



EQUALITY NOW

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Re: Information on Singapore for consideration by the Committee on the Elimination of Discrimination against Women at its 49th Session

Dear CEDAW Committee Members,

On behalf of Equality Now, I would like to submit in advance of the examination of Singapore's fourth periodic report at the 49th CEDAW Committee session information regarding its law which does not criminalize marital rape except in certain circumstances and so can allow marital rape to occur with impunity.

Equality Now is an international human rights organization, with ECOSOC status, working to promote the equality of women and girls worldwide. Equality Now's membership base, the Women's Action Network, is comprised of more than 35,000 individuals and organizations in over 160 countries. Issues of concern to Equality Now include discrimination in law, sexual violence, trafficking of women and girls, female genital mutilation, and all other forms of violence and discrimination against women and girls. Articles 375(4) (Rape) and 376A(5) (Sexual Penetration of a Minor Under 16) of Chapter XVI of the Singaporean Penal Code are featured in Equality Now's 2010 report, *Words and Deeds – Holding Governments Accountable in the Beijing +15 Review Process* (http://equalitynow.org/english/campaigns/beijing15/report_en.html), which highlights a sampling of discriminatory laws from around the world relating to violence against women, personal status, economic status and marital status.

The CEDAW Committee's previous Concluding Observations on Singapore called for legislation criminalizing marital rape. In its Fourth Periodic Report to CEDAW, Singapore states that it has tried to balance the right of a husband in marriage to the protection of women from rape. It highlights the 2008 amended Penal Code that has criminalized rape of a spouse, but only under certain circumstances. These are, primarily, where the perpetrator and victim are living apart and certain steps have been taken to terminate the marriage (e.g. proceedings for divorce or separation), or steps have been taken to obtain a public protection order (PPO) or an injunction restraining the perpetrator from having sexual intercourse with his wife.

While this may be taken as a positive step toward the protection of women against rape, the CEDAW Committee itself in its 39th Session Concluding Comments on Singapore in 2007 voiced some concern for the proposed recognition of marital rape as a crime in such narrowly defined circumstances.

Marital rape is a form of violence, and all people in Singaporean society should be protected by the law against violence to their person, without having to make legal arrangements for protection. In any case, engaging these legal procedures presents particular difficulties for minors (Art. 376A allows *marital* rape of a girl over the age of 13, except under certain circumstances) and/or women who have physical or mental disabilities, especially where they are in a position of dependence on the adult and/or able-bodied spouse. Furthermore, court orders may not always be available as the facilities for them are subject to operating hours. Moreover, women should not have to predict whether they will be subject to violence (or, as is often the case, suffer violence first, possibly multiple times) and make applications for court orders before the Code recognizes sexual violence against them as an offence. Every instance of marital rape – not just the second, or third, or fourth – should be treated as an offence. The onus should not be on the woman to ensure she gets justice – it should be on the State to prevent and punish any violence against the person.

AWARE (Association of Women Action and Research), based in Singapore, has submitted a shadow report urging the government to completely remove the immunity accorded to husbands in section 375 of the Penal Code in accordance with the CEDAW Committee's previous Concluding Observations. AWARE also emphasizes that all spouses should be entitled to be free from marital rape without first having to be issued a PPO. In addition, in December 2009, according to AWARE's report, a petition with 3,609 signatures was submitted to the Prime Minister by the "No to Rape" online petition coordinator, a group of concerned Singaporeans who came together calling for total abolition of marital rape immunity. Equality Now echoes these local efforts.

Equality Now would respectfully ask the Committee to raise with the Singaporean government during its review the following questions with regard to the issue marital rape:

1. What steps is the government taking to abolish the remaining marital rape exceptions in the Penal Code?
2. What measures has the government taken to raise public awareness on the issue of marital rape as being an act of violence against women and not a mere prerogative of the husband?
3. What kind of training is being provided for Singaporean law enforcement officials in prosecuting marital rape?

Thank you for your consideration.

Yours Sincerely,



Antonia Kirkland
Legal Advisor