



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Forty-ninth session

11 – 29 July 2011

Concluding observations of the Committee on the Elimination of Discrimination against Women

Singapore

1. The Committee considered the fourth periodic report of Singapore (CEDAW/C/SGP/4) at its 993th and 994th meetings, on 22 July 2011 (see CEDAW/C/SR.993 and 994). The Committee's list of issues and questions is contained in CEDAW/C/SGP/Q/4 and the responses of the Government of Singapore are contained in CEDAW/C/SGP/Q/4/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its fourth periodic report, which in general, followed the Committee's guidelines for the preparation of reports with reference to the previous concluding observations. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications to the questions posed orally by the Committee.

3. The Committee commends the State party's high level delegation, headed by the Minister of State for Community Development, Youth and Sport of Singapore, which included several representatives from relevant ministries, with expertise in the areas covered by the Convention. The Committee appreciates open and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

4. The Committee welcomes the progress achieved since the consideration of the State party's third periodic report in 2007 (CEDAW/C/SGO/3), including the legislative reforms that have been undertaken and the adoption of a range of legislative measures. Specific reference is made to:

a. Amendments to the Employment Act (2009) and adoption of a new employment agency regulatory framework (2011);

- b. Amendments to the Penal Code (2008), introducing provisions to protect young persons against sexual exploitation for commercial sex;
 - c. Amendments to the Administration of Muslim Act to raise the minimum marriage age from 16 to 18 years old for Muslim females;
 - d. Amendments to Evidence Act and Criminal Procedure Code (2010);
 - e. Amendments to Women's Charter (2011); and
 - f. Amendments to the Children and Young Persons Act which protects girls and young women against abuse, neglect and exploitation (2011).
5. The Committee notes with appreciation the initiatives taken by the State party to promote gender equality and protect women's rights, such as the creation of the National Family Violence Networking System, an Inter-Agency Taskforce on Trafficking in Persons, and introduction of enhanced package measures to support parenthood, including longer maternity leave and extended childcare and infant leaves for both parents.
6. The Committee notes with satisfaction the ratification by the State party of the Convention against Transnational Organized Crime (2007), the amendment to article 20, paragraph 1, of the CEDAW Convention (2010). The Committee also welcomes the State party's partial withdrawal of its reservation to articles 2 and 16 of the Convention (2011).

Principal areas of concern and recommendations

7. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament, and to the judiciary, so as to ensure their full implementation.

Parliament

8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage the Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.

Legal status of the Convention

9. The Committee acknowledges the State party's commitment to the principles of gender equality and non-discrimination embodied in CEDAW Convention. However, the Committee remains concerned that despite the ratification of the Convention in 1995, the State party has not yet domesticated it as part of national legislation.

10. The Committee calls on the State party to place high priority on the process of full incorporation of the Convention into its domestic legal system in order to give central importance to the Convention as the basis for the elimination of all forms of discrimination against women.

Definition of equality and non-discrimination

11. While noting that the general principles of equality and non-discrimination are guaranteed in article 12 of the Constitution, the Committee remains concerned at the absence of a specific definition of discrimination against women in accordance with article 1 of the Convention in the State party's legislation, including the Women's Charter.

12. The Committee reiterates its previous recommendation (CEDAW/C/SGP/3, paragraph 14) and urges the State party to incorporate in its Constitution and other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and also to include provisions to prohibit all forms of discrimination against women on all grounds.

Reservations

13. The Committee notes the State party's partial withdrawal of its reservations to articles 2 and 16, as well as the progress made in order to align its legislation with the Convention. The Committee is, however, concerned at the State party's reservations to article 2, paragraphs (a) to (f), and article 16, paragraphs 1(a), 1(c), 1(h), article 16, paragraph 2, and article 11, paragraph 1, as it is of the opinion that these reservations are impermissible since these articles are fundamental to the implementation of all the other provisions of the Convention. In this respect, the Committee takes note of the information provided in the State party's reply to the list of issues and during the dialogue with the Committee that the Government is considering reviewing its position with regard to its reservations to the Convention.

14. The Committee calls upon the State party to fully incorporate parts of articles 2 and 16 that are now applicable in the State party and urges the State party to consider withdrawing remaining reservations to article 2 and 16, and article 11(1), which are contrary to the object and purpose of the Convention, within a concrete timeframe.

Discriminatory laws

15. The Committee notes with appreciation the efforts of the State party through the Islamic Religious Council of Singapore (MUIS) to review and revise discriminatory legislation and align Syariah law with civil law, in particular, the amendments to the Administration of Muslim Law Act in 2008, raising the minimum age of Muslim marriage for both parties from 16 to 18 years old, the fatwa on joint tenancy and fatwa on Central Provident Fund nominations, updated in 2010. It remains deeply concerned, however, at the preservation of dual marriage regime that applies in the State party and the discriminatory provisions that persist in the laws relating to marriage, divorce and nationality that deny women equal rights with men. It is also concerned at the lack of free choice of adjudication between Syariah Court and family court.

16. The Committee calls upon the State party to:

- (a) Pursue without delay its law review process with the view to harmonizing its domestic legislation with its obligations under the Convention within a clear time frame;**
- (b) Enhance its law reform through partnership and collaboration with male and female religious leaders, lawyers and civil society organizations including women's non-governmental organizations; and**
- (c) Provide for equal choice of adjudication between Syariah and family courts.**

National machinery for the advancement of women

17. While noting the re-designation of the Women's Desk as the Office for Women's Development on 1 July 2011, the Committee is concerned about its limited authority, human and financial resources and its capacity to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices.

18. The Committee reiterates its previous recommendation (CEDAW/C/SGP/3, paragraph 18), and encourages the State party to elevate the status of the national machinery for the advancement of women, to strengthen its mandate and provide the necessary human, financial and technical resources.

Temporary special measures

19. The Committee notes with concern that the State party has no plans to adopt temporary special measures to accelerate the achievement of substantive equality between women and men in all areas of the Convention, especially in areas where women are underrepresented or disadvantaged.

20. The Committee reiterates its previous recommendation (CEDAW/C/SGP/CO/3, paragraph 20) and calls upon the State party to:

- (a) Sensitize all relevant officials on the concept of temporary special measures contained in article 4, paragraph 1, of the Convention, as interpreted in the Committee's general recommendation No.25; and**
- (b) Consider applying temporary special measures in various forms in areas in which women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women.**

Stereotypes and harmful practices

21. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men within the family and society at large. In this regard, the Committee is particularly concerned that, despite the legal equality accorded to spouses, discriminatory traditional cultural attitudes that continue to utilize "the head of the household" concept, assigning this role to men, persist in the State party. Additionally, the Committee is concerned at the pervasiveness of advertising for products and services to improve body image and conform to societal expectations, as well as at the lack of clear guidelines to non-medical practitioners, such as aesthetic clinics, beauty clinics and spas. It notes that such cultural overemphasis of women's beauty and lack of effective regulations on its commercial exploitation, including by the media, reinforces the image of women as sex objects and constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee further notes that despite the fact that the State party recognizes the principle of equality of all persons before the law, as enshrined in the Constitution, regardless of gender, sexual orientation and gender identity (State party's replies to the list of issues, CEDAW/C/SGP/Q/4/Add.1, paragraph 113), there is still negative stereotyping of women belonging to this group.

22. The Committee calls upon the State party to:

- (a) Put in place, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate women, including those based on sexual orientation and gender identity, in conformity with the provisions of the Convention. Such measures should include efforts, in collaboration with civil society,**

to educate and raise awareness of this subject, targeting women and men at all levels of the society;

- (b) Engage in pervasive, sustained and proactive efforts to combat and eliminate stereotypes discriminatory cultural concepts, including “the head of the household” that negatively impact the achievement of equality between women and men;
- (c) Impose stricter regulations with regard to safety and to extend the existing guidelines for medical practitioners to non-medical practitioners such as aesthetic clinics, beauty salons and spas, and conduct regular monitoring of their activities;
- (d) Use innovative measures that target media people to strengthen understanding of the equality of women and men and through the educational system to enhance a positive and non-stereotypical portrayal of women; and
- (e) Monitor and review the measures taken in order to assess their impact and to take appropriate action.

Violence against women

23. The Committee expresses its concern at the persistence of violence against women in the State party, in particular, domestic and sexual violence, which remains, in many cases, underreported. While welcoming the amendments to the Penal Code in 2008 on the criminalization of rape of a spouse, the Committee is concerned that it only applies when the perpetrator and the victims are living apart and are in process of termination of their marriage, and if the victim applied for a personal protection order.

24. The Committee urges the State party to:

- (a) Review its Penal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape, and ensure that the definition of rape covers any non-consensual sexual act;
- (b) Provide mandatory training for judges, prosecutors and the police on the strict application of legal provisions dealing with violence against women and train police officers on procedures to deal with women victims of violence;
- (c) Encourage women to report incidents of domestic and sexual violence, by destigmatizing victims and raising awareness about the criminal nature of such acts;
- (d) Provide adequate assistance and protection to women victims of violence, by strengthening the capacity of shelters and crisis centres, and enhancing cooperation with NGOs providing shelter and rehabilitation to victims; and
- (e) Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator.

Trafficking

25. While welcoming the establishment in March 2011 of an inter-agency Taskforce on Trafficking in Persons, and the adoption of the definition of “trafficking in persons” as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the United Convention against Transnational Organized Crime, the Committee remains concerned at the continuing prevalence of trafficking in women and girls in the country about the alleged criminalization and deportation of trafficked women and girls as immigration offenders, as well as low reporting rate. The Committee is also concerned at the lack of a comprehensive legal framework to combat against trafficking and provide protection for victims.

26. The Committee calls upon the State party to:

- (a) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**
- (b) **Enact a specialized legislation against trafficking in persons including the internationally recognized definition of human trafficking in order to better identify victims of trafficking and prosecute traffickers;**
- (c) **Strengthen its measures to combat all forms of trafficking in women and children, including through increased international, regional and bilateral cooperation with countries of origin and transit, in line with article 6 of the Convention, as well as through trainings to the judiciary, law enforcement officials, border guards, social workers in the country; and**
- (d) **Ensure the prosecution and punishment of individuals involved in trafficking and the protection and rehabilitation of victims of trafficking.**

Participation in political and public life

27. While welcoming the increase in the number of women in the public service, the Committee notes with concern that there are no full women ministers in the cabinet and women in the State party continue to be underrepresented in decision-making in the government, the judiciary, the diplomatic service, as well as in the private sectors.

28. The Committee recommends that the State party:

- (a) **Adopt laws and policies aimed at the promotion of women's full and equal participation in decision-making in all areas of public, political and professional life, in accordance with article 7 of the Convention, and adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations No.23 (1997) and No.25 (2004) concerning women in political and public life and temporary special measures;**
- (b) **Take steps to ensure that the elected women representatives to public office are provided with needed institutional support and resources; and**
- (c) **Conduct awareness-raising activities for the society at large about the importance of gender equality and women's participation in decision-making; to develop training and mentoring programmes for women candidates and women elected to public office as well as programmes on leadership and negotiation skills for current and future women leaders.**

Employment

29. The Committee reiterates its concern about the State party's reservation to article 11, paragraph 1, of the Convention and remains concerned at the continuing vertical and horizontal occupational segregation, the persistent wage gap between women and men, and the lack of a legal definition and prohibition of sexual harassment. The Committee expresses its concern that the paid maternity leave of 16 weeks applies only to citizen births, and that single unwed mothers do not get the same benefits as married women. The Committee is deeply concerned at the cases where pregnant female employees were forced to resign.

30. The Committee urges the State party to:

- (a) **Withdraw its reservation to article 11, paragraph 1, and to adopt effective measures to eliminate occupational segregation, both horizontal and vertical;**

- (b) **Ensure that all women employees, both in public and private sector are guaranteed with a paid maternity leave, regardless of the nationality and marital status;**
- (c) **Adopt legislation guaranteeing equal pay work of for equal value to narrow and close the wage gap between women and men in accordance with ILO Convention No. 100 (1951) concerning Equal Remuneration; and**
- (d) **Take steps to enact legislative provisions on sexual harassment at the workplace, as well as in educational institutions, including sanctions, civil remedies and compensation for victims.**

Foreign domestic workers/foreign wives

31. While recognizing the comprehensive set of legislative, administrative and educational measures adopted by the State party to protect foreign domestic workers, and the adoption of the new employment agency regulatory framework under the Employment Agencies Act in April 2011 to raise the standard of recruitment processes and minimise abuses and malpractices, the Committee remains concerned at the situation of foreign domestic workers, in particular, with regard to the mandatory regular testing for pregnancy and sexually transmitted diseases, the prohibition to marry Singaporeans and the lack of mandatory day off. The Committee also reiterates its previous concern about the situation of foreign wives of Singaporean citizens, especially with regard to their right to work and to their permanent residence status in the country.

32. The Committee encourages the State party to:

- (a) **Review and amend the existing labour legislation in order to apply to foreign domestic workers, or adopt new legislation ensuring that foreign domestic workers are entitled to adequate wages, decent working conditions, including a day off, benefits, and access to complaint and redress mechanisms;**
- (b) **Review and repeal the law requiring a work permit holder, including foreign domestic workers, to be deported on grounds of pregnancy or a diagnosis of sexually transmitted diseases such as HIV/Aids;**
- (c) **Provide work permit to foreign wives with a social visit pass and review its system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage; and**
- (d) **Ratify the ILO Conventions No.111 (concerning Discrimination in Respect of Employment and Occupation), and sign and ratify the ILO Convention No.189 (concerning Decent Work for Domestic Workers).**

Marriage and family relations

33. The Committee is concerned that, despite some of the steps taken by the State party to harmonize Syariah law and civil law, Muslim women still cannot enjoy equal rights with men with regard to family, marriage and divorce, including with respect to their rights to marry which depends on permission by a woman's Wali, and the possibility of Talaq divorce. While acknowledging the legal reforms made by the State party that make polygamy practically almost impossible, which resulted in a decline of the number of polygamous marriages, the Committee is concerned at the continued legal authorization of polygamy. The Committee is also concerned that women's equal share in all marital property is not guaranteed in clear legislation. The Committee is further concerned at the lack of legal provisions governing de facto unions, which may deny women protection and redress in case of separation or violence against women.

34. The Committee calls upon the State party to:

- (a) Ensure equality between women and men in marriage and family relations, amend without delay all remaining discriminatory provisions and administrative regulations, including provisions and regulations relating to family, marriage and divorce and take all necessary legislative measures to ensure women's equal share in all marital property regardless of monetary and non-monetary contributions to the marital property;**
- (b) Legislate without delay, complete ban of polygamy to all societal groups; and**
- (c) Review its current legal system governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions.**

National human rights institutions

35. The Committee regrets that the State party has not yet taken steps to establish an independent national human rights institution with a wide mandate to protect and promote women's human rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

36. The Committee recommends that the State party establish, within clear time frame, an independent national human rights institution in accordance with the Paris Principles, whose competencies should include issues related to the equality of women and men.

Optional Protocol

37. The Committee encourages the State party to accelerate its efforts to ratify the Optional Protocol.

Beijing Declaration and Platform for Action

38. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

39. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination

40. The Committee requests the wide dissemination in Singapore of the present concluding observations in order to make the people, government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee recommends that the dissemination should include the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights

organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

41. The Committee notes that the adherence of the State party to the two major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e. The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to concluding observations

42. The Committee requests the state party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 and 32 above.

Preparation of next report

43. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.

44. The Committee requests the State party to respond to concerns expressed in present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in July 2015.

45. The Committee invites the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents", approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (see HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines, adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of all forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

¹ The Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child.