

**CRIMINAL JUSTICE STRATEGIES IN THE ELIMINATION OF  
VIOLENCE AGAINST WOMEN - *the Singapore Perspective***

**Paper by the Attorney-General's Chambers, Singapore**

***Introduction***

1. In the context of this paper, "violence" refers to the infliction of physical, sexual and psychological harm. While women and men may be equally vulnerable to crimes such as robbery and murder, there are crimes to which women are additionally vulnerable: for example, rape, sexual assault and offences relating to prostitution.

2. In Singapore, studies have shown that victims of family violence tend to be predominantly female. For example, the gender breakdown of the number of police reports made by family members in 1995 was as follows: cases of verbal threats in the home (412 women, 96 men), cases of voluntarily causing hurt in the home (2813 women, 294 men), cases of voluntarily causing grievous hurt in the home (20 women, 4 men).<sup>1</sup>

3. The challenge to Singapore's criminal justice system has been, therefore, to develop laws and mechanisms capable of addressing the fears and concerns women have about becoming victims of violence.

***The Singapore Penal Code, Protection for Domestic Maids and Nullification of a Woman's Consent***

4. The Penal Code documents in Chapter XVI a lengthy list of offences affecting the human body. These include offences which involve the causing of death and the causing of hurt, as well as sexual offences such as rape and incest and lesser known offences such as the causing of miscarriage without a woman's consent.

5. In 1998, the Penal Code was amended to provide for enhanced punishment for persons who abused domestic maids. As the Minister for Home Affairs commented<sup>2</sup>:

*All employers have an obligation to treat their maids humanly and decently ...Maid abuse could be in the form of simple assault or causing serious hurt. Some employers took advantage of their maids by outraging their modesty. The number of maid abuse cases reported to the Police nearly doubled, from 105 in 1994, to 192 in 1997. Of the 192 reported cases in 1997, 157 cases were substantiated with evidence, and appropriate actions had been or are being taken against the offenders. Although the number is still small relative to the maid population in Singapore, we should curb such incidents before they get out of hand. Maid abuse runs counter to Singapore's aspiration to become a gracious and civil society.*

6. As a result, s.73 of the Penal Code now provides that the maximum penalties for the offences of causing hurt or grievous hurt, assault or criminal force, wrongful confinement and insulting a woman's modesty would be 1.5 times what the offender would otherwise have been liable for, when the victim is a domestic maid, and the offender is the employer or a member of the employer's household.

7. In *PP v Kwan Kwong Weng*<sup>3</sup> the Court of Appeal held that a women who in certain

<sup>1</sup> *Parliamentary Debates, Official Report*, 2 May 1996, col 121-122

<sup>2</sup> *Parliamentary Debates, Official Report*, 20 April 1998, col 1924

<sup>3</sup> [1997] 1 SLR 697

<sup>4</sup> Section 153(1) of the Women's Charter

circumstances was tricked by the accused into performing sexual acts on the latter would have her consent vitiated to the extent that there was no real consent on her part. This ruling allows prosecutions to be brought against bogus fortune tellers and medicine men who use the false pretext of healing to obtain sexual favours from their unwitting victims.

### *The Singapore Women's Charter*

8. In addition to the Penal Code, Part XI of the Women's Charter criminalises conduct specifically targeted at women and girls: traffic in women and girls, for example; or causing or encouraging prostitution of, intercourse with, or indecent assault on, girls below the age of 16; or detaining any woman or girl against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose.

9. Part XI of the Women's Charter further empowers the Director of Social Welfare to put the woman or girl in question into a place of safety until the determination of the criminal proceedings. Under section 163(1), any woman or girl may also, on her own application, be received by the Director into a place of safety if the Director is satisfied that the woman or girl is in urgent need of refuge. Under section 163(2), where the situation warrants it, the person in charge of any place of safety may receive into that place of safety any woman or girl who makes an application to him or her.

10. Part XI of the Women's Charter also contains provisions which are designed to facilitate the prosecution of offences involving women and girls as the victims of one form or another of sexual assault or sexual exploitation. There is a provision<sup>4</sup> which provides, *inter alia*, that when any person is charged with having committed an offence under Part XI of the Charter (which deals mainly with prostitution-related offences), or under certain sections of the Penal Code which deal with sexual offences

against women<sup>5</sup>, the trial court may order all proceedings before it to be held *in camera*.

11. Furthermore, no newspaper report of any proceedings under Part XI of the Charter in any court may reveal the personal particulars of any woman or girl in respect of whom the offence is alleged to have been committed, nor may any picture be published in any newspaper of the woman or girl in question.<sup>6</sup> The objective of such provisions is to ensure the security and privacy of those who have already been through traumatic experiences; and by providing such safeguards, to encourage these persons to give the authorities their fullest co-operation in the apprehension and prosecution of the relevant offenders.

### *Use of video-link facilities*

12. In fact, for witnesses who are reluctant to give evidence inside a courtroom where they may be in some physical proximity to the accused persons charged with assaulting or abusing them, we have facilities in our courts which will allow these witnesses to give their evidence via video link, away from the courtroom. Legislation was specifically passed to recognise the use of this facility.<sup>7</sup>

### *Compensation orders*

13. On the conclusion of the trial, if the accused is convicted, Singapore courts also have the power to order that he pay compensation to his victim or the victims' representatives.<sup>8</sup>

---

<sup>5</sup> These are sections 354 (outrage of modesty), section 354A (aggravated outrage of modesty), section 376 (rape) and section 376B (incest)

<sup>6</sup> Section 153(4) of the Women's Charter

<sup>7</sup> Section 364A Criminal Procedure Code

<sup>8</sup> Section 401(1) of the Singapore Criminal Procedure Code (Cap 68) Section 401(1)(b) of the Singapore Criminal Procedure Code (Cap 68) states: "The court before which a person is convicted of any crime or offence may, in its discretion, make either or both of the following orders against him: ... (b) an order for the payment

---

<sup>4</sup> Section 153(1) of the Women's Charter

### *Beyond traditional criminal law remedies*

14. The remedies spoken of so far are what may be described as "traditional" criminal law remedies: they rely on concepts and mechanisms already well-known in our criminal law. In our efforts to eradicate violence against women, however, these "traditional" remedies may not be enough. They do not take into consideration a major factor in many of the crimes of violence against women: namely, the fact that much of the violence against women is perpetrated by persons known to them, with whom they have some sort of relationship. A national survey conducted by the Canadian Government in 1994 revealed, for example, that almost one-half of Canadian women reported violence by men known to them, as compared to one-quarter who reported violence by strangers. One-quarter of all women had experienced violence at the hands of current or past marital partners (including common-law union). The British Crime Survey in 1992 saw women reporting the occurrence of violence in situations which one would have thought of as being familiar and unthreatening: the home, for example, or the work place. In eight out of ten domestic violence incidents reported to the survey, women were attacked by men. It is small wonder, therefore, that a legal commentator has written that "violence, for women, arises largely from familiarity."<sup>9</sup>

15. The statistics we have garnered at home in Singapore bear out the truth of such a remark. For example, in an article published in the *Straits Times* on 12 September 1996, it was reported that almost 3 out of 4 women who had reported rape during the first half of the year, knew their attackers: the alleged rapists were

---

by him of a sum to be fixed by the court by way of compensation to any person or to the representatives of any person injured in respect of this person, character or property by the crime or offence for which the sentence is passed."

<sup>9</sup> Elizabeth A. Stanko, "Gendered Criminological Policies: Femininity, Masculinity and Violence" in *Crime and Public Policy: Putting Theory to Work*, edited by Hugh D. Barlow and published by Westview Press

friends, boyfriends, relatives and bosses. From 1996 to 1998, of the 7 concluded cases of culpable homicide not amounting to murder (under section 304(a) of the Penal Code) which featured female victims, 5 out of the 7 victims in question knew their assailants; and of this number, 3 were killed by their husbands, boyfriends or ex-boyfriends. During the same period, of the 21 concluded cases of voluntarily causing hurt by dangerous weapons or means (under section 324 of the Penal Code) which involved female victims, 14 out of the 21 victims knew their assailants; and of this number, 8 were attacked by their husbands, boyfriends or ex-boyfriends. Of the 48 cases of voluntarily causing hurt (under section 323 of the Penal Code) which involved female victims in the period from 1996 to date, 16 out of the 48 victims knew and/or were related to their assailants; and of these 16, 12 were assaulted by their husbands, ex-husbands, boyfriends or ex-boyfriends. Of the 7 concluded cases of voluntarily causing grievous hurt (under section 325 of the Penal Code) which involved female victims in the same period, 6 out of the 7 victims in question were related to and/or knew their assailants.<sup>10</sup>

16. It must be emphasised, moreover, that these are **concluded** cases: that is, they are cases which were reported, investigated and prosecuted in court. The number of cases of violence against women which go unreported may be far greater. One telling sign is the number of persons who suffer injuries severe enough to seek medical treatment. In 1995, for example, a total of 446 cases of spousal abuse were recorded in public hospitals in Singapore.<sup>11</sup>

### *Violence against women in the domestic context*

17. The unhappy reality is that in cases where the aggressor is related and/or known to their victims, the women are often reluctant to

---

<sup>10</sup> Statistics provided by Police Intelligence Department on 9 April 1998

<sup>11</sup> *Parliamentary Debates, Official Report*, 2 May 1996, col.123

go to the authorities. This is particularly so where the violence occurs in a domestic context: the woman who is beaten up by her husband, for example, or by her son, or by some other family member.

18. The fact that many women victims of violence are related to and/or know their aggressors also raises questions about the types of conduct which may legitimately be regarded as "violence". For instance, a woman receives numerous telephone calls and letters from her former husband in which he blames her for their divorce and accuses her of all sorts of misbehaviour. He never goes so far as to physically assault her, but she is deeply disturbed by this continual, unwanted attention. Does his conduct qualify as "violence" which may in appropriate circumstances be punished by the criminal law?

19. One of the basic legal strategies that a society can adopt in controlling violence against women in the domestic context is the strategy of "compulsory intervention"<sup>12</sup>, the legal strategy is to pursue full enforcement of the law. This is epitomised by the Family Violence Bill (Bill No. 36/95) which was introduced in Singapore's Parliament in 1995 by Dr Kanwaljit Soin, a nominated Member of Parliament. According to clause 13(2) of Dr Soin's Bill, for example, where there is sufficient evidence to prosecute the offender for family violence, the Public Prosecutor is mandated to charge him with the offence. This Family Violence Bill was defeated at its second reading largely because of concerns that it provided for an excessive degree of intervention by the criminal process which could be inimical to the resolution of family conflicts. As the Minister for Home Affairs commented in the course of the relevant Parliamentary debate:

Family disputes occur in diverse situations and the needs of the family in each situation vary because of the relationships and emotions involved. For this reason, the parties involved should be handled with

understanding and sensitivity and not always with the cold and strong arm of the law. I prefer a more mediatory and conciliatory approach which gives the family in distress a better chance of resolving its problem, with the Police intervening only in the more serious situations ...<sup>13</sup>

20. In the context of Singapore we have adopted the "contingent intervention strategies". With this strategy, the legal response to violence against women is generally only available if the initiative is first taken by the victim or members of the family. In our view, this represents the appropriate balance between the public's interest in regulating violent behaviour and the need to respect the privacy of the family.

*The Singapore Women's Charter (Amendment) Act 1996*

21. A good example of how this balance has been struck is the recent enactment of the Women's Charter (Amendment) Act 1996.

22. Prior to the enactment of this amending Act, sections 68 to 70 of the Women's Charter were the provisions dealing with violence in the domestic context. They were restricted in scope and aim, however, and for that reason, sometimes ineffectual. Thus, for example, they were concerned only with violence in the form of actual physical injury; and only parties to a marriage could apply for relief.

23. The Women's Charter (Amendment) Act 1996 brought in a far wider definition of violence. It included as violence the following acts:

- 21.1 wilfully or knowingly placing or attempting to place in fear of hurt;
- 21.2 causing hurt by such act which is known or ought to have been known would result in hurt;

<sup>12</sup> Franklin E. Zimring, "Legal Perspectives on Family Violence" (1987) 75 Calif L Rev 521

<sup>13</sup> *Parliamentary Debates, Official Report* 1 November 1995, col 125

21.3 wrongfully confining or restraining against a person's will; or

21.4 causing continual harassment with intent to cause or knowing that it is likely to cause anguish.

24. The category of persons who may apply for relief from such violence now includes not just spouses, but also parents, children, siblings, in-laws, relatives and former spouses. The main form of relief which such a person may apply for is a protection order which restrains the person against whom the order is made from using violence against the family member. An application for a protection order may be made by the family member concerned or in the case of persons below 21 years of age or incapacitated persons, by a guardian or relative or person responsible for the care of the child or incapacitated person, as the case may be, or by any person appointed by the Minister.

25. So far as the burden of proof borne by the applicant is concerned, the court need only be satisfied "upon satisfaction on a balance of probabilities" that violence as defined by the amending Act has been committed or is likely to be committed against a family member and that a protection order is necessary for the protection of this family member.

26. Expedited protection orders may also be obtained where the court is satisfied that there is imminent danger of violence being committed against the applicant.

27. Yet another innovation is the discretion which the court now has to attach conditions to the protection orders it issues. Section 65(4) of the Women's Charter now provides that the court, in making a protection order, may include a provision that the person against whom the order is made may not incite or assist any other person to commit violence against the protected person. Section 65(5) further stipulates that a protection order may, where the court is satisfied on a balance of probabilities that it is necessary for the

protection or personal safety of the applicant, provide for such orders as the court thinks fit having regard to all the circumstances of the case, including:

25.1 the granting of the right of exclusive occupation to any protected person of the shared residence or a specified part of the shared residence by excluding the person against whom the order is made from the shared residence or specified part thereof, regardless of whether the shared residence is solely owned or leased by the person against whom the order is made or jointly made or leased by the parties; and

25.2 referring the person against whom the order is made or the protected person or both or their children to attend counselling.

28. The number of protection orders applied for under the Women's Charter has seen an increase since the enactment of the Women's Charter (Amendment) Act 1996. In 1995, a total of 1027 protection orders were successfully applied for under the Women's Charter. In 1997, following the reforms introduced by the amending Act, there were a total of 1168 protection orders successfully applied for.<sup>14</sup> In 1998 to date, a total of 1655 protection orders were successfully applied for under the Women's Charter. It may perhaps be surmised that the reforms brought about by the Women's Charter (Amendment) Act 1996 have encouraged women to come forward and seek protection from violence in the home. The reforms are significant because they address the problems which traditional criminal law remedies cannot. Thus, for example, the woman who suffers assault by her alcoholic husband may apply for a protection order which, in addition to restraining him from perpetrating further violence on her, also

---

<sup>14</sup> Statistics provided by the Singapore Subordinate Courts on 4 April 1998

directs that he attend the counselling needed to overcome his alcoholism.

29. At the same time, however, the criminal justice system is not without applicability in this new scheme. Under section 65(8), any person who wilfully contravenes a protection order or an order made by virtue of section 65(5) (save for an order made by virtue of section 65(5)(b), violation of which is punishable as a contempt of court) shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; and in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both. Thus the man who continually harasses his former wife and who disobeys a protection order restraining such harassment will be guilty of an offence and will be liable to the “traditional” criminal law sanctions of imprisonment and/or fines. Moreover, an offence under section 65(8) is deemed to be a seizeable offence within the meaning of the Criminal Procedure Code. This is significant because under s119(1) of the Criminal Procedure Code, the police are mandated to investigate and to arrest an offender in a seizeable offence, unless the case is not of a serious nature or where there appears to be no sufficient ground for proceeding in the matter.

#### *Victim impact statements*

30. Yet another area into which we have ventured is the use of victim impact statements in cases such as assault cases. Victim impact statements are designed to allow the court a better perspective into the harm suffered by the victim of a crime. This ensures that in sentencing the accused, the court keeps in mind, amongst other things, the effect which the accused’s act has had on its victim. In the context of crimes involving violence against women, use of such statements by the prosecution can be especially powerful in conveying to the court the ordeal suffered by an abused or battered woman.

31. For example, in the case of *PP v Ho Wee Fah*<sup>15</sup>, the accused pleaded guilty to a charge of attempted rape. A victim impact statement was tendered by the prosecution in court. In this statement, the victim described how her life had been completely changed as a result of the encounter with the accused. The emotional distress of the ordeal had caused her to suffer from psychiatric problems and had affected her work as a financial controller in a multinational company. She had also received threatening letters at her home advising her not to testify at the accused’s trial. The accused was sentenced to 9 years imprisonment and 16 strokes of the cane.<sup>16</sup>

#### *Court initiatives*

32. The Singaporean courts have adopted a proactive approach towards family violence such as the setting up of a Family Protection Unit which *inter alia* provided professional counsellors to victims of family violence as part of its Family Violence Policy, providing for direct link ups with hospitals and medical clinics, setting up volunteer victim support schemes and initiating outreach programmes by distribution of brochures, organising talks at community agencies, welfare organisations, law enforcement agencies and schools and extending the opening hours of the Family Courts Registry and providing night mediation.<sup>17</sup>

#### *The road ahead*

33. The above are examples of how the effort to protect women against violence may be boosted by supplementing our criminal justice system with less conventional remedies. We are conscious, of course, that we must remain vigilant in monitoring the effectiveness of the system; and to that end, we continue to

<sup>15</sup> Criminal Case No. 12 of 1998

<sup>16</sup> The maximum sentence for this offence is 10 years imprisonment and 24 strokes of the cane

<sup>17</sup> “Doing More with Less: Court Initiatives, Case Reviews and Trial Management - The Singapore Experience” by District Judge Daphne Hong Fan Sin

examine other possible reforms and initiatives in our laws.

34. In undertaking such an exercise, we are encouraged by the fact that public opinion in Singapore favours greater intervention by law enforcement agencies in so far as the problem of violence against women is concerned. A survey funded by the National University of Singapore in 1992<sup>18</sup> indicated, for example, that in respect of wife assault cases, the public was generally in favour of intervention by social workers and the police especially when the assault was serious and/or had continued over a long span of time. Members of the public were also of the opinion that the courts should treat wife assaults more seriously than other personal assaults. For recalcitrant wife abusers, it was felt that compulsory treatment should be ordered.

### *Conclusion*

35. In grappling with the problem of violence against women, we have ultimately to address the attitudes which create a breeding ground for the violence in the first place. In the long run, it is really better education as well as careful cultivation of societal values which will profoundly reshape these attitudes. An awareness of the more fundamental situation should not blind us, however, to the importance of keeping the law available and accessible to all who need its protection. The law may not be a panacea but it can be a considerable tool in our ongoing effort to eradicate violence against women; and as such, we have the responsibility of ensuring that it remains relevant and efficacious always.

April 1999

---

18 Alfred Choi, "Formal Protection of Women from Wife Assaults in Singapore" [1994] 3 MLJ xli

### **Bibliography**

1. "Women and Crime - Woman As Victim and Survivor", Chapter 9 in "Women and the Law" by Jocelyne A. Scutt, published by the Law Book Company Limited
2. "Women as Victims", Chapter 7 in "Women, Crime and Criminal Justice" by Allison Morris, published by Basil Blackwell
3. "Gendered Criminological Policies: Femininity, Masculinity, and Violence" by Elizabeth A. Stanko in "Crime and Public Policy: Putting Theory to Work" edited by Hugh D. Barlow, published by Westview Press
4. "Three Theories of Rape", Chapter 2 in "Rape: A Philosophical Investigation" by Keith Burgess-Jackson, published by Dartmouth
5. "Explaining Violence: Socioeconomics and Masculinity" by Christine Alder in "Australian Violence: Contemporary Perspectives" edited by Duncan Campbell, Peter Grabosky and Heather Strang
6. "The Law's response to Marital Violence in England and the USA" by Susan Maidment, *International and Comparative Law Quarterly*, Vol 26 pp 403-444
7. "Violence in the Family" by Debbie Ong Siew Ling (1994) *Singapore Law Review* pp 193-212
8. "Formal Protection of Women from Wife Assaults in Singapore" by Alfred Choi (1994) 3 MLJ xli-llii
9. Walmsley Report on "Personal Violence", Home Office Research Study No. 89, pp 28-51
10. "Doing More with Less: Court Initiatives, Case Reviews and Trial Management - The Singapore Experience" by Judge Daphne Hong Fan Sin