

Inhuman sentencing of children in Singapore

Briefing for the 24th session of the Human Rights Council Universal Periodic Review in January/February 2016. Submitted by the Child Rights International Network (CRIN) (www.crin.org), June 2015.

Inhuman sentencing of child offenders in Singapore

1. The minimum age of criminal responsibility in Singapore is seven years old.¹ Children aged seven to 15 are considered juveniles, while children over the age of 15 are tried as adults.² Children over that age are liable to be sentenced to life imprisonment for a number of offences in Singapore. Corporal punishment is also a lawful sentence for male children over the age of seven.

Legality of inhuman sentencing

Life imprisonment

2. Any person who was under the age of 18 at the time of committing an offence punishable with death must be sentenced to life imprisonment in lieu of the death penalty.³ For certain grave crimes, including culpable homicide not amounting to murder, attempted murder, and voluntarily causing grievous hurt, the court may sentence the offender to be detained for such a period as it sees fit under the discretion of the relevant Minister. The minister may release the detained person on licence at any time.⁴ The Penal Code punishes culpable homicide and attempted murder with life imprisonment.⁵ Persons aged 16 and 17 are tried as adults, for which a wider range of crimes are punishable by life imprisonment under the Penal Code.

Corporal punishment

3. Female offenders in Singapore are exempt from sentences of caning.⁶ Sentences of corporal punishment may be handed to children aged seven to 15 only by the High Court,⁷ which tries children accused of certain offences, such as murder, rape, drug trafficking or armed robbery.⁸ Children aged 16 and 17 are tried as adults and liable to be sentenced to caning: up to 12 strokes by a District Court, up to six strokes by a Magistrate's Court, and by a High Court to any sentence prescribed in law.⁹ Children

¹ Penal Code, Article 82, available at: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%22025e7646-947b-462c-b557-60aa55dc7b42%22%20Status%3Ainforce%20Depth%3A0;rec=0>.

² Children and Young Persons Act, Article 2, available at: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%22911aba78-1d05-4341-96b7-ee334d4a06f0%22%20Status%3Ainforce%20Depth%3A0%20ValidTime%3A19940315000000%20TransactionTime%3A20150611000000;rec=0>.

³ Criminal Procedure Code, Article 314, available at: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%223b4efefc-6d61-43ac-8b1c-8ccd8b86a972%22%20Status%3Ainforce%20Depth%3A0;rec=0>.

⁴ Children and Young Persons Act, Article 38.

⁵ Penal Code, Articles 304 and 307.

⁶ Criminal Procedure Code, Article 325.

⁷ Children and Young Persons Act, Article 37(3).

⁸ Children and Young Persons Act, Article 33. See also *Second and third periodic report of Singapore to the UN Committee on the Rights of the Child*, CRC/C/SGP/2-3, 6 January 2009, at para. 184, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2f2-3&Lang=en.

⁹ Criminal Procedure Code, Article 303.

aged seven to 15 should be caned up to 10 strokes with a light rattan, older young people up to 24 strokes with a rattan up to 1.27cm in diameter.¹⁰ Sentences of caning may only be carried out in the presence of a medical officer who must certify that the offender is in a fit state of health to receive the caning.¹¹

Inhuman sentencing in practice

4. CRIN has not been able to locate statistical information on the number of people sentenced to life imprisonment for offences committed while under the age of 18. No exact numbers of children being sentenced to corporal punishment are available either. The Government reported in 2009 that 76 juvenile offenders (i.e. aged under 16) were sentenced to judicial caning with a light cane between 2003 and June 2007; no figures were given for 16-17 year olds.¹²

International human rights mechanisms

5. During the first cycle of the Universal Periodic Review, Singapore rejected a recommendation from Djibouti to put an end to all practices of corporal punishment in detention facilities as well as a recommendation from Poland to fully incorporate the principles and provisions of the CRC as regards corporal punishment.¹³

6. The Committee on the Rights of the Child has recommended that Singapore “revise its legislation to prohibit the use of corporal punishment and solitary confinement in all detention institutions for juvenile offenders” and that it “abolish the sentence of life imprisonment of children and, in the meantime, ensure[s] that children currently sentenced to life imprisonment receive education, treatment and care aiming at their release, reintegration and ability to play constructive role in society”.¹⁴

The review of Singapore by members of the Human Rights Council

7. In light of the clear international human rights consensus against the imposition of life imprisonment and corporal punishment of child offenders and the specific recommendations made to Singapore during the first cycle of the Universal Periodic Review and by the UN Committee on the Rights of the Child, we hope that the members of the Human Rights Council will urge the government of Singapore to:

- explicitly prohibit sentences of life imprisonment and corporal punishment for all children to ensure full compliance with international standards;
- immediately review the sentence of any person serving a life sentence for an offence committed while under 18 to ensure that no one serves a life sentence for an offence committed while a child;
- raise the minimum age of criminal responsibility;

¹⁰ Criminal Procedure Code, Article 328 and 329.

¹¹ Criminal Procedure Code, Article 331.

¹² Second and third periodic report of Singapore to the UN Committee on the Rights of the Child, CRC/C/SGP/2-3, 6 January 2009, at para. 184.

¹³ See CRIN, *Singapore: Children’s Rights References in the Universal Periodic Review*, 2011, available at: <https://www.crin.org/en/library/publications/singapore-child-rights-references-universal-periodic-review>.

¹⁴ UN Committee on the Rights of the Child, *Concluding Observations to the consolidated second and third periodic report of Singapore*, CRC/C/SGP/CO/2-3, 4 May 2011, para. 69, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSGP%2fCO%2f2-3&Lang=en.

- collect and provide disaggregated data about sentences handed down to children by offence committed and date, as well as information about children in detention, including gender, age and length of time spent in pre-trial detention in each case.

To read CRIN's detailed report on Inhuman Sentencing of Children in Singapore, visit www.crin.org/en/node/23983.