

Corporal punishment of children in Singapore: Briefing for the Universal Periodic Review, 24th session, 2016

From Dr Sharon Owen, Research and Information Coordinator,
Global Initiative, sharon@endcorporalpunishment.org



Global Initiative to
**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Singapore, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and recommendations made during the 1st cycle UPR of Singapore (which the Government rejected). Law reform in 2010/2011 re-authorised corporal punishment in some settings.

We hope the Working Group will note with concern the legality of corporal punishment of children in Singapore. We hope states will raise the issue during the review in 2016 and make a specific recommendation that Singapore clearly prohibit all corporal punishment of children in all settings including the home and repeal all legal defences and authorisations for the use of corporal punishment.

1 Review of Singapore in the 1st cycle UPR (2011) and progress since then

- 1.1 Singapore was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 11). The issue of corporal punishment of children was raised in the compilation of UN information¹ and in the summary of stakeholders' information.² The Government rejected recommendations to prohibit corporal punishment of children.³
- 1.2 Prohibiting and eliminating all corporal punishment of children in all settings including the home – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments, though it is one frequently evaded by Governments. In 2014, the Committee on the Rights of the Child reminded the Government of Singapore for a third time of its obligation to prohibit and eliminate caning and other forms of corporal punishment of children in all settings.⁴ However, there are no indications that Singapore intends to comply with these obligations. On the contrary, law reform in 2010/2011 expressly re-authorised caning of children in some settings.
- 1.3 **We hope the Working Group will note with concern the legality of corporal punishment of children in Singapore. We hope states will raise the issue during the review in 2016 and**

¹ 21 February 2011, A/HRC/WG.6/11/SGP/2, Compilation of UN information, paras. 22 and 28

² 21 February 2011, A/HRC/WG.6/11/SGP/3, Summary of stakeholders' views, paras. 21 and 22

³ 11 July 2011, A/HRC/18/11, Report of the working group, paras. 96(32), 97(7), 97(8), 99(5) and 99(6)

⁴ 19 September 2014, CRC/C/OPAC/SGP/CO/1 Advance Unedited Version, Concluding observations on initial report (OPAC), paras. 21 and 22

make a specific recommendation that Singapore clearly prohibit all corporal punishment of children in all settings including the home and repeal all legal defences and authorisations for the use of corporal punishment.

2 Legality of corporal punishment in Singapore

- 2.1 **Summary:** In Singapore, corporal punishment of children is unlawful in child care centres but it is lawful in all other settings – the home, alternative care settings, day care, schools, penal institutions, as a sentence for crime and in military service.
- 2.2 **Home (lawful):** Article 89 of the Penal Code 1872 states that “nothing, which is done in good faith for the benefit of a person under 12 years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person”, provided that it does not cause or is likely or intended to cause death or grievous hurt. Under article 3 of the Application of English Law Act 1993, English common law applies, which would include the legal defence of “reasonable chastisement”. Article 64 of the Women’s Charter 1961 prohibits family violence, but this “does not include any force lawfully used ... by way of correction towards a child below 21 years of age”. Laws relating to children were extensively revised in 2011 but corporal punishment was not prohibited and was re-authorised in settings outside the home.
- 2.3 **Alternative care settings (lawful):** Corporal punishment is lawful in alternative care settings as for parents, under article 89 of the Penal Code 1872 and the common law defence of “reasonable chastisement”. Caning is specifically authorised in children’s homes in the Children and Young Persons (Government Homes) Regulations 2011, regulation 24 of which provides for up to 10 strokes to be inflicted on boys and girls. Caning is also authorised in places of safety for girls in the Women’s Charter (Protection of Women and Girls) Rules 1974, up to eight strokes on the palm of each hand (rule 50).
- 2.4 **Day care (partially prohibited):** Corporal punishment is prohibited in child care centres in article 17 of the Child Care Centres Regulations under the Child Care Centres Act 1988; a child care centre is defined in the principle Act as “any premises at which 5 or more children who are under the age of 7 years are habitually received for the purposes of care and supervision during part of the day or for longer periods” (art. 2). There is no prohibition of corporal punishment in other early childhood care or in day care for older children, where it is lawful as for parents under article 89 of the Penal Code 1872 and the common law defence of “reasonable chastisement”.
- 2.5 **Schools (lawful):** Corporal punishment is lawful on boys under the Education (Schools) Regulations under the Education Act 1957, to be administered “with a light cane on the palms of the hands or on the buttocks over the clothing” (art. 88).
- 2.6 **Penal institutions (lawful):** The Children and Young Persons Act 1993, as revised in 2011, states that the manager of a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention may “use such force as is reasonable and necessary – to compel a person being detained in the rehabilitation centre, place of safety, remand home or place of detention to obey any order or requirement given or made by the manager under this section” (art. 68). Caning is specifically authorised in the Children and Young Persons (Remand Home) Regulations 1993 (art. 21), the Prisons Act 1939 (art. 77), the Criminal Procedure Code (Corrective Training and Preventive Detention) Regulations 2010 (arts. 10 and 13), the Intoxicating Substances (Discipline in Approved Centres) Regulations 1987 (art. 8) and the Misuse of Drugs (Approved Institutions) (Discipline) Regulations 1979 (art. 12).
- 2.7 **Sentence for crime (lawful):** Under article 33 of the Children and Young Persons Act 1993, children aged 7-15 are tried by the Juvenile Court, with the exception of offences triable only by

the High Court; article 37 allows for sentencing to corporal punishment: “(3) Notwithstanding the provisions of any other written law, no child or young person shall be sentenced by any court other than the High Court to corporal punishment.” Older children are tried as adults and under the Criminal Procedure Code 2010 may 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 (art. 303).

- 2.8 Caning is prescribed as a punishment in many laws, including the Penal Code 1872, the Misuse of Drugs Act 1973, the Piracy Act 1993, the Arms Offences Act 1973, the Explosive Substances Act 1924, the Corrosive and Explosive Substances and Offensive Weapons Act 1973, the Vandalism Act 1966, the Immigration Act 1989, the Dangerous Fireworks Act 1988, the Kidnapping Act 1961, the Women’s Charter 1961, the Public Order (Preservation) Act 1958, the Railways Act 1905 and the Road Traffic Act 1993.
- 2.9 The Criminal Procedure Code 2010 states that children aged 7-15 should be caned up to 10 strokes with a light rattan, older children up to 24 strokes with a rattan up to 1.27cm in diameter (arts. 328, 329 and 330). A medical officer must be present and must certify that the offender is fit to receive the caning (art. 331). Females may not be caned (art. 325).
- 2.10 **Military service (*lawful*)**: Military service is compulsory for males. The Singapore Armed Forces (Detention and Imprisonment) Regulations 2003 and the Singapore Armed Forces (Disciplinary Barracks) Regulations 1990 allow for caning up to 24 strokes (10 strokes for boys under 16) for a variety of offences.

3 Recommendations by human rights treaty bodies

- 3.1 **CRC**: The Committee on the Rights of the Child has three times recommended to Singapore that all corporal punishment of children be prohibited, including in the home and in the penal system – in its concluding observations on the state party’s initial report in 2003,⁵ on the second/third report in 2011⁶ and on the report on implementation of the Optional Protocol on the involvement of children in armed conflict in 2014.⁷

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
June 2015

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁵ 27 October 2003, CRC/C/15/Add.220, Concluding observations on initial report, paras. 32, 33, 44 and 45

⁶ 2 May 2011, CRC/C/SGP/2-3, Concluding observations on second/third report, paras. 39, 40, 68 and 69

⁷ 19 September 2014, CRC/C/OPAC/SGP/CO/1 Advance Unedited Version, Concluding observations on initial report (OPAC), paras. 21 and 22