

**Additional Information by the Community  
Action Network (Singapore)  
for the 81st Session of the United Nations  
Committee on the Convention for the  
Rights of the Child (CRC)**



**2019**

## **About Community Action Network Singapore (CAN)**

The Community Action Network is an organisation concerned about human rights in Singapore, in particular civil and political rights. It was established in 2015 by a group of activists, journalists and artists. This report was prepared through desktop research and interviews with staff of a Non Governmental Organisation which serves youths, children and vulnerable families. For reasons of safety and confidentiality, the name of this NGO will not be disclosed.

### **Article 2, 24, 28: Discrimination against non-citizen children**

Children who are born to a Singaporean parent can be denied citizenship if they were not born in Singapore, and if their Singaporean parent is a naturalized citizen (i.e. the parent was not born in the country but was successful in obtaining citizenship through other means). These children live in Singapore on a Long Term Visit Pass (LTVP) or student visa. Once they leave/finish school, they are no longer eligible for the student visa, and have to be on an LTVP (if it is granted). This requires their Singaporean parent to continually apply for the LTVP, and if the parent is unwilling (e.g. strained relationship between parent and child), or if it is rejected by Immigration and Checkpoints Authority (ICA), the child has to leave Singapore, and be separated from their family, including their Singaporean siblings.

Because of a culture of women returning to their mother's home for childbirth, many women, especially those from Indonesia, India, the Philippines and other immigrant women married to Singaporean men, return to their home countries to give birth to their children with the support of their natal kin. They return to Singapore with their infant, only to realise that this means their child is not guaranteed citizenship or even Permanent Residency status. There are many accounts of children being denied citizenship and PR status when in addition to the abovementioned factors, they come from low-income families.

In one case, a child, was born in Medan and came to Singapore with his mother as an infant. His father is Singaporean, and mother is Indonesian. He is now 18 years old, and his younger siblings are all Singaporean, as they were born here. He still lives here on a Long Term Visit Pass (LTVP).

When the child is not granted citizenship, healthcare costs, childcare costs, as well as primary, secondary and tertiary education costs are prohibitively high, especially for low-income families. Without access to subsidies, for these children, childcare costs are around SGD700 (USD 520) a month. Polyclinic fees are SGD51.50 (USD38) per visit, just for consultation (fees for medication are also not subsidised). School fees for an institute of higher learning such as the ITE (Institute of Technical Education) are about SGD9000 or USD6650 per semester. This article contains the fees for primary to tertiary education, for citizen, PR and foreign students, and reveals the huge differences in costs to these groups of children: <https://www.straitstimes.com/singapore/education/school-fees-going-up-for-foreigners-and-prs>

As a result, most children in these circumstances do not have access to higher education. Non-Singaporean children also pay more for their primary and secondary education, resulting in higher financial burdens for already cash strapped working class families with children who are not citizens: <https://www.todayonline.com/singapore/school-fees-foreigners-prs-increase-2018>

In some cases, these children do not even complete primary school education. For example, in a case seen by a NGO, Amer and Afifah have a Singaporean father and Malaysian mother. They were both born in Malaysia and returned to Singapore as infants and grew up in Singapore. But till today, the mother and two children are on a long term visit pass (LTVP). Their applications for Singapore citizenship have been rejected multiple times without any explanation. They suspect that it is because their father is a low wage construction worker. They have three other siblings who are citizens because they were born in Singapore and they lived and grew up together. The two of them dropped out of school because the higher fees that foreign students had to pay was a burden on them.

Non-Singaporean children also have no access to welfare or financial assistance, and therefore cannot receive state support or support from most welfare organisations which provide aid for education, healthcare and childcare. The parent who is on an LTVP, typically avoid seeking necessary healthcare for the child because of high costs. Due to prohibitive childcare costs, working class mothers, who are the primary caregivers in many Singapore families, are unable to sustain employment after childbirth.

## **Recommendations**

- Children who have a Singaporean parent should be guaranteed citizenship regardless of whether they were born in Singapore or whether their parent is a naturalised citizen.
- Non-Singaporean children whose families live in Singapore should be guaranteed equal access to education, childcare and healthcare on the same levels as citizens.

## **Articles 2, 27; Children of single parents and housing**

Unmarried parents who are caring for their children (typically mothers) are not able to access public rental housing or to purchase public housing. This makes them vulnerable to homelessness, or to living in uncondusive or cramped environments with relatives, friends, etc. Renting from the private market or buying private housing is extremely expensive, and unthinkable for low-income families.

Divorced parents who have custody of their children (typically, mothers), continue to face a three-year debarment period in accessing government-subsidised public rental housing, even if they are low-income (meanwhile, the debarment on purchasing a subsidised flat has recently been removed). This puts them in a similar position to unmarried parents, where they are vulnerable to homelessness or living in non-conducive or cramped environments with relatives and friends, hopping from one home to another. This inevitably strains relationships with relatives and friends whom they are staying with, especially if everyone is sharing a small home. This violates the child's right to safety and a stable home.

We invite the committee to refer to the parallel report of the Association of Women for Action and Research for more information about how the discrimination of single parents affects the rights of the child, and their recommendations regarding the same.

## **Articles 2, 9: Children of immigrant mothers**

Immigrant mothers depend on their Singaporean husbands for their stay in Singapore. They are usually on an immigration pass known as the Long Term Visit Pass (LTVP), which does not allow the immigrant spouse to work or the Long Term Visit Pass plus (LTVP+), which has work privileges. The LTVP plus was introduced in 2012 and is typically renewed on a 1 or 2 yearly basis. Whether a LTVP is issued to the immigrant mother will

depend on the approval of husband. If her LTVP is not renewed, she may be forced to leave Singapore. This leads to uncertainty and instability in the family. Getting an LTVP+ requires the approval of the Singaporean spouse, which is an issue if the husband is not willing to let his wife work. There are also cases where immigrant spouses have applied for the LTVP+ and been rejected by the Immigration & Checkpoint Authority, without explanation.

In such circumstances, the family becomes more vulnerable if the Singaporean father is incarcerated or absent, because the mother is unable to work. In one case, the husband has been in jail for 6 years, and the children are 8 & 9 years old respectively. The immigrant mother was denied LTVP+ and their welfare assistance is renewed once every 3 years. They have to be entirely reliant on welfare assistance from the government because the mother is unable to work.

An immigrant mother's tenuous status in Singapore, when it is tied to their husband's willingness to renew their LTVP, makes them vulnerable to abuse. They have little to no bargaining power in the relationship as their husbands can cancel their LTVP anytime, forcing them to return to their home countries and leave their Singaporean children behind.

In cases of divorce, it is extremely difficult for the non-Singaporean spouse (typically the mother) to gain custody of their children, despite the fact that mothers are often the primary caregivers for their children. They lose their LTVP status upon divorce, and have to apply for a tourist visa if they seek to fight the custody battle. They also face other barriers such as language (many don't speak English), being able to afford a lawyer, and so on. As a divorced parent, if the immigrant mother manages to get custody of her children, she is once again in a difficult position with regard to being able to work and provide for them while on an LTVP.

The perpetual LTVP status of non-Singaporean parents from neighbouring countries, who have low education levels and are married to low-income Singaporeans, results in multiple marginalisations that affect the well-being of the child.

## **Recommendation**

Foreign spouses of Singaporeans should have transparent and straightforward routes to permanent residence and, eventually, citizenship, regardless of the education and income level of the Singaporean spouse/themselves.

## **Article 7: Stateless Children**

Even though the constitution was amended in 2004 to allow children to acquire citizenship by descent from their mothers, there are still children in Singapore who do not have Singapore citizenship, even though they are born in this country.

Kyle (name changed for anonymity), who is 23 now, was born in Singapore to a stateless, unmarried mother. He has been denied citizenship till now . His only identity documentation is his birth certificate, which does not have a national identity. He is unable to secure employment and faces many other difficulties due to his statelessness. It is unclear why his mother is stateless, but it appears to be because her family moved to Singapore from Malaysia during partition, and her parents did not apply for citizenship for their children in either country.

Another case is 12 year old whose family has attempted to apply for citizenship three times, with no success. He is two years behind in school and his parents have prohibited him from attending school as they are concerned about the excessive school fees that non nationals are required to pay.

## **Recommendation**

All children who are/were born in Singapore, and are stateless, should be granted citizenship if their family resides here.

## **Articles 3, 18: Lack of support for children who care for their parents**

We are concerned about children who are the primary caregivers for their disabled or chronically ill parents, from a young age, and suffer the loss of vital aspects of their childhood because there is no support system around them. This phenomenon, and category of children are publicly invisible, and also invisible to the state/social services. The children's sacrifices and heavy responsibilities are unmitigated in many instances. Due to having to care for their parents, these children do not attend school regularly. They

also lose the opportunity to socialise with peers. They often do not get any respite, as they are primary/sole caregivers.

For example, Debra (name changed for anonymity) is a 13 year old who has been carrying out many caring roles for her mother - from showering to feeding her - since she was in Primary 3, when her mother had a stroke. Due to her mother's diabetes, the latter has become an amputee, losing both legs over two years. Debra says she has missed out on school. For the last few years of primary school, her attendance was poor, and as a result, she did not pass her PSLE (Primary School Leaving Examination). She has had to be at home to get her mother food, change her diapers, make sure she doesn't fall or fall off the bed when sleeping. When asked how this has affected her, she said "I miss my enjoyment", like going down to play with friends or go on outings.

### **Recommendation**

Child carers should be recognised as a vulnerable group. The government should, in collaboration with NGOs and children and families in these circumstances, look into provisions for these children to get respite from their caregiving roles, make up for lost time in school, have opportunities to play and interact with peers, and receive social support and acknowledgement for the care they provide.

### **Article 20: Institutionalisation of children under child protection services**

The children who are placed in Children and Young Persons Homes include children who have been abused or neglected at home, are in need of care and protection, deemed 'beyond parental control', or in conflict with the law. Children placed under child protection services are therefore often placed together with juvenile offenders.

We find that there are insufficient attempts to place such children in the care of relatives or family friends, and housing them in institutions, often until they are 18 years old (and sometimes up till they are 21 years old) has dire effects on their well-being and life outcomes.

There are reports of bullying and abuse by peers within these institutions, which points to how these are not ideal environments for children who have already faced abuse or

neglect at home to grow up in. There are numerous reports of children trying to run away from these institutions. It is well-known that many of these institutions use punitive methods. They have strict rules, and residing in such an institution automatically means a loss of liberties - children who live here are not allowed to go out as they please, meet friends or relatives, or spend their time as they like.

The loss of liberties, long-term institutionalisation, as well as the widespread and deeply entrenched social stigma of living in a "Girls' Home" or "Boys' Home" is damaging to these children. To the general public, all children who live in these institutions are "bad children". There is no distinction between children under child protective services and juvenile offenders.

## **Recommendations**

- There should be more resources and attention directed to upstream efforts targeted at strengthening vulnerable families and supporting them in caring better for their children. Families' natural support networks (relatives, friends, neighbours) should be activated early on in supporting the family so they can work towards stability. Where such upstream efforts are unsuccessful, the state should make a more thorough and concerted effort to place children in the care of relatives or others who are part of the child's kinship system, culture and community. The fostering system also should be strengthened, so that institutionalisation is the last resort.
- Residing in a Children and Young Persons Homes must be de-stigmatised, and part of doing so is reforming the culture within them such that they are not punitive and do not involve the loss of liberties. The government needs to take steps towards shifting the narrative around these institutions, so that the public, schools and social service professionals see them as places for the safety and nurture of vulnerable children, rather than a place where "bad children" are punished. The government should consider separating correctional facilities for children from care facilities and protective shelters, so that this conflation does not occur.
- The government should work towards placing all institutionalised children under care and protection services within their family networks or communities as soon as possible, rather than allow long-term institutionalisation of these children.



## **Articles 20, 37: Problematic conditions of the detention of girls**

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

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

As these conditions are overly vague, broad and open-ended, it results in inconsistency, lack of transparency and accountability to the girl who is detained, and her lawful guardians.

Lawful guardians who request the Director to detain a girl may do so without reference to her needs and wishes, and may not be acting in her best interest.

If the Director considers a girl to be in moral danger, the girl can continue to be detained in a "place of safety", as determined by the Director, for any period the Director deems necessary (i.e. indefinitely), to the extent of overriding the wishes of her legal guardian, and notwithstanding requests from her lawful guardians for her early release.

The parameters of "moral danger" are particularly ambiguous, and from cases social workers have encountered, it seems to have to do with girls who are suspected of engaging in sexual activities or other "risky youth behaviours". This provision does not require that the girl has either committed an offence, or a finding that her caregivers are incapable of caring for her safety. In other words, a girl who has neither committed any offence, nor whose caregivers are found inadequate to care for her, may be detained indefinitely because she is found to be in "moral danger". This violates the child's civil rights, and, moreover, is a form of gender-based discrimination. The legislation is silent on whether such detentions can be appealed. Even if court appeals are allowed, it will be costly and existing legal aid schemes may not cover appeals of such nature.

For example, there was a case involving a 15 year-old who was reported missing from school. She was staying outside of her home, and was in a relationship with a boy around

her age. Police found her to be in "moral danger" and compelled parents to place her in an institution. When her parents did not agree to sign for 'Beyond Parental Control', the parents were told that MSF will seek a court order to place the girl in Singapore Girls' Home (a correctional facility). The girl's mother felt it was necessary to allow her to live in a nurturing home environment.

### **Recommendations**

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

### **Article 40: The Beyond Parental Control (BPC) court system**

For parents who feel they are losing control of their children, more has to be done to increase the capacity of institutions, facilities and services that render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

Parents experience many difficulties in the upbringing of their children. Sometimes, their children's behaviours are difficult to manage, and sometimes, the parent's abilities to cope with such situations are limited. It is actually the interaction of these factors and stressors that results in family conflict. One of the options available under the Children and Young Persons Act, is the power of parents to bring their children before the Juvenile Court under

the Beyond Parental Control provisions. However, court proceedings may not be the best way to deal with such issues in the best interests of children.

### What is a Beyond Parental Control Order?

Where a parent is able to prove to the court that they are unable to control the child or young person (under 16 years of age), the court has the power (only with the consent of the parent):

1. to order the child to be placed on supervision under the supervision of a statutory welfare officer; or
2. to order the child to be sent to an approved home for a period of not less than two years and not more than three years; and
3. to additionally order the child and/or the parent to undergo treatment to resolve underlying issues.

Even before any orders are made, the court may compel the attendance of the child by issuing a warrant of arrest against the child otherwise.

Where there is failure to comply with the first two orders, the court may make a fresh order against the child. If the child refuses to attend court, the court has the power to issue a warrant of arrest against the child.

Failure to comply with the third order is an offense and the child or parent would be liable on conviction to a fine not exceeding S\$2000

### The public perception and potential misuse of the Beyond Parental Control process

With these provisions in the law, parents may choose to go directly to court rather than take advantage of any available diversionary measures. Also, when diversionary measures do not appear to be effective, parents are often then encouraged to proceed to court.

Beyond Parental Control processes give parents the power to bring their children to court, where the court could issue warrants or arrest, and make orders against the child. The Beyond Parental Control provisions are intended to deal with the family situation in the best interests of the child rather than in a blaming and punitive manner. Unfortunately, there are some parents who may perceive this whole process as one in which parents can complain about their rebellious children to court, and use the authority of the court to force their children to behave.

Parents may take this option as a short cut to discipline their children. This may be a result of a parent's inability to discipline their children competently. In some circumstances, this would be a misuse of the power to bring the child to court. Essentially what starts off as a quarrel between parent and child, ends up as an issue in court where the child may be in a disadvantaged position. The parents make the decision to bring the child to court, there they convince the court that they are unable to control their child, and the court makes a Beyond Parental Control order against the child, ostensibly in the best interest of the child. Orders, such as institutionalization, may be inappropriate to tackle the issues of families in conflict.

### *Stigmatisation and the ill effects of institutionalization*

Orders for institutionalisation, where it is deemed necessary, would be for a period of not less than two years and not more than three years. In some cases, this merely delays the resolution of issues and sometimes does more harm than good. It places great stress on the relationship of the child with his family, and from the child's perspective, placing him in a home is punishment for his behaviour and lets the parents off the hook. It also creates a divide between the child and his/her parents as the youths may view the filing of BPC as their parents intentionally wanting to get their children into trouble and letting them suffer the consequences in a punitive manner. They may also question whether their parents love them.

Beyond this, the public may not perceive a clear distinction between BPC kids and juvenile delinquents. Both groups of children are sometimes sent to the same facilities and this further reinforces the idea that BPC children are at fault.

### *What does it actually mean to be Beyond Parental Control?*

In a situation where parents are truly unable to control their children, someone else needs to care for these children who, without the care and guidance of their parents, are vulnerable to negative peer and other adult influences. Such cases then fall within the definition of children in need of care and protection under the Children and Young Persons Act. Helping families within the care and protection framework allows the underlying issues to be explored more holistically, provides greater flexibility in possible intervention, and reduces the chances of children being stigmatized.

The parents in families that are quarrelling or fighting with each other require adequate services and assistance in the performance of child-rearing, which is their primary

responsibility. Going to court at the first instance or at any time, may not provide them with appropriate services and assistance.

## **Recommendations**

Abolish the Beyond Parental Control (BPC) system:

The government should render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and should ensure the development of institutions, facilities and services for the care of children seen to be beyond their control.

Instead of framing the problem as residing in the child's behaviours or the parent's lack of capacity, preserving the rights and responsibilities of the family requires that the concerns and conflicts within the family be viewed as something the family has to work through together. Rather than taking a punitive stance, social support services for children and their families should be strengthened by a range of services which is appropriate to the families' needs. The BPC process stigmatizes the child and the general public may believe that BPC is for the punishment of delinquent behaviour. If parents have serious difficulty managing the behaviour of their children, they should be given the support to care for their children rather than focusing on their children being uncontrollable, needing treatment/ counseling, or even needing to be institutionalized away from their families.

Within the Children and Young Persons Act, children being handled under the BPC process could be managed under the care and protection framework. The care and protection framework is better placed to look at the family's situation holistically and appreciate the underlying causes of outward behaviour. As such, the government should enhance current levels of social support services for the family to sort out the issues between them, rather than giving the family the option of the BPC order. BPC should be abolished, as it leads to irreparable damage of parent-child relations. Such assistance and services should also be extended to families facing serious difficulties with their children between the ages of 16 and 18 years.

## **Articles 13, 37, 40: Juvenile Justice, cruel, inhuman and degrading treatment and freedom of expression**

### First prosecution

In March 2015, shortly after the death of the first Prime Minister of Singapore, Lee Kuan Yew, 16 year old Amos Yee uploaded a video on YouTube entitled “Lee Kuan Yew is Finally Dead” criticizing Lee. In the video, Yee made a mocking comparison of Lee to Jesus, and made insulting comments about Christianity. He also uploaded to his blog an image depicting Lee and Margaret Thatcher engaged in sodomy.

Yee was arrested and charged in court for 3 offences: intending to wound the religious feelings of Christians, transmitting an obscene image, and causing distress to Singaporeans who viewed the video. The first 2 charges are offences under the penal code while the last one is an offence under the Protection from Harassment Act. The last charge was later withdrawn. He was eventually sentenced to 4 weeks in prison.<sup>1</sup>

Amos Yee spent a total of 55 days detained on remand as the court considered his sentence. This included a two-week stay at the Institute of Mental Health (IMH), where he was held in Block 7, where individuals suffering from mental illness and who have been convicted of criminal offences are kept. His mother told the media that for 23 hours a day, he was kept in a cell with closed-circuit security cameras and with the lights always on (only dimmed a little at night). He usually spent the one hour each day he was allowed to leave his cell undergoing psychiatric assessment. According to his mother, Yee had difficulties eating, was not sleeping well and felt depressed. When he expressed thoughts of suicide, he was strapped to a bed for one a half days.<sup>2</sup>

### Second prosecution

On November 2015, Yee uploaded another video on youtube, criticising Islam and Christianity again. He was arrested again on May 2016 and charged with 6 counts of violating the penal code for offending Christians and Muslims. He was 17 years old at the time of the prosecution. He was sentenced to 6 weeks in prison and fined SGD2000, with an additional 10 days in prison if he failed to pay the fine.

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1 *Kill the chicken to scare the monkeys: suppression of free expression and assembly in Singapore* Human Rights Watch 2017

2 <https://www.theonlinecitizen.com/2015/06/23/amos-in-remand-a-mothers-perspective/?fbclid=IwAR2mBIkujs1J-F5Y8-CK-5PWcolldKPvwO0zK183WldheHhVl6GPw-0RJWA>

It is important to note that Yee was 16 years old at the time he was charged in court for the first prosecution, and 17 years of age at the time of the second prosecution. In spite of claims by the State that youths below the age of 18 are dealt with by the family and juvenile court, Yee was treated as an adult by the justice system. His arrest, and detention under remand violates the Convention's standards on how youths should be dealt with when offences are committed:

**Paragraph 11** of the Beijing rules states that 'consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority...'

**Paragraph 13** of the Beijing Rules also stipulate that detention pending trial shall be used only as a 'measure of last resort', and that while under detention, 'juveniles shall receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical, and physical-that they may require in view of their age, sex and personality.'

It was not in the best interests of Yee to have been prosecuted, imprisoned and detained in remand for such a long period of time. Paragraph 10 states 'the protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.'

Not only was the punishment inflicted on him disproportionate, it also violated his right to freedom of expression. Yee's youtube video may have been offensive to some but it did not incite violence and hate. international human rights law allows only serious and extreme instances of incitement to hatred to be prohibited as criminal offences, not other forms of expression, even if they are offensive, disturbing or shocking

## **Recommendations**

- Adhere to international standards in the right to freedom of expression and only prosecute speech which incites violence and hate. Repeal laws which criminalise speech which are deemed to be offensive and wounds religious feelings
- Ensure that all children and young persons below the age of 18 are only subjected to punitive detention, and imprisonment for criminal offences, as a last resort, and only after all diversionary measures have been exhausted.

## **Article 40: Juvenile justice and the death of Benjamin Lim**

On January 26 2016, a 14 year old boy named Benjamin Lim was accused of molesting a 11 year old girl while in the lift at the block of a residential flat. Five plain clothes police officer go to his school and he is taken into police custody. He was released on bail after three and a half hours at the police station. Later that evening, he was found dead at the foot of the block where he lived.

Throughout the period when Benjamin Lim was brought to the police station and when he was questioned, his parents were not allowed to be with him, nor was he allowed access to a lawyer. Benjamin's mother was only informed that Benjamin had been arrested and had to wait for him outside the police station.<sup>3</sup>

Even though the Singapore Police Force told local media that Benjamin had not "exhibited any signs of being unduly distressed" throughout his two-hour engagement with the police, his mother disagreed. She said that her son was not his usual self following his release. His hands were freezing cold and he hardly spoke. Benjamin's sister added that he appeared somewhat "stunned". She also queried the police's assessment of her brother's state of mind. "How can the police prove that Ah Hui (Benjamin) did not show any sign of being unduly distressed?"<sup>4</sup>

Following this incident, the police force have from April 2017, implemented the Appropriate Adult Scheme for Young Suspects (AAYS). Young suspects below the age of 16 under criminal investigation will be accompanied by a grown-up during interviews under this scheme.

According to media reports, The Appropriate Adults (AAs) will be independent, trained volunteers whose job at police interviews will be to look out for signs of distress as well as aiding communication and providing emotional support. They must remain neutral and not advocate for the young suspect, nor provide legal advice or disrupt the course of justice in any way.<sup>5</sup>

However, this falls short of recommendations set out in General Comment No 10 (2007) which says:

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3 <https://www.theonlinecitizen.com/2016/01/31/14-year-old-jumps-to-his-death-after-unaccompanied-police-interrogation/>

4 <https://www.theonlinecitizen.com/2016/01/31/14-year-old-jumps-to-his-death-after-unaccompanied-police-interrogation/>

5 <https://www.channelnewsasia.com/news/singapore/young-suspects-to-be-accompanied-by-adults-during-police-intervi-7533520>



'The child being questioned must have access to a legal or other appropriate legal representative, and must be able to request the presence of his/her parent during questioning. There must be independent scrutiny of the methods of interrogation to ensure that the the evidence is voluntary and not coerced, given the totality of the circumstances, and is reliable.'

The government has justified excluding lawyers during police questioning because investigations might be compromised with their presence. This is not convincing because the point of a lawyer's presence is to inform a suspect or accused person of his or her rights guaranteed under the law. Their presence is necessary especially for young suspects, who may experience psychological trauma and distress from being interrogated by a police officer, and lead to unmitigated confessions due to lack of knowledge and advice from a lawyer.

### **Recommendations**

Allow parents and/or lawyers to be present during the police investigations, and extend this to all children and young persons below the age of 18.

### **Article 15: Freedom of assembly**

Even though the Singapore constitution guarantees freedom of assembly, all residents of Singapore, including children and young persons, do not have the freedom to assemble in accordance to international human rights standards. The freedom to assemble publicly is circumscribed within an area known as Hong Lim Park, or Speaker's Corner. Applications for processions and assemblies at all other public areas is generally disallowed, unless approval is given by the police under the Public Order Act (POA).

Community Action Network has documented several cases in which applications to hold assemblies and processions under the POA have been denied, even though they only involve one person. Very rarely are permits issued for assemblies and processions outside of Speaker's Corner.

The application process usually takes 14 working days (approximately 3 weeks), and when the application is rejected, appeals usually take another 3 weeks.

Anyone who stages a peaceful assembly or procession, even if it involves one person, without a permit is liable to be charged under the POA and face fines and a possible jail term.

### **Recommendations**

Amend the Public Order Act to specifically recognise the government's obligation to facilitate peaceful assemblies and to allow assemblies outside of Hong Lim Park (Speaker's Corner).

Amend the Public Order Act to eliminate the requirement for a permit for an assembly or procession

Amend the Public Order Act to require advance notice of an assembly only if it will involve, for instance, more than 50 people, and of a procession only if it will involve, for instance more than 10 people. This will align current laws closer to existing international standards.