

Singapore's Breach of its Obligations Regarding Women's Health under the United Nations Declaration of Human Rights – Article 25

Respectfully Submitted to the

United Nations Human Rights Committee

On the occasion of its consideration of the Periodic Review of Singapore Pursuant to Article 40 of the International Covenant on Civil and Political Rights

**Hearings of the United Nations Rights Committee
24th Session, 2016**

Prepared and submitted by the Global Health Course of Indiana University Fairbanks School of Public Health, Indianapolis, Indiana.

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Background of the Indiana University Fairbanks School of Public Health Global Health Course and this “Shadow Report” to the United Nations Human Rights Committee

The Indiana University Fairbanks School of Public Health (IUFSPH) is a part of Indiana University Purdue University Indianapolis, a public University in the United States of America. The Global Health Course is a graduate level course offered at IUFSPH in Indianapolis Indiana to provide students a background in global health issues, global justice, and basic fundamental health rights of different countries around the world.

One goal of the Global Health Course offered at IUFSPH is to further teaching and the study of health and to promote scholarship in international health issues. As part of the Global Health Courses’ curriculum, the students were responsible for researching the health condition of women in Singapore in order to present this Shadow Report to the United Nations Human Rights Committee. Students were led by their professor, Dr. Amber R. Comer in the study of international human rights law and how it pertains to the health status of women in Singapore

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EXECUTIVE SUMMARY

This Shadow Report informs Singapore's obligations under the United Nations Universal Declaration of Human Rights (UDHR) Article 25, which requires Singapore provide a standard of living adequate for the health and well-being of persons and their families and to provide special care and assistance during motherhood. In the past, Periodic Reviews have not addressed women's health issues. This report examines Singapore's failure to comply with the UDHR in respect to women's health issues, and offers recommendations to overcome those failures.

A. RELEVANT LEGAL ISSUES – WOMEN'S HEALTH AS A HUMAN RIGHT

As a UDHR party, Singapore is obligated under Article 25, sections (1) and (2) to provide a standard of living adequate for the health and well-being of persons and their families and to provide special care and assistance during motherhood. Additionally, under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Singapore is obligated to ensure the rights of women and eliminate discrimination against women. Singapore has failed to ensure that women in Singapore are provided appropriate health care and special care and assistance during motherhood in violation of the UDHR Article 25, sections (1) and (2). Past Periodic Reviews of Singapore have failed to address the status of women's health in Singapore.

B. SINGAPORE HAS VIOLATED SPECIFIC HEALTH RIGHTS OF WOMEN IN SINGAPORE

The Committee is required to evaluate Singapore's laws, policies, and practices relating to women and health. This report informs the Committee, Singapore, and other interested parties, that the laws, policies, and practices of Singapore negatively affect women's health in the country and constitute discrimination against women. The following is a summation of specific issues in women's health that constitute a violation of the UDHR that will be described in further detail during this report.

- I. Singapore Engages in Inhumane Treatment of Incarcerated Women in Respect to Women's Health
- II. Singapore Fails to Protect the Health of Women Suffering Domestic Abuse

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Proposed Recommendations To The United Nations Human Rights Committee Re Singapore's Obligations Under The United Nations Declaration Of Human Rights And The Convention On The Elimination Of All Forms Of Discrimination Against Women The Health Of Women In Singapore

We respectfully request that the United Nations Human Rights Committee adopt the following recommendations and urge Singapore to comply fully with the UDHR and the CEDAW and to afford fully all health rights hereunder to women in Singapore:

Singapore Engages in Inhumane Treatment of Incarcerated Women in Respect to Women's Health

Recommendation # 1 of 6: The Human Rights Committee recommends Singapore improve transparency of women prisons and women prisoner treatment by removing barriers to communication between prison employees and outside entities requesting information.

Recommendation # 2 of 6: The Human Rights Committee recommends Singapore promote alternatives to maximum-security incarceration for women convicted of lower level crimes.

Recommendation # 3 of 6: The Human Rights Committee recommends Singapore improve health care access for prisoners with HIV/AIDS.

Recommendation # 4 of 6: The Human Rights Committee recommends Singapore incorporate gender-specific approaches in prison staff training at the women's prison that will allow a more gender-sensitive approach to handling incarcerated women's unique health issues.

Recommendation # 5 of 6: The Human Rights Committee recommends Singapore create a screening tool for identifying incarcerated women in need of mental health services.

Recommendation # 6 of 6: The Human Rights Committee recommends Singapore increase the daily time allotted for incarcerated mothers to play with their children from 30 minutes to one hour and a half in order to allow more bonding time between mother and child.

Singapore Fails To Protect the Health of Women Suffering Domestic Abuse

Recommendation # 1 of 6: The Human Rights Committee recommends Singapore take further measures to prevent domestic violence.

Recommendation # 2 of 6: The Human Rights Committee recommends Singapore enact laws that provide protection for women reporting abuse and support and shelters for women fleeing domestic abuse.

Recommendation # 3 of 6: The Human Rights Committee recommends Singapore adopt measures to ensure transparency of reporting domestic violence.

Recommendation # 4 of 6: *The Human Rights Committee recommends Singapore make efforts to emphasize the importance of women’s rights and health when reviewing and referring to domestic violence cases in Family Court.*

Recommendation # 5 of 6: *The Human Rights Committee recommends Singapore address the transparency regarding data and information about violence against women. More accurate data should be collected and made publically available in order to better combat domestic violence.*

Singapore Breached Its Obligations under the United Nations Universal Declaration of Human Rights to Protect the Health of Women in Singapore

1. THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS IS RELEVANT AND BINDING ON SINGAPORE.

1.1 UDHR Requirements. The UDHR is the principal treaty setting out fundamental human rights for all people, including women. The UDHR provides for the following rights:

1.1.1 The right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services;¹

1.1.2 The right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control;²

2. CEDAW OBLIGATES SINGAPORE NOT TO ENGAGE IN DISCRIMINATION AND TO PROTECT THE RIGHTS OF WOMEN IN SINGAPORE.

2.2 Article 2, paragraph 1 of the CEDAW requires that Singapore guarantee women, without distinction of any kind, all rights and protections under the CEDAW. Article 2(1) provides:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³

2.3 Article 26 of the CEDAW provides:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.⁴

3. SINGAPORE VIOLATES THE UDHR AND THE CEDAW BY FAILING TO PROTECT THE HEALTH OF WOMEN IN SINGAPORE.

¹ United Nations Declaration of Human Rights, Article 25(2).

² *Id.*

³ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, U.N. Doc. A/6316 (1966).

⁴ *Id.* at Part III, Art. 26.

3.1 Singapore has failed to fulfill its obligations under the UDHR and the CEDAW because discrimination against women continues to exist in the form of access and acquisition of health care for women in Singapore, including the following areas, discussed *infra*:

3.1.2. Singapore Engages in Inhumane Treatment of Incarcerated Women in Respect to Women's Health

3.1.3. Singapore Fails to Protect the Health of Women Suffering Domestic Abuse

3.2 Past Periodic Reviews of Singapore have failed to address the status of women's health in Singapore.

4. SINGAPORE ENGAGES IN INHUMANE TREATMENT OF INCARCERATED WOMEN IN RESPECT TO WOMEN'S HEALTH

4.1 The UDHR provides in part as follows in Article 25, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including medical care.

4.2 Singapore Violates Article 25 by Failing to Provide Adequate Health Care to Incarcerated Women.

4.2.1 Although the prison population suffers from HIV/ AIDS at higher rates than the general population, Singapore does not appear to have any special programs in place for women prisoners with HIV/AIDS.

4.2.2 Singapore has only one women's prison, the Changi Women's Prison, whereas, there are 13 different prisons for males.⁵ This means that all imprisoned women regardless of their crime are subjected to high-security measures that may be unnecessary. For example, women accused of traffic offenses are put in the same high-security environment as women convicted of murder. These conditions may impact the women's emotional and mental health.

4.2.3 Female prison staff do not receive special training or additional education on how to handle women's health issues. This creates challenges when the employees are faced with female health problems.⁶

4.2.4 Although there is dedicated space for the rehabilitation of women prisoners suffering from mental illness, there is currently no special assessment tool to determine whether a female prisoner is in need of mental health services.

⁵ United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI).

⁶ *Id.*

4.2.5 Women inmates are only allotted 30 minutes per day to interact with their infant children. This limited time frame reduces bonding between the mother and child and creates mental anguish.

5. SINGAPORE FAILS TO PROTECT THE HEALTH OF WOMEN SUFFERING DOMESTIC ABUSE

5.1 The UDHR provides as follows in Article 5, that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

5.2 The CEDAW provides as follows in Article 7, that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

5.3 **Singapore Fails to Provide Protection to Women Suffering Domestic Abuse.** Spousal violence is cited as the most common form of family violence in Singapore.⁷ According to a recent study, physically or psychosocially abused spouses made up 72% of new cases of domestic abuse and have risen from 978 cases in 1995 to 3200 cases in 2015.⁸ Data from 2008 – 2009 suggests that 28% (4.5 million) of women in Singapore had experienced domestic violence since the age of 16.

5.4 **Singapore Fails to Provide Resources that Encourage Women to Report Domestic Violence and to Provide Safety when Fleeing from Domestic Violence.**

5.4.1 Within Singapore, family matters are seen as private and matters such as rape within marriage are not considered criminal offenses. Additionally, “family violence” is not mentioned in the government approved media. While official government statistics state that only 9.2% of women have been subject to spousal abuse in Singapore, only 23% of women admitting to the experience filed official reports.⁹ In essence, the number of women suffering from domestic abuse is much likely higher than the number reported by the Singapore government. Victims of abuse are more likely to suffer from sexually transmitted diseases, unwanted pregnancy, underweight babies, and abortion. Additionally, their children are more likely to become victims or abusers in adulthood.¹⁰

5.4.2 **The Singapore legal system groups domestic violence into Family Courts,** inevitably overlooking the fact that domestic abuse is a women’s rights

⁷ Tai, J. *Spousal abuse most common form of family violence in Singapore*. 2013.

⁸ *Id.*

⁹ deRozario, T. *The silent threat: Domestic violence*. 2010 www.aware.org.sg/2012/12/domestic-violence/.

¹⁰ *Id.*

issue. Singapore is concerned with the privacy of the family over the protection of the women's rights and health.¹¹

5.4.3 According to Association of Women for Action and Research, a man who commits marital rape is not guilty of a rape offence unless, “his wife was living apart from him under an interim judgement of divorce or written separation agreement, the couple is living apart and proceedings have been commenced for divorce, or the wife has already obtained a protection order.” Within the definition of the “family violence” marital rape is not considered “family violence,” unless acts in the definition are also present.¹²

5.4.4 Singapore has made efforts to address domestic violence and gender equality among Muslim families. However, there is more room for improvement in regards to addressing gender equality and violence against women in Muslim families. According to the Association of Women for Action and Research, Singapore participated in a regional conference for justice and equality among Muslim families in February and March 2015. During this conference, Indonesia held a press conference to address gender equality and domestic violence among Muslim families. Singapore did not hold a press conference to discuss these issues. Under Muslim law men and women are not treated equally with regards to marriage and divorce. Article 47 subsection 2 states that if a woman wants to divorce her husband this can only occur with the husband's consent.¹³ Under article 95, women can only marry with the consent of their guardians or an Islamic legal official. Women who have been previously married have to go through an extensive process to be remarried under Muslim Law, whereas a man's remarriage after divorce is not mentioned.¹⁴ Muslim law in Singapore violates article 16 subsection 1 of The Universal Declaration of Human Rights, with regards to equal rights “as to marriage, during marriage and at its dissolution.”¹⁵

5.4.5 Statistics and information regarding domestic violence and violence against women in Singapore is difficult to obtain and out dated. Most of the information regarding domestic violence accessible online is at least five years old. The information that is current is minimal and lacks detail. The last study

¹¹ Association of Women for Action and Research. (2015). Dealing with Family Violence. Retrieved from <http://www.aware.org.sg/dealing-with-family-violence/>

¹² Ministry of Social and Family Development. (2009). Protecting Families from Violence: The Singapore Experience. Retrieved from <http://app.msf.gov.sg/Research-Room/Research-Statistics/Protecting-Families-from-Violence>.

¹³ Asia Research Institute. (2014). Asian Family Matters: Changing Family in Asia Cluster Research Brief Series No. 11. *Family Ambiguity and Domestic Violence in Asia*. Retrieved from <http://www.ari.nus.edu.sg/docs%5Cdownloads%5CReports-and-Proceedings%5CCF-ResearchBriefSeriesNo11.pdf>

¹⁴ Singapore Government. (2015). Administration of Muslim Law Act. Article 97 *Related Subsidiary Legislation*. Retrieved from <http://statutes.agc.gov.sg/aol/search/display/view.w3p;query=DocId%3A3e90fc65-b364-434b-b2dc-d1d9608640%20%20Status%3Ainforce%20Depth%3A0;rec=0;whole=yes>

¹⁵ *Id.*

conducted regarding family violence in Singapore was in 2009. Information obtained from non-governmental organizations regarding domestic violence is extremely difficult to obtain. Of the twelve NGO's contacted to obtain information regarding domestic violence two replied.¹⁶ However, once asked specific questions regarding violence against women one responded. A lack of accessible, accurate and timely data regarding violence against women makes it difficult to assess and address this public health issue in Singapore.¹⁷ This is a violation of The Universal Declaration of Human Rights article 25 subsection 1, which states, "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family."

Conclusion

As a party to the UDHR and CEDAW, Singapore must afford women in Singapore a wide range of civil and political rights. Singapore has breached the UDHR, Article 25 and the CEDAW by failing to provide adequate, equal, and appropriate health care to the women of Singapore. Singapore must ensure that all women enjoy equal health care so that they can live long, happy, productive lives.

Thus we request that the Human Rights Committee conclude that the Singapore Government violated its obligations under the UDHR, Article 25 and the CEDAW Articles 2, 12, 19, and 24. We urge the Human Rights Committee to call on the government of Singapore to adopt and amend its laws, policies, and practices to protect the health of the women of Singapore.

¹⁶ Association of Women for Action and Research. (2015). Regional conference: Justice and equality in Muslim families in diverse contexts. Retrieved from <http://www.aware.org.sg/2015/04/regional-conference-justice-and-equality-in-muslim-families-in-diverse-contexts/>

¹⁷ Ministry of Social and Family Development. (2014). Research Room. *Violence: Rape Victims*. Retrieved from <http://app.msf.gov.sg/Research-Room/Research-Statistics/Rape-Victims>.