

Ending family violence in Singapore – challenging physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 68th session, from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), January 2017

Introduction: violence against children in their homes in Singapore and CEDAW's examination of the fifth state party report

Several provisions in the legal statutes of Singapore provide a legal defence to the use of corporal punishment against children, including the defence, widespread in the Commonwealth, of “reasonable chastisement”. Children can be subjected to violence in almost every area of their lives, including in the home. The Government must act on its international obligations and prohibit violent punishment of girls and boys.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Singapore. In particular, we hope the Committee will:

- **in its list of issues for Singapore, ask the Government what progress is being made towards the prohibition of all violent punishment of children, and**
- **in its concluding observations on the fifth state party report, recommend that Singapore take immediate action to ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted prohibiting all corporal punishment of children in all settings.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Singapore
2. Treaty body and UPR recommendations on the issue made to Singapore to date.

1 Laws on the use of force in “correcting” children in Singapore

1.1 Corporal punishment is lawful in the home. Article 89 of the Penal Code 1872 states that “nothing, which is done in good faith for the benefit of a person under 12 years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person”, provided that it does not cause or is likely or intended to cause death or grievous hurt. Under article 3 of the Application of English Law Act 1993, English common law applies, which would include the legal defence of “reasonable chastisement”. Article 64 of the Women’s Charter 1961 prohibits family violence, but this “does not include any force lawfully used ... by way of correction towards a child below 21 years of age”.

- 1.2 Laws relating to children were extensively revised in 2011 but corporal punishment was not prohibited and was re-authorised in settings outside the home. Among the laws reviewed was the Children and Young Person Act 1993: this Act protects children from “ill-treatment” but includes in this only “*unnecessary physical pain, suffering or injury*” (art. 5, emphasis added).
- 1.3 At the Universal Periodic Review of Singapore in 2016, the Government stated that corporal punishment of children “is the last resort” and “is subject to stringent safeguards, after counselling and alternative disciplinary methods have repeatedly failed”.¹
- 1.4 **We hope the Committee will raise the issue of corporal punishment of children in its review of Singapore, and recommend that the Government immediately enact legislation explicitly prohibiting corporal punishment of children in all settings.**

2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

- 2.1 **CRC:** The Committee on the Rights of the Child has three times recommended to Singapore that all corporal punishment of children be prohibited, including in the home and in the penal system – in its concluding observations on the state party’s initial report in 2003,² on the second/third report in 2011³ and on the report on implementation of the Optional Protocol on the involvement of children in armed conflict in 2014.⁴
- 2.2 **UPR:** During examinations in 2011 and 2016 recommendations to prohibit and eliminate corporal punishment of children in all settings were made; however the Government refused them.⁵

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ 15 April 2016, A/HRC/32/17, Report of the working group, para. 116

² 27 October 2003, CRC/C/15/Add.220, Concluding observations on initial report, paras. 32, 33, 44 and 45

³ 2 May 2011, CRC/C/SGP/2-3, Concluding observations on second/third report, paras. 39, 40, 68 and 69

⁴ 19 September 2014, CRC/C/OPAC/SGP/CO/1 Advance Unedited Version, Concluding observations on initial report (OPAC), paras. 21 and 22

⁵ 11 July 2011, A/HRC/18/11, Report of the working group, paras. 96(32), 97(7), 97(8), 99(5) and 99(6); 15 April 2016, A/HRC/32/17, Report of the working group, paras. 166(33), 166(80), 166(169), 166(170), 166(171) and 166(172); and 13 June 2016, A/HRC/32/17/Add.1, Report of the working group: Addendum, para. 41