements-to-investigations-court-processes-hope-it-will>, accessed on 27 April 2017.

<sup>142</sup> AWARE, 'Discontinue the use of polygraph on assault victims', 27 January 2014, <http://www.aware.org.sg/2014/01/discontinue-the-use-of-polygraph-on-victims-of-assault/>, accessed on 28 April 2017.

<sup>143</sup> SACC experience.

<sup>144</sup> 'Immunity for marital rape being reviewed', *The Straits Times*, 5 April 2017, <http://www.straitstimes.com/singapore/immunity-for-marital-rape-being-reviewed>, accessed on 9 May 2017.

<sup>145</sup> '222 apply for protection against harassment', *The Straits Times*, 24 September 2016, <http://www.straitstimes.com/singapore/courts-crime/222-apply-for-protection-against-harassment>, accessed on 27 April 2017.

<sup>146</sup> SACC experience.

<sup>147</sup> AWARE, 'Recommendations for the Harassment Bill', 14 March 2014, <http://www.aware.org.sg/2014/03/awares-recommendations-on-the-protection-from-harassment-bill/>, accessed on 27 April 2017.

### 3. Family violence

WC provides legal protection from family violence. Since 2016, potential applicants for PPOs include under-21s who are or were previously married. Other under-21s cannot seek PPOs for themselves, though family members or social workers can do so on their behalf. Despite calls from NGOs,<sup>148</sup> PPOs cannot be sought for partner violence where no marital relationship exists or existed (leaving same-sex couples unprotected). An exception for “corrective” violence against young people remains. The definition of violence excludes financial and emotional abuse.

About 3,200 PPO applications are made (1,200 succeed) annually.<sup>149</sup> Some women face protracted court hearings and unreasonable burdens of proof (e.g. denied a PPO after four hearings and medical and police reports; made to submit voice recordings of abuse, obtained at great risk).<sup>150</sup> As PPOs are not findings of criminal liability but legal orders to desist from abuse, these are disproportionate barriers.

### 4. WC – detention of girls and young women

Under WC, girls and women aged under 21 can be detained against their will at the State’s administrative discretion in a “place of safety” due to the risk of the ill-treatment by others or “moral danger” (definition of which is unclear).<sup>151</sup> This applies primarily to those aged 16-21 years, who cannot seek PPOs on their own behalf unless they are/were married.<sup>152</sup> Use is infrequent (10 detentions in five years, three discharged within a month). State decisions are reviewed by an independent committee. There is no right for the detainee to (i) be told the reasons for detention; (ii) make representations; or (iii) challenge decisions.

### 5. Mental Capacity Act and Vulnerable Adults Act

The State’s Report does not specifically address violence against older women, who may face violence from family members, domestic workers or care staff. These Acts are steps in the right direction.

### Recommendations

Expand “family violence” to include emotional and financial abuse. Make PPOs available for unmarried partner violence including same-sex partners. Allow all 18-21 year olds to seek PPOs on their own behalf. Recognise domestic violence as “exceptional depravity” lifting the three-year time bar on divorce.

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<sup>148</sup> Pave, ‘Widening the Definition of Women’s Violence in the Women’s Charter’, 13 July 2015, [http://www.pave.org.sg/downloads/PAVEsubmission\\_WideningTheDefinitionOfFamilyViolence-Oct2015.pdf](http://www.pave.org.sg/downloads/PAVEsubmission_WideningTheDefinitionOfFamilyViolence-Oct2015.pdf), accessed on 27 April 2017; AWARE, ‘AWARE’s submission to Women’s Charter consultation’, 8 November 2015, <http://www.aware.org.sg/wp-content/uploads/AWAREs-submission-to-Womens-Charter-consultation.pdf>, accessed on 27 April 2017.

<sup>149</sup> ‘A look into the challenges of applying for a personal protection order’, *Channel NewsAsia*, 3 May 2015, <http://www.channelnewsasia.com/news/singapore/a-look-into-the/1822766.html>, accessed on 27 April 2017.

<sup>150</sup> AWARE, ‘Aware’s recommendations on improving the Women’s Charter in relation to the issue of domestic violence’, 17 January 2015, [http://www.aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter\\_rev17Jan2015.pdf](http://www.aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter_rev17Jan2015.pdf), accessed on 27 April 2017.

<sup>151</sup> MSF, ‘Detention Under Women’s Charter’, 4 April 2016, <https://www.msf.gov.sg/media-room/Pages/Detention-under-Women%27s-Charter.aspx>, accessed on 9 May 2017.

<sup>152</sup> AWARE, ‘Aware’s recommendations on improving the Women’s Charter in relation to the issue of domestic violence’, 17 January 2015, [http://www.aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter\\_rev17Jan2015.pdf](http://www.aware.org.sg/wp-content/uploads/AWAREs-Recommendations-for-Womens-Charter_rev17Jan2015.pdf), accessed on 27 April 2017.

Expedite PPO and DEO processes. Assess applications more flexibly, prioritising those where applicant has a police or medical report; allow third party applications.

Intensify public education on reporting abuse. Educate the elderly about their rights in multiple languages. Ensure educational curriculum improves understanding of gender equality and gender-based violence.

Review barriers to obtaining POHA POs. Publish data on employer implementation of anti-harassment best practice; should this prove inadequate, amend POHA to place legal responsibility on employers.

Review all Section 160 WC cases in view of the detainees' stated needs and views. Address barriers to girls and young women voluntarily seeking shelter, with a view to removing Section 160.

Comprehensively review under-reporting of VAW and the attrition of cases reaching the police. Implement systematic gender sensitisation for all officers who interact with possible victims of VAW, including sensitisation to the needs of LGBT individuals and sex workers.

Review sexual assault laws to clarify and rationalise ambiguities, including updating archaic language of "insult/outrage of modesty" to reflect gender-neutral, consent-based understandings. Include a clear and comprehensive statutory definition of "consent" codifying current case law rulings.

Review the Penal Code and Criminal Procedure Code to specifically criminalise domestic violence and ensure rape is defined to cover any non-consensual sexual act.<sup>153</sup> Completely abolish marital immunity for the offences of rape (Section 375(4) of the Penal Code) and sexual assault by penetration of a minor (376A(5) of the Penal Code).

## **FDWs**

In January 2017, there were 237,100 FDWs in Singapore, mostly from Indonesia, Philippines, and Myanmar.<sup>154</sup> Their conditions of employment are heavily prescribed by the government. In particular, they are required to live in their employers' homes. In 2011, the Committee recommended that FDWs should be covered by the Employment Act,<sup>155</sup> but they are only protected under EFMA and associated regulations.<sup>156</sup>

### ***Policy Developments***

#### **A. Mandatory Weekly Rest Day**

Since 2013, employers have been legally required to give FDWs a weekly rest day or offer compensate in lieu.<sup>157</sup> Enforcement of this important reform has been inadequate. One survey of over 2,000 FDWs found

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<sup>153</sup> UN CEDAW Committee (2012), *op. cit.*, para 24(a), (see note 3).

<sup>154</sup> 'New payment structure for maids from Philippines', *The Straits Times*, 25 January 2017, <http://www.straitstimes.com/singapore/new-payment-structure-for-maids-from-philippines>, accessed on 28 April 2017.

<sup>155</sup> UN CEDAW Committee (2012), *op. cit.*, para 31, p. 7, (see note 3).

<sup>156</sup> MOM, 'Employment of Foreign Manpower Act,' <http://www.mom.gov.sg/legislation/employment-of-foreign-manpower-act>, accessed on 28 April 2017.

<sup>157</sup> MOM, 'Rest days and well-being for domestic worker', 28 March 2016 (last update), <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being>, accessed on 9 May 2017.

only 37% had received a weekly rest day;<sup>158</sup> another put the figure at 41%.<sup>159</sup> This certainly understates the problem: many workers with no days off at all, whom researchers contacted, were afraid to fill in a survey form. Some said they were not compensated for surrendering some or all of their days off, or compensated below the stipulated rate. The State argues the contract provides flexibility: FDWs can choose compensation in lieu of a day off, and employers can negotiate specific conditions for rest days. Yet power imbalances cast doubt on the voluntariness of agreements to have no rest days.

In 2010, the regulations governing the security bond lodged by employers were amended to remove their liability when FDWs violate Work Permit Conditions (including becoming pregnant). In 2011, MOM stated this was a response to concern from employers that rest days for FDWs would lead to pregnancy.<sup>160</sup>

## **B. Agency fee**

In 2011, the Employment Agencies Act was amended to cap the fee payable by FDWs to an agency to up to two months' salary, depending on the duration of the approved work pass. An agency must refund 50% of the fee if the employer terminates employment within six months.<sup>161</sup> A lack of transparency around the payment of recruitment fees in countries of origin and Singapore limits this measure's impact. One NGO found most newly recruited FDWs still pay six to nine months of salary deductions for their jobs.<sup>162</sup>

## **C. Safe working conditions**

In 2012, new measures were introduced to prevent FDWs from risking their lives cleaning the exteriors of windows in high rise buildings.<sup>163</sup> However, some are still prevented from leaving their employers' premises. Some try to escape abuse or kill themselves by climbing out of windows.

## **D. PHTA – see Article 6 above**

### *Further substantive issues*

## **A. Legal coverage**

FDWs enjoy little effective legal protection of employment rights. Exclusion from the Employment Act denies them sick leave benefits, maximum working hours, periods of rest, overtime payment and maternity rights (EFMA provides fewer protections). FDWs are not covered by the Work Injury Compensation Act.

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<sup>158</sup> Mr Hawazi Daipi (for the Acting Minister for Manpower): Parliament 12 Session 1 Volume 91 Date : 14 April 2014, [http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00006063-WA&currentPubID=00006002-WA&topicKey=00006002-WA.00006063-WA\\_2%2Bid-befcf704-fc4f-4aba-98af-f7aab02fd841%2B](http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00006063-WA&currentPubID=00006002-WA&topicKey=00006002-WA.00006063-WA_2%2Bid-befcf704-fc4f-4aba-98af-f7aab02fd841%2B), accessed on 28 April 2017.

<sup>159</sup> TWC2, 'The right to rest: the effectiveness of the 'day off' legislation for foreign domestic workers', 11 January 2015, <http://twc2.org.sg/2015/06/11/the-right-to-rest-the-effectiveness-of-the-day-off-legislation-for-foreign-domestic-workers/>, accessed on 28 April 2017.

<sup>160</sup> MOM, '\$5,000 security bond not forfeited if maids pregnant', 25 June 2011, <http://www.mom.gov.sg/newsroom/press-replies/2011/5000-security-bond-not-forfeited-if-maids-get-pr>, accessed on 28 April 2017.

<sup>161</sup> MOM, 'Factsheet on new employment agency regulation framework,,', no date, <http://www.mom.gov.sg/~media/mom/documents/employment-agencies/factsheet-on-ea-regulatory-framework.pdf>

<sup>162</sup> TWC2, 'The price of a job', 31 October 2016, <http://twc2.org.sg/2016/10/31/the-price-of-a-job/>, accessed on 11 May 2017.

<sup>163</sup> The success of the policy in reducing the accident rate is reported in Andrea Seet, 'More maids, fewer falls', *Asia One*, 13 April 2015, <http://news.asiaone.com/news/singapore/more-maids-fewer-falls?nopaging=1>, accessed on 28 April 2017.

## **B. Complaint and redress mechanism**

Employment disputes are handled through mediation presided over by MOM. FDWs who are illegally deployed, denied adequate food, abused verbally or emotionally, or deprived of sufficient rest face great challenges in obtaining redress. NGOs note that FDWs' testimonies are viewed as insufficient evidence of such abuse, weakening their ability to obtain a satisfactory resolution.

MOM almost always denies victims of mistreatment a transfer of employers; they are repatriated when the investigation concludes. They lose investments made in seeking a job in Singapore (fees paid to recruitment and employment agencies in their countries of origin and in Singapore). To return to work in Singapore, they must face the expensive process of recruitment anew, taking on debt of \$2,700 - \$3,600.

## **C. Medical surveillance**

FDW must undergo medical check-ups on arrival in Singapore and half-yearly for infectious diseases and pregnancy. The State maintains this is important to "safeguard the health and well-being of FDW, the members of the households they work in, and the public". The rationale for mandatory medical checkups for female FDWs but not migrant men is "they have to work with children". In fact, only 0.28% of the tested FDW population are found to have infectious diseases or to be pregnant.<sup>164</sup> Screening for pregnancy appears to be done out of demographic considerations; it is doubtful it furthers FDWs' welfare.

## **D. Upkeep and wellbeing**

According to the State Courts, 26 FDW abuse cases were filed in 2014, compared to 14 in 2012. It is unclear if this reflects a rise in the incidence of abuse or increased enforcement. NGOs report numerous complaints about inadequate food provided by employers, in terms of quality, quantity and/or variety.<sup>165</sup>

## **E. Salaries**

FDWs are often paid later or lower salaries than promised, with arbitrary deductions.

### Recommendations

Include FDWs in the Employment Act, so they enjoy employment protections and benefits afforded to most workers in Singapore, including public holidays and maximum weekly working hours. Take stronger measures to ensure regular rest days. Increase the use of random checks and publicity for violations. Legally cap the number of rest days per month that can be exchanged for cash at two. Require employers to maintain, and give FDWs access to, proper salary records.

Allow FDWs to seek employment transfers freely without the permission of their employers. Mistreated FDWs should have up to a month to seek alternative employment in Singapore.

Implement the Committee's other recommendations.

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<sup>164</sup> Mr Tharman Shanmugaratnam: Parliament 12 Session 1 Volume 89 Date: 14-05-2012

[http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00077406-WA&currentPubID=00077461-WA&topicKey=00077461-WA.00077406-WA\\_4%20BhansardContent43a675dd-5000-42da-9fd5-40978d79310f%2B](http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00077406-WA&currentPubID=00077461-WA&topicKey=00077461-WA.00077406-WA_4%20BhansardContent43a675dd-5000-42da-9fd5-40978d79310f%2B), accessed on 28 April 2017.

<sup>165</sup> <http://www.home.org.sg/do-foreign-domestic-workers-get-enough-food/>; 'Domestic worker loses 20kg in five months', 6 June 2015, <http://twc2.org.sg/2015/06/06/domestic-worker-loses-20-kg-in-five-months-of-hell/>, accessed on 28 April 2017.

## FOREIGN WIVES

In 2012 the Committee reiterated “concern about the situation of foreign wives of Singaporean citizens”.<sup>166</sup> In the past decade, over 50,000 Singaporeans married non-resident women; over 95% are from Asia, e.g. China, Indonesia, India, Philippines, Thailand and Vietnam.<sup>167</sup> In 2015, 17% of citizen marriages were to foreign women, a decline from previous years.<sup>168</sup> Children of such marriages were 17% of births in 2014.<sup>169</sup> Foreign spouses are still seen as “temporary visitors”; policies create uncertainty around their ability to reside in Singapore, block their participation in society and entrench their dependence on husbands.

### 1. Immigration status

Foreign wives have no clear right to enter and remain in Singapore. Unless they qualify for a non-family pass (favouring higher incomes), they need a spouse to sponsor one of the below:

- *Short-term visit pass (SVP)*: Usually valid for two to four weeks. Renewable, though departure from Singapore is required for repeated renewals.<sup>170</sup>
- *Long-term visit pass (LTVP)*: Valid for three months to five years; renewable.<sup>171</sup>
- *Long-term visit pass plus (LTVP+)* (introduced in 2012): Three years at first, up to five years on renewal.<sup>172</sup> Holders enjoy inpatient healthcare subsidies otherwise unavailable to non-citizens.

There is little transparency on the criteria for each type of pass or length of individual passes. Relevant factors may include the presence of a citizen child, duration of marriage, financial means of the citizen spouse<sup>173</sup> and possibly HIV status,<sup>174</sup> but decisions remain opaque.

Since 2014, PMLA has facilitated pre-marriage disclosures of information. It may be motivated by a view that prospective foreign spouses are unaware of the citizen’s marital, employment or other history. PMLA gives information on the likelihood of obtaining the LTVP. But prior notification does not justify discrimination. The State seems to expect that without the LTVP, the couple should choose not to marry, to live elsewhere, or to accept a compromised family life in Singapore.

The grant of more permanent status (PR/citizenship) is deliberately opaque.<sup>175</sup> Only half of PR applications from foreign spouses are approved each year.<sup>176</sup> A child may qualify for PR/citizenship,

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<sup>166</sup> UN CEDAW Committee (2012), p.8., *op. cit.*, (see note 3).

<sup>167</sup> ‘More Singaporean taking foreign brides’, *The Straits Times*, 22 December 2016,

<http://www.straitstimes.com/singapore/more-singaporeans-taking-foreign-brides>, accessed on 2 May 2017.

<sup>168</sup> ‘Fewer Singaporean men finding love with foreign wives’, *The Straits Times*, 13 November 2016,

<http://www.straitstimes.com/singapore/fewer-men-finding-love-with-foreign-wives>, accessed on 2 May 2017.

<sup>169</sup> ‘More foreign wives seek help after Singaporean husbands abuse them, leave, land in jail or die’, *The Straits Times*, 10 April 2016, <http://www.straitstimes.com/singapore/more-foreign-wives-seek-help-after-singaporean-husbands-abuse-them-leave-land-in-jail-or>, accessed on 2 May 2017.

<sup>170</sup> <https://www.ica.gov.sg/page.aspx?pageid=180&secid=178>

<sup>171</sup> ‘Visit Pass for your family members’, *ecitizen*, updated 11 February 2016,

<https://www.ecitizen.gov.sg/topics/pages/mobile/topicsdetail.aspx?mpageId=197>, accessed on 28 April 2017.

<sup>172</sup> ICA, ‘New Long-Term Visit Pass Scheme (LTVP+)’, 1 March 2012,

[https://www.ica.gov.sg/news\\_details.aspx?nid=12665](https://www.ica.gov.sg/news_details.aspx?nid=12665), accessed on 28 April 2017.

<sup>173</sup> *Ibid.*

<sup>174</sup> AWARE, ‘World Aids Day: AWARE highlights vulnerability of married women, especially foreign wives, living with HIV/AIDS’, 29 November 2016, <http://www.aware.org.sg/2016/11/world-aids-day-aware-highlights-vulnerability-of-married-women-especially-foreign-wives-living-with-hiv/aids/>, accessed on 28 April 2016.



while the foreign parent does not, with no reason given. As of June 2016, 10,000 citizen children under 21 had parents on a Visit Pass or Work Pass.<sup>177</sup> In 2012-2015, women were 13,000 of 14,000 parents (of under-21 citizens) who applied for the LTVP.

If the marriage ends, mothers risk separation from citizen children (or children may have to emigrate). The State will “generally facilitate their continued stay... through a renewable LTVP” to “enable them to care for and raise their Singaporean children here”.<sup>178</sup> It is unclear: (i) how the LTVP (with shorter terms) provides enough certainty when the parent-child relationship is at stake; (ii) which parents’ stays are not “generally [facilitated]” and why; and (iii) if the parent must leave when the children reach maturity.

## 2. Employment

SVP holders may not work. Hiring LTVP/LTVP+ holders is subject to foreign worker quotas and levies unless an employer obtains a LOC.<sup>179</sup> Though commonly granted, this is discretionary rather than guaranteed, and creates delay and uncertainty in changing jobs, as one employer must cancel their LOC in respect of the worker before another employer can seek a new one.

## 3. Housing

Citizens with non-citizen spouses can buy HDB flats on the open market,<sup>180</sup> but cannot buy new, subsidised flats or rent public housing. One couple, unable to afford flat rental, lived in a lorry for two years (including while the wife was pregnant).<sup>181</sup> Foreign spouses are occupiers without ownership rights. If a citizen who owns HDB property dies, a surviving foreign spouse can only retain the flat if they: (i) become a citizen/PR within a year, or (ii) include a citizen/PR family member who is at least 21 and satisfies the eligibility rules and conditions to own a flat. If a non-citizen widow has minor citizen children, HDB can, on a case-by-case basis, have the flat held in trust by a citizen/PR trustee. The flat must be given to the children when they reach 21 years old.<sup>182</sup>

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<sup>175</sup> MHA, ‘Written Reply to Parliamentary Question on Transparency in Criteria for Obtaining PR and Citizenship by Mr K Shanmugam, Minister for Home Affairs and Minister for Law’, 10 October 2016, <https://www.mha.gov.sg/Newsroom/in-parliament/written-replies-to-pqs/Pages/Written-Reply-to-Parliamentary-Question-on-Transparency-in-Criteria-for-Obtaining-PR-and-Citizenship.aspx>, accessed on 28 April 2017.

<sup>176</sup> MHA, <https://www.mha.gov.sg/Newsroom/in-parliament/written-replies-to-pqs/Pages/Written-Reply-to-Parliamentary-Question-on-Foreigners-Married-to-SCs-and-their-Success-in-PR-Applications.aspx>

<sup>177</sup> MHA, ‘Written Reply to Parliamentary Question on Singaporeans under 21 years of Age Residing in Singapore with a Non-PR Foreign Parent by Mr K Shanmugam, Minister for Home Affairs and Minister for Law’, 13 September 2016, <https://www.mha.gov.sg/Newsroom/in-parliament/written-replies-to-pqs/Pages/Written-Reply-to-Parliamentary-Question-on-Singaporeans-under-21-years-of-Age-Residing-in-Singapore-with-a-non-PR-Foreign.aspx>, accessed on 2 May 2017.

<sup>178</sup> MSF, ‘Protection foreign spouses and children when marriages with Singapore citizens break down’, 13 September 2013, <https://www.msf.gov.sg/media-room/Pages/Protection-for-foreign-spouses-and-children-when-marriages-with-Singapore-citizens-break-down.aspx>, accessed on 9 May 2017.

<sup>179</sup> MOM, latest update 3 August 2015, <http://www.mom.gov.sg/passes-and-permits/letter-of-consent/key-facts>, accessed on 2 May 2017.

<sup>180</sup> HDB, ‘Non-citizen Spouse Scheme (NSC9’, <http://www.hdb.gov.sg/cs/infoweb/residential/buying-a-flat/resale/non-citizen-spouse-scheme>, accessed on 9 May 2017.

<sup>181</sup> ‘Baby boy for couple who lived in a lorry at Changi Beach carpark’, *The Straits Times*, 8 September 2016, <http://www.straitstimes.com/singapore/baby-boy-for-couple-who-lived-in-a-lorry-at-changi-beach-carpark>, accessed on 23 November 2016.

<sup>182</sup> MND, ‘Written Answer by Ministry of National Development on ownership of HDB flat of deceased Singaporeans with foreign spouses and children’, 10 October 2016, <http://app.mnd.gov.sg/Newsroom/News-Page/ID/2253/%20A/year/2016/RA1/RA2/RA3?category=Parliamentary%20Q%20>, accessed on 2 May 2017.

#### 4. Abuse

The requirement of spousal sponsorship for renewal of visit passes creates a power imbalance. Women fear retaliatory action if they report abuse. In 2010-2013, foreign spouses submitted about 300 PPO applications yearly against their husbands, an increase from previous yearly figures.<sup>183</sup> More seek help from NGOs.<sup>184</sup>

#### 5. Social Services

Foreign wives struggle to access social services (e.g. legal aid, healthcare subsidies) available to citizens and PRs. If the marriage ends, they can become entangled in protracted custody cases.

##### Recommendations

The LTVP+, with the right to work and relevant healthcare subsidies, should be automatically provided to all foreign spouses of citizens. PR should be granted to the foreign spouse as a matter of course: (i) after three years of marriage, (ii) if the couple has a child, or (iii) if the citizen spouse dies. It should be possible to obtain citizenship following a clearly defined and transparently published period of living in Singapore as a PR and a spouse/parent of a citizen.

Improve access to public housing for transnational couples, including allowing foreign spouses of citizens to co-own or rent property, particularly where they are the parents of citizens. A special task force should look into the needs of foreign spouses, including access to legal aid and social services.

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<sup>183</sup> 'More abused foreign brides seeking help', *The Straits Times*, 8 September 2013,

<http://www.straitstimes.com/singapore/more-abused-foreign-brides-seeking-help>, accessed on 23 November 2016.

<sup>184</sup> 'More foreign wives seek help after Singaporean husbands abuse them, leave, land in jail or die' *The Straits Times*, 10 April, 2016, <http://www.straitstimes.com/singapore/more-foreign-wives-seek-help-after-singaporean-husbands-abuse-them-leave-land-in-jail-or-die>, accessed on 23 November 2016.

### **Annex 1: List of coalition members**

The coalition is comprised of the following organisations (in alphabetical order) who have prepared this Report and endorsed it:

1.	Association of Women for Action & Research
2.	Business & Professional Women's Association of Singapore - Third Chapter
3.	Daughters of Tomorrow
4.	Humanitarian Organization for Migration Economics
5.	MARUAH
6.	Project X
7.	Sayoni
8.	Singapore Association of Women Lawyers
9.	Soroptimist International of Singapore (Garden City)
10.	The Athena Network
11.	The Gentle Warriors' Trust
12.	Transient Workers Count Too
13.	Zonta Club of Singapore

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**Annex 2: List of workshops, meetings etc. held as part of the preparation process**

<b>Date</b>	<b>Event (Workshops, meetings, roundtables etc)</b>
8 November 2014	AWARE-SCWO Workshop: CEDAW and You: The Relevance of CEDAW to CSOs
14 April 2015	SCWO-MSF Closed-Door CEDAW Consultation
25 July 2015	1st CEDAW Review Planning Meeting
17 September 2015	AWARE - Human rights for women in relation to CEDAW, with Distinguished Visitor Professor Christine Chinkin: a Roundtable Discussion
28 May 2016	2nd CEDAW Review Planning Meeting
2 August 2016	Editorial Committee Meeting 1
17 December 2016	Editorial Committee Meeting 2
4 March 2017	3rd CEDAW Review Planning Meeting
20 May 2017	4th CEDAW Review Planning Meeting
8 July 2017	SCWO-MSF Closed-Door CEDAW Consultation
10 July 2017	Editorial Committee Meeting 3
19 August 2017	Presentation of the Report

### **Annex 3: Tables pertaining to economic participation of women in Singapore**

*Table 1: Singapore's Global Gender Gap index and Sub-Index of Economic Participation and Opportunity in 2014 and 2015*

	2014 (142 countries)	2015 (145 countries)
Global Gender Gap index - rank	59	54
Global Gender Gap index - score	0.705	0.711
Economic Participation and Opportunity - rank	18	9
Economic Participation and Opportunity - score	0.790	0.814
Labour force participation - rank	72	75
Labour force participation – score	0.79	0.79
Wage equality for similar work (survey) - rank	10	4
Wage equality for similar work (survey) - score	0.79	0.82
Estimated Earned Income (PPP US\$)	1	1
Legislators, senior officials and managers - rank	62	54
Professional and technical workers – rank	87	80
Professional and technical workers - score	0.82	0.88

*Table 2: Labour Force and the Economy: Labour Force Participation Rate*

#### PROPORTION OF MALES AND FEMALES PARTICIPATING IN THE LABOUR FORCE

	2011	2012	2013	2014	2015
Females in %	57.0%	57.7%	58.1%	58.6%	60.4%
Males in %	75.6%	76.0%	75.8%	75.9%	76.7%
<b>Total in %</b>	<b>66.1%</b>	<b>66.6%</b>	<b>66.7%</b>	<b>67.0%</b>	<b>68.3%</b>

Source: MSF, <https://app.msf.gov.sg/Research-Room/Research-Statistics/Labour-Force-Participation-Rate>, retrieved on 3 November 2016.

*Table 3: Labour Force and the Economy: Median Gross Monthly Income and Gender Wage Gap,*

**MEDIAN GROSS MONTHLY INCOME FROM WORK (Exclude Full-Time National Servicemen)**

	2011	2012	2013	2014	2015
Females	\$3'099	\$3'230	\$3'480	\$3'518	\$3'744
Males	\$3'441	\$3'640	\$3'915	\$4'000	\$4'118
Median Gross Monthly Income from Work	\$3'249	\$3'480	\$3'705	\$3'770	\$3'949
% of Females' Median Income Against Males' Median Income	90.1%	88.7%	88.9%	88.0%	90.9%
Gender Wage Gap	\$342	\$410	\$435	\$482	\$374
Gender Wage Gap in %	9.9%	11.3%	11.1%	12.1%	9.1%

Source: MSF Statistics, <https://app.msf.gov.sg/Research-Room/Research-Statistics/MME-GenderWageGap> (consulted on 4 November 2016).