

Singapore

1. Discrimination in the family

a) Overarching legal framework for marriage

Singapore has two legal systems which govern family matters: civil law under the Women's Charter, and Muslim Law under the Administration of the Muslim Law Act (AMLA) (CEDAW, 2015). Under the Women's Charter the legal age of marriage is 18, with parental consent, or 21 without (Women's Charter, 2009). The AMLA was amended in 2008 to raise the minimum age of marriage for Muslim women from 16 to 18. Muslim girls can only get married under the age of 18 due to special circumstances and with the Kadi's permission (CEDAW, 2015).

Polygamy is allowed under the AMLA, where Muslim men are allowed up to four wives, upon approval of the Registry of Muslim Marriages. Polygamy is prohibited under the Women's Charter (CEDAW, 2015).

b) Child marriage

Under the Women's Charter, a special marriage license is required for those wishing to marry under the age of 18, and they are required to attend a mandatory marriage preparation programme (Women's Charter, 2009). For those who knowingly act in contradiction of Women's Charter, and enter themselves or their children into marriage, shall be convicted and punished with no more than three years' imprisonment and a fine not exceeding SGD 5 000 (Women's Charter, 2009. Art 40). The same punishment is valid for any Registrar who issues the marriage license outside of the laws laid down in the Women's Charter (Women's Charter, 2009. Art 40).

Under Muslim law, marriage is allowed for girls under 18 only under special circumstance, and with the *Kadi's* permission (officials of religious standing appointed by the President of Singapore) (CEDAW, 2015). There is no minimum age for marriage stated under the AMLA.

c) Household responsibilities

Women and men are mutually responsible for their marriage, and the care and providing for their children. Women have the right to use their own name and surname and have equal rights in the running of the household, including to choose where to live (Women's Charter, 2009). Unmarried women have the same rights as unmarried men regarding guardianship of their children under the Guardianship of Infants Act, 1985.

Men are traditionally seen as head of the household (AWARE, 2011). However, progress is being made with regards to women's rights in this area, such as the amendment of the 2010 Income Tax Act to extend tax relief to married female taxpayers. Previously only married male taxpayers who had dependents were eligible (AWARE, 2011).

No specific laws could be located under the AMLA regarding women's rights towards their children, and role within the household.

d) Divorce

The Women's Charter provides equal divorce rights, and makes it obligatory for the husband to maintain his wife and children during the marriage and in the event of divorce, unless there are exceptional circumstances, and the equal division of marital property (CEDAW, 2015). Muslim wives can apply for maintenance from their husbands in the civil courts. However, the AMLA discriminates against women's rights to divorce, as only men have the right to divorce by pronouncing *talak*. Women can only obtain divorce through breach of marriage or against set grounds laid out in the AMLA, such as if the husband has been imprisoned, is impotent, is insane, treats his wife with cruelty or has more than one wife and did not receive approval for it, among others (CEDAW, 2015: AMLA, 2009, Sections 48).

The civil courts rule on the maintenance of the children, for both Muslims and non-Muslims. If both parties are working, they share equal responsibility for children's maintenance. Fathers of illegitimate children are obliged by law to maintain children, also through civil courts (AWARE, 2011).

The civil and Sharia courts decide on issues relating to children in a divorce, and usually decide upon individual cases based upon the best interest of the children. The Sharia court typically grants the mother the care and custody of children under 7 years of age, and children over the age of 7 are interviewed by the court. Increasingly, the Sharia court is issuing joint custody, which is the norm in the civil courts (CEDAW, 2015).

e) Inheritance

Civil law under the Women's Charter allows for equal inheritance rights for women and men, however, the AMLA discriminates against women, favouring male beneficiaries: a man receives twice the share of a woman (AWARE, 2011). However, the *Majlis Ugama Islam Singapura* (Islamic Religious Council of Singapore) issued new religious rulings that align Muslim law to civil law, allowing Muslim men to secure the rights of their wives and dependants through planned nominations in line with civil law, which are also in line with Muslim law's spirit (CEDAW, 2015).

A deceased person's property is distributed according to his will, however, if there is no will then the Intestate Succession Act prescribes the rules of distribution. If the will fails to adequately provide for the deceased dependants, the Inheritance (Family Provision) Act can be invoked, whereby a dependant not reasonably provided for may apply for an alteration of the distribution of the estate; including a wife or husband, or an unmarried or disabled daughter, an infant or disabled son (Singapore Legal Advice, 2014).

2. Restricted Physical integrity

a) Violence against women

The Penal Code criminalises acts which cause death and physical assault, sexual violence and wrongful confinement, words or gestures which insult the modesty of the women, all of which carry penalties of a minimum of 2 years up to 10 years of imprisonment and caning, increased to a minimum of 3 years for committing those crimes against a person under the age of 14 (Penal Code, 2008: CEDAW, 2015).

Violence against women is a pressing issue, according to AWARE (2018), with sexual and domestic violence in particular going underreported (CEDAW, 2012).

b) Domestic violence

The Women's Charter, Section 65, criminalises family violence, and a victim can apply to the courts for a protection order if a 'family member' commits an act of violence against them, and breaching that order is a criminal offense (Women's Charter, 2009). The definition of 'family member' is narrow, only covering a spouse or former spouse, or close relatives such as mother, father, brother, sister, meaning women in informal union are not protected (Women's Charter, 2009). The court may also order mandatory counselling for the victim, the perpetrator and/or the family (CEDAW, 2015).

In 2011, the Family Violence Dialogue Group was established, which facilitates work processes among the agencies which provide services for families affected by violence, including hotlines, crisis shelters, medical care, counselling, translation, and foster or institutional care (CEDAW, 2015). In addition, a manual has been developed, entitled "Integrated Management of Family Violence in Singapore", to layout the roles, responsibilities, procedures and protocols of each agency (CEDAW, 2015).

c) Rape

The Penal Code criminalises rape, punishable by a maximum of 20 years' imprisonment and caning (Penal Code, 2008). There are no laws regarding spousal rape. Engaging in non-consensual sexual intercourse with one's wife has been an offense since 2008, however, it is restricted to certain circumstances, where there is evidence that the marital relationship has broken down (CEDAW, 2015). NGOs contend that this is not enough, as women can only be legally raped by their husband if they have first applied for a protection order (ALERT, 2011).

d) Sexual harassment

In 2014 the Protection from Harassment Act 2014 was passed by parliament, which introduced new offenses, such as unlawful stalking, and strengthens existing penalties (Protection from Harassment Act, 2014). Section 354 of the Penal Code is related to the outrage of modesty, largely applied to molest cases, which carry a maximum punishment of 5 years' imprisonment and caning.

Offenses which take a non-physical form, such as verbal abuse or lewd remarks, can be prosecuted under the Protection from Harassment Act, section 3 (intentionally causing harassment, alarm or distress) or section 4 (harassment, alarm or distress). In addition, the Penal Code lays out the punishment for certain offenses; such as words or gestures which insult a woman's modesty (section 509), and upskirt photos.

e) Female genital mutilation

Female genital mutilation (FGM) is not criminalised in Singapore. Evidence suggests it is practiced by a minority, the Malay Muslims. FGM is called *sunat* in Singapore (Orchid Project, 2015).

Abortion is legal up until 24 weeks under the Termination of Pregnancy Act, 1974, so long as the pregnancy is terminated by a registered physician, with the woman's written consent. After 24 weeks an abortion may be performed to save the mother's life, or if the pregnancy will result in grave permanent injury (Termination of Pregnancy Act, 1974).

More

Singapore has recently passed a Prevention of Human Trafficking Act, criminalising sex, labour and organ trafficking, which came into force in 2015 (CEDAW, 2015). This is in addition to Singapore ratifying the UN protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in September 2015, and the Inter-Agency Taskforce against trafficking in persons, which was established in 2012 and coordinated decision and aligns policies between agencies (CEDAW, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Women are afforded the same property and land rights as men under the Women's Charter, specifically section 51 which enables married or unmarried women to acquire, hold and dispose of any property (Women's Charter, 2009).

Under the ALMA, Muslim male beneficiaries are favoured over women beneficiaries, impinging on women's ability to own land and property. However, the ALMA states that women can enter into contracts, manage their own financial obligations and dispose of property by will without interference of their husbands (ALMA, 2009).

b) Secure access to formal financial resources

Women have equal access to financial resources, including credit and loans, and are able to sign contracts independently (Women, Business and Law, 2017). The Women's Charter defines women as being liable for tort, contract, debt or obligation, suing or being sued in their own name, as well as being legally responsible under bankruptcy laws (Women's Charter, 2009).

c) Workplace rights

Singapore ratified the UN convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), but with a reservation against Article 11 on employment. The Employment Act, the main law governing employment, does not outlaw gender discrimination. Women are therefore not entitled by law to receive equal enumeration for work of equal value. Women are free, however, to enter any profession, to work the same night hours as men, and do not need their husband or guardian's permission to enter the work force or register a business. The Government has made steps towards promoting gender equality by writing the Singapore Code of Corporate Governance 2012 as well as forming the Tripartite Alliance for Fair & Progressive Employment Practice (TAFEP), yet these two are guidance codes and not legally binding.

Women are entitled to 16 weeks of paid maternity leave, paid 50% by the government and the employer. For the third child and after, the government pays the entire 16 weeks (Singapore Government, 2017). The Employment Act (2009) prohibits dismissal of women who are on maternity leave (Employment Act, 2009), but does not prohibit an employer from asking about a woman's pregnancy or her intention to have children during recruitment or promotion processes. Paternity leave is not recognised under Singaporean law.

4. Restricted Civil liberties

a) Citizenship rights

Under the Constitution, women and men have equal rights to acquire, change or retain their nationality (CEWAW, 2015). They also have equal rights to confer their nationality on their children. An amendment to the constitution in 2004 now grants full rights of citizenship by descent to children born abroad to a Singaporean mother, a privilege only permitted to children born to Singaporean fathers previously (ALERT, 2010). However, while men can confer their citizenship on their foreign spouses, women cannot and their foreign spouses must apply for citizenship (Constitution, Art. 123).

Women are not discriminated against regarding applying for passports, identity cards, and the registration of the birth of their children (Registration of Births and Deaths Act, 1985; National Registration Act, 1992).

b) Voting

All women, married or unmarried, have the right to vote so long as they are a citizen of Singapore and over the age of 21, and not disqualified by law (Elections Department, 2017).

c) Political voice

Women have the same rights as men to hold public and political office in the executive, legislative and judiciary (Parliamentary Election Act, X), although no quotas or measures exist to promote women's political participation.

d) Access to justice

Women – married or unmarried - are fully liable to sue, or be sued (Singapore Constitution, 2004) and their testimony carries the same evidentiary weight as men's in all courts of law (Women, Business and Law, 2017). No elements exist in the law to ensure that women are able to exercise their rights to sue, nor have any specific bodies been set up to monitor gender equality, compliance of laws, receive or resolve complaints, or to promulgate gender equality or rights.

Administration of Muslim Law Act (Chapter 3) (Original Enactment: Act 27 Of 1966). Revised Edition 2009. (31st October 2009). Available: <https://sso.agc.gov.sg/Act/AMLA1966>. Last accessed June 2017.

AWARE (2011) 'Association of Women Action and Research CEDAW Shadow Report' May 2011. Available:
http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_NGO_SGP_4_9_10021_E.pdf. Last accessed June 2017.

Guardianship of Infants Act (Chapter 122) (Original Enactment: Ordinance 11 Of 1934). Available: <https://sso.agc.gov.sg/Act/GIA1934>. Last accessed August 2017.

CEDAW (2015). Ministry of Social and Family Development Republic of Singapore. Singapore's Fifth Periodic Report to the UN Committee for the Convention on the Elimination of all Forms of Discrimination Against Women (2015). Available: <https://www.msf.gov.sg/policies/Women-Celebrating-Women/International-Obligations/Documents/Singapore%27s%20Fifth%20CEDAW%20Periodic%20Report.pdf>. Last accessed August 2017.

Orchid Project (2015), Country: Singapore. Available: <http://orchidproject.org/wp-content/uploads/2015/06/Singapore-Final.pdf> Last accessed July 2017.

Revised Edition 1985. (30th March 1987). Available: <https://sso.agc.gov.sg/Act/GIA1934>. Last accessed June 2017.

Singapore Government, Elections Department (2017), Who can Vote? Available: <http://www.eld.gov.sg/voters.html>. Last accessed June 2017.

Singapore Government (2009). Employment Act (Chapter 91) (Original Enactment: Act 17 Of 1968) Revised Edition 2009 (31st July 2009). Available: <https://sso.agc.gov.sg/Act/EmA1968>. Last accessed August 2017.

Singapore Government. Immigration & Checkpoints Authority (2017). Available: <https://www.ica.gov.sg/page.aspx?pageid=132>. Last accessed August 2017.

Singapore Government. Ministry of Manpower (2017). Maternity leave eligibility and entitlement. Available: <http://www.mom.gov.sg/employment-practices/leave/maternity-leave/eligibility-and-entitlement>. Last accessed August 2017.

Singapore Government (1992). National Registration Act (Chapter 201) (Original Enactment: Act 11 Of 1965). Revised Edition 1992 (9th March 1992). Available: <https://sso.agc.gov.sg/Act/NRA1965>. Last accessed June 2017.

Singapore Government (2008). Penal Code (Chapter 224. (Original Enactment: Ordinance 4 Of 1871). Revised Edition 2008 (30th November 2008). Available: <https://sso.agc.gov.sg/Act/PC1871>. Last accessed July 2017.

Singapore Government (2014). Protection from Harassment Act 2014 (No. Of 2014). Arrangement of Sections. Part I Preliminary. Available: <https://sso.agc.gov.sg/Act/PHA2014>. Last accessed June 2017.

Singapore Government (1985) Registration of Births and Deaths Act (Chapter 267) (Original Enactment: Ordinance 34 Of 1937). Revised Edition 1985 (30th March 1987). Available: <https://sso.agc.gov.sg/Act/RBDA1937>. Last accessed July 2017.

Singapore Government. Termination of Pregnancy Act (Chapter 324) (Original Enactment: Act 24 Of 1974). Revised Edition 1985 (30th March 1987). Available: <https://Sso.Agc.Gov.Sg/Act/Tpa1974>. Last accessed August 2017.

Singapore Legal Advice (2014) Inheritance (Family Provision) Act in Singapore. Available: <https://singaporelegaladvice.com/law-articles/inheritance-family-provision-act-in-singapore/>. Last accessed June 2017.

Singapore Legal Advice (2014) Sexual harassment in Singapore (Workplace sexual harassment). Available: <https://singaporelegaladvice.com/law-articles/sexual-harassment-in-singapore-workplace-sexual-harassment/>. Last accessed June 2017.

Women, Business and Law (2017). Singapore. Available: <http://wbl.worldbank.org/data/exploreconomies/singapore/2015>. Last accessed June 2017.

Singapore Government (2011). Parliamentary Elections Act (Chapter 218) (Original Enactment: Ordinance 26 Of 1954). Revised Edition 2011 (15th April 2011). Available: <https://sso.agc.gov.sg/Act/PEA1954> Last accessed July 2017.

Women's Charter (Chapter 353) (Original Enactment: Ordinance 18 Of 1961). Revised Edition 2009. (31st October 2009) Available: <https://sso.agc.gov.sg/Act/WC1961>. Last accessed June 2017.