
Singapore Council of Women's Organisations' (SCWO) Country Report on

Protection, Care and Reintegration of Victims of Human Trafficking



(For Submission at the ASEAN Confederation of Women's Organisations, ACWO,
Regional Seminar on 31 October – 1 November 2013, Kuala Lumpur)

NOT FOR CIRCULATION WITHOUT PRIOR PERMISSION

1 Background

- 1.1 This Country Report has been prepared by the Singapore Council of Women's Organisation ("**SCWO**"), Singapore's independent national non-governmental organisation representing 57 women's organisations, at the request of ASEAN Confederation of Women's Organisations (ACWO) for their Regional Seminar on the *Protection Care and Reintegration of Victims of Human Trafficking* from 31 October to 1 November 2013 at in Kuala Lumpur (Malaysia).
- 1.2 The aim of the report is to outline the issue of trafficking in persons (TIP) in Singapore and highlight recent developments in Singapore Government's response to trafficking in persons with respect to care and protection of victims. While the government has made a commitment to improve service provision for victims covering aspects such as accommodation, medical care, counselling and translation services, many challenges remain. This report aims to highlight some of the gaps in existing approach and make recommendations for improvements in care and protection of victims trafficking in Singapore and upon their return home.
- 1.3 The data for the report was collated through a review of relevant laws, international agreements, reports and newspaper articles, covering both, national and international sources.

2 Definition & the Legal Framework

2.1 Definition of TIP

The most commonly used definition of trafficking in persons is found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which defines it as:

"the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation."

Singapore has not acceded the Protocol, but has adopted the definition of trafficking in persons contained in the Protocol.¹

¹ As indicated in its National Plan of Action against Trafficking in Persons 2012-2015.

2.2 Legislation

The current legislation concerning trafficking in persons in Singapore is complex as it is spread across different statutes, including:

- **Women's Charter**, section 140 (forcing a woman or girl into prostitution) and section 141 (trafficking in women and girls);
- **Penal Code**, section 373A (bringing a woman into or out of Singapore by fraudulent or deceitful means for the purposes of prostitution) , and sections 372 and 373 (selling or buying a person under the age of 21 for prostitution);
- **Children and Young Persons Act**, section 7 (sexual exploitation of children and young persons) and sections 12-18 (trafficking in children);
- **Employment of Foreign Manpower Act**, section 22B (import and supply of foreign workers by syndicates);
- **Employment Agencies Act** (enforcement against unlicensed and errant employment agencies);
- **Immigration Act** (Illegal entry and illegal employment).

2.3 Consequently, the UN's Committee on the Elimination of Discrimination against Women expressed concern in its concluding observations on Singapore in 2011 over Singapore's lack of a comprehensive legal framework to combat against trafficking and provide protection for victims, and encouraged it to

"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."

3 International agreements relating to trafficking in persons

3.1 There are a number of regional and international instruments that set the course for Singapore's action regarding combating and prevention of trafficking in persons. These include:

The **Protocol to Prevent, Suppress and Punish Trafficking in Persons**, especially women and children, (also known as the Palermo Protocol) is a wide-ranging international agreement to address the crime of trafficking in persons that by 2013 has been ratified by 157 countries. Besides creating a global language and legislation to define trafficking in persons (especially women and children), the Protocol establishes parameters regarding assistance and protection of victims,

preventive measures, judicial cooperation and information exchange among countries.

- 3.2 The government of Singapore has adopted the definition of the Palermo Protocol, but has not formally indicated any intention to accede to it. It has, however, 'studying the possibility of enacting new legislation specific to trafficking in persons' (MOM, 2013).
- 3.3 Singapore joined the ILO in 1965 and has since ratified 27 **ILO Conventions** including two conventions most closely related to the Palermo Protocol:

- **Convention no. 29 on the Forced Labour &**
- **Convention no.182 on the Worst Forms of Child Labour.**

- 3.4 Singapore is also a signatory to **the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** (since 1995) and to date has submitted four (4) Periodic Reports to the UN CEDAW Committee. As a state party to CEDAW, Singapore has agreed to

Take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

- 3.5 In 2004, Singapore became a signatory to **the ASEAN Declaration against Trafficking in Persons Particularly Women and Children**. The Declaration, which was signed by the Heads of State/Government of ASEAN Member Countries in Vientiane in 2004, commits ASEAN member states to take the following measures to prevent and combat trafficking in persons:

- a. To establish a regional focal network to prevent and combat trafficking in persons;
- b. To adopt measures to protect the integrity of official travel documents from fraud;
- c. To undertake regular exchange of information, strengthen border controls and monitoring mechanism and enact necessary legislations,
- d. To intensify cooperation
- e. To distinguish victims of trafficking in persons from the perpetrators, and ensure that such victims are treated humanely;
- f. To undertake actions to respect and safeguard the dignity and human rights of victims;
- g. To undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons; and
- h. To take measures to strengthen regional and international cooperation.

3.6 **The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers**, adopted by the Heads of ASEAN member states in 2007, outlines a number of obligations of destination and origin countries, and requires member states to take the following measures to protect the rights of migrant workers:

- a. To intensify efforts to protect the fundamental human rights and promote the welfare and dignity of migrant workers
- b. To facilitate access to resources and remedies through information, training and education, access to justice and social welfare services in accordance to legislation of the destination country;
- c. To promote fair and appropriate employment protection and access to decent working and living conditions;
- d. To provide access to the legal and judicial system to migrant workers who may be victims of discrimination, abuse and exploitation; and
- e. To facilitate access to consular functions of origin country when a migrant worker is arrested or taken into custody.

3.7 In 2012 adopted **ASEAN Declaration on Human Rights** further commits ASEAN member states to ensure that

No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs.

4 Situation of human trafficking in Singapore

4.1 Attractive destination country

“Singapore is an attractive hub of economic activity with high persons flows. Hence, Singapore is no less vulnerable than other countries and would be seen as an attractive destination country by human trafficking syndicates” (Mr S. Iswaran, Minister in the Prime Minister’s Office and Second Minister for Home Affairs and Trade and Industry, in 2011).

Singapore has been described as primarily a destination for sexual and labour exploitation (Larsen, 2010; The US Department of State’s Trafficking in Persons 2013). However, as labour exploitation is not defined as trafficking if the person has migrated to Singapore willingly, this form of trafficking is usually treated as an immigration matter (Larsen, 2010). While simultaneously foreign workers, who represent about one-third of the country’s total force and employed in the construction, fishing industry, hospitality and as domestic helpers, are believed to be most vulnerable to exploitation and abuse.

4.2 Labour trafficking and domestic servitude

There are nearly 1.5 million foreign workers in Singapore, making up close to 40 per cent of Singapore's total workforce (Ministry of Manpower, 2013). Of this, approximately 210,000 work as domestic workers, with the majority of them coming from the Philippines and Indonesia, and smaller number from other Southeast and South Asian countries such as Sri Lanka, Bangladesh, Myanmar and India. Most domestic workers in Singapore are women², earning an average of \$450 / month (The Sunday Times, 12 May 2013).

Due to the invisibility of the informal sector and in absence of protection, domestic workers are more vulnerable to abusive practices than those working in the formal sector. Furthermore, many domestic workers are still excluded from provisions that other workers take for granted with respect to essential working conditions, such as paid annual leave, working time, minimum wage coverage and maternity protection (ILO, 2013).

Trafficking for domestic work covers a range of situations, all of which share certain features: subjugation and an obligation to provide work for a private individual, low or no salary, debt bondage, no days off, psychological and/or physical violence, limited or restricted freedom of movement, retention of passports and identity documents, and the impossibility of a private life (OSCE, 2010). So while most domestic workers willingly migrate and agree to work as domestic workers, they may find themselves deceived, coerced or forced into an exploitative situation later in the process.

4.3 In Singapore

Evidence suggests that women migrating for employment as domestic workers in Singapore sometimes end up being trafficked into domestic servitude and trapped in a situation of exploitation. For example a study by Humanitarian Organisation for Migration Economics (HOME) (2012), to determine the extent to which the ILO Operational Indicators of Trafficking in Human Beings³ are present in cases of domestic workers staying at the HOME shelter, found that

- 96% of the interviewed 151 domestic workers reported having either their passport, Work Permit or both confiscated;
- 96.7% reported incurring debt through the recruitment process with resulted in them being placed in the situation of debt bondage during their employment;
- 62.3% reported being isolated, confined or subjected to surveillance during the course of their employment;
- And 23.8% reported being subjected to physical violence (HOME, 2012).

² Although the government has recently started to issue work permits to male domestic workers too, as reported in the Sunday Times, 12 May 2012.

³ Including deceptive recruitment (including transfer and transport), coercive recruitment, recruitment by abuse of vulnerability, exploitation, coercion at destination and abuse of vulnerability at destination. See indicators in full at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--declaration/documents/publication/wcms_105023.pdf

The government of Singapore has introduced reforms in recent years to improve the conditions of foreign domestic workers, including mandatory orientation programs, mandatory weekly day off policy, and stronger regulation of employment agencies. The government has also been increasingly vigilant in prosecuting employers responsible for defaulting on salary payments or physically abusing domestic workers, resulting in fines or even prison terms (MOM, 2012; The Straits Times, 7 August, 2013).

However, Singapore still falls short of international standards that require governments to provide domestic workers with labour protections equivalent to those of other workers, including for working hours, minimum wage coverage, overtime compensation, social security, and maternity protection.

4.4 Construction and fishing industry

Construction workers make up even a larger part of Singapore's labour force. In 2013, 306,500 of foreign workers were working in construction sector (MOM, 2013).

As with domestic workers, there has been evidence of forced labour in construction and fishing industry too. Many foreign workers in Singapore have for example assumed debts associated with their employment to recruitment agencies, making them vulnerable to forced labour and debt bondage. Foreign workers also reported confiscation of their passports, restrictions on their movement, illegal withholding of their pay, threats of forced repatriation without pay, and physical and sexual abuse – all indicators of potential trafficking (US State Department Trafficking in Persons Report, 2013).

Foreign fishermen working offshore waters of Singapore have also reported abuse by fishing boat captains, the inability to disembark from their vessels, the inability to terminate their contracts as well as the nonpayment of wages (US State Department Trafficking in Persons Report, 2013).

4.5 Sex trafficking

Prostitution in Singapore is legal, but various prostitution-related activities are not. This includes public solicitation, living on the earnings of a prostitute and maintaining a brothel. In practice however, police unofficially tolerate and monitor a limited number of brothels where prostitutes are required to undergo periodic health checks and must carry a health card (Project X, 2009).

However, many commercial sex workers work outside of brothels, in "massage" or "spa" establishments, where massages are offered as a pretext for sexual services. These activities are illegal, and the operators of such massage establishments risk jail if exposed by police raids. Sex

workers working in these parlours if caught may be subject to imprisonment for various offences (soliciting, working without a valid working visa or overstaying a visa).⁴ In 2012, approximately 5,300 individuals were arrested for prostitution violations, of which some may have been victims of trafficking (The US State Department Trafficking in Persons Report, 2013).

The Philippine embassy in Singapore has reported there were 212 cases of human trafficking involving Filipinas in 2007, up from 125 in 2006 and from 59 cases in 2005. Of the 212 persons trafficked in 2007, 57 had engaged or were coerced to engage in sex work, while smaller numbers worked in licensed premises and as escorts. However, these numbers were described as the “tip of the iceberg” as they reflected only women who turned to the embassy for help (Senate of the Philippines, 2008).⁵

In 2012, the police in Singapore handled 52 sex trafficking reports, up from the 43 reports in 2011 (The Sunday Times, June 30 2013). 19 sex trafficking victims received accommodation from government-supported facilities, while victims whose cases did not result in prosecution were repatriated within two to four weeks (The US State Department Trafficking in Persons Report, 2013).

4.6 Trafficking for the purpose of marriage

Concerns were also expressed over the exploitation of foreign brides in Singapore who have no legal status and come primarily from less-developed countries such as Thailand, India, China, Indonesia and the Philippines. As is the case for domestic workers, foreign brides are unlikely to have a great deal of contact outside of the home and are highly vulnerable to exploitation (Larson, 2010).

Singaporean men are increasingly marrying spouses from other Asian countries, including China, India, Indonesia, the Philippines, Thailand and Vietnam, usually with the help of commercial matchmaking agencies.

In 2011, about 6,900 Singaporean men married foreigners, an increase of 35 percent from 2001 (The Sunday Times, 8 September 2013). While an increasing number of foreign wives are filing personal protection orders against their abusive husbands and seeking help from social services, many foreign spouses do not turn for help in situations of abuse.

⁴ For more information on prostitution in Singapore, see Project X at: http://theprojectx.org/?page_id=18

⁵ Press Release , 5 September 2008 (in full at: http://www.senate.gov.ph/press_release/2008/0905_estradaj2.asp)

They fear that if they report the abuse, their husbands will stop sponsoring their social or long-term visit passes and they will have no choice but to return to their homeland, separated from their children (Social worker, the Sunday Times, 8 September 2013).

Currently, there is no specific law in Singapore governing the foreign bride trade.

5 Singapore's approach to trafficking in persons

- 5.1 According to the US State Department Trafficking in Persons Report (2013), the Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so.
- 5.2 In 2012, the Singapore Inter-Agency Taskforce on Trafficking in Persons (TIP) released its National Plan of Action 2012-2015, providing a strategy to combat human trafficking for a four-year period. The Taskforce on TIP is co-chaired by the Ministry of Home Affairs and the Ministry of Manpower, and includes representatives from the Singapore Police Force, the Immigration & Checkpoints Authority, the Ministry of Social and Family Development, the Ministry of Health, the Ministry of Law, the Ministry of Foreign Affairs and the Attorney-General's Chambers. The aim of the Taskforce is to

"...develop a holistic perspective on the TIP situation, identify and implement Whole-of-Government strategies to combat TIP more effectively, both locally and internationally."

To this end, the National Plan of Action has set out strategic outcomes and implementation plans, based on the 4P's strategy of prevention, prosecution, protection and partnership.

- 5.3 The National Plan on TIP outlines 31 initiatives, ranging from review of legislation related to TIP, information-sharing between different agencies, public education and outreach campaigns, to training of officials dealing with TIP cases and setting up specialised enforcement teams for sex and labour trafficking.⁶

As shared by the Taskforce in the meeting with civil society organisations in January 2013, the initiatives that are currently under review include training of frontline officers to help identify victims of trafficking, setting up a hotline for trafficked persons, as well Singapore's possible accession to the Palermo Protocol. Steps have also been taken to

⁶ See NPA against TIP in full at: http://www.mom.gov.sg/Documents/tip/tipbooklet_080812.pdf

raise public awareness on trafficking in persons through e.g. media and pre-departure briefings for foreign workers.

- 5.4 Most importantly, the TIP strategy aims to adopt a victim-centric approach to dealing with trafficking cases that aims to recognise and respond to the needs of victims of trafficking. Related to this, e.g. the provision of free legal assistance and access to work facilitation and training are also included in the Taskforce's future plans. Victim-centric and human rights focused approach is something that was also advocated by SCWO in its submission to the TIP taskforce in 2012 too (*See SCWO's comments on the NPA in full in Annex 2*).

6 Protection and care of victims

- 6.1 Evidence available internationally suggests that victims of all forms of exploitation have very similar needs; however, the extent to which particular needs vary depends on the victims' circumstances. As identified in the in the Human Trafficking (Further Provisions and Support for Victims) Bill in the UK, the needs of victims of trafficking include:
- Appropriate and safe accommodation;
 - Material assistance, including assistance for a person with special needs;
 - Medical treatment, including psychological assistance;
 - Information;
 - Translation and interpretation services;
 - Access to education for child victims and children of victims;
 - Legal counselling, either through legal aid or other means;
 - Legal representation, either through legal aid or other means and
 - Assistance in applying for compensation.
- 6.2 As part of its more victim-centric approach, and accordance with its international agreement obligations, Singapore's NPA against TIP includes a commitment to improved service provision for victims, covering aspects such as accommodation, medical care, counselling and translation services. To bolster its anti-trafficking activities, the government has allocated a substantial budget to anti-trafficking activities for the period of 2012-2015, with the portion of funds going to be used to augment existing social services with specific protections for trafficking victims⁷.

⁷ \$4.4 million in total, according to the US State Department on Trafficking in Persons report (2013). More funding and strengthening of capacity of service providers was something that SCWO also advocated for in its submission to the TIP taskforce in 2012.

- 6.3 In order to be able to assist victims and meet their needs, however, the victims must be identified first.
- 6.3 According to the US State Department Trafficking in Persons Report, the government of Singapore investigated over 400 leads and substantiated 21 trafficking cases in 2012. Of the investigated cases, 350 were cases of suspected labour trafficking and 52 cases of suspected sex trafficking. In spite of the high number of investigated labour trafficking cases, none of the cases led to prosecution or conviction. Of the identified sex trafficking cases, 16 were prosecuted and 3 convicted (including one conviction for child sex trafficking), according to the US State Department.
- 6.4 Authorities identified the majority of sex trafficking cases during anti-prostitution operations (raids)⁸, while many of the labour trafficking cases were left unidentified despite the recently developed labour trafficking indicator cards used by some Ministry of Manpower officers, police officers and immigration officials. According to the US State Department Trafficking in Persons Report (2013), officials in Singapore continued to face challenges in identifying and building evidence in labour trafficking cases, especially in cases where there is no evidence of physical forms of coercion. Without adequate victim identification, however, victims may be left without access to protection.
- 6.5 The Government reported that it provided funding to 22 shelters serving vulnerable children and four shelters serving adults, where trafficking victims received medical, psychological, and translation services. The Government did not, however, operate any trafficking-specific shelters.
- 6.6 Currently, the Government does not provide incentives such as legal aid for the pursuit of civil suits or specialised protection services to foreign victims to participate voluntarily in investigations and prosecutions of trafficking offences, but an unknown number of victims have received special passes that allowed them to stay legally in Singapore for a temporary period while the investigations and prosecutions were ongoing. The Ministry of Manpower reported that in 2012, 28 suspected labor trafficking victims who assisted the government as prosecution witnesses received authorisation to work temporarily in Singapore and 33 were granted the ability to change employers, which is typically not permitted without an employer's consent.
- 6.7 Protection of victims is not only needed in Singapore, but also upon repatriation too. While there are some NGOs in Singapore that assist victims of trafficking in their return

⁸ A method that has been criticized for potentially doing more harm than good to potential victims. According to the US State TIP report (2013), during the raids conducted in 2012, the government did not ensure that social service professionals were present during screening interviews, which may have hampered the success of victim identification efforts and caused further trauma to victims.

and ensure that there is also help available in the county of origin to minimise the risk for re-trafficking and improve chances for successful reintegration, there are no formal repatriation procedures and systems in place for the victims of trafficking.

- 6.8 As highlighted in the US State Department Trafficking in Persons Report (2013), the option of returning home is not always given, but some victims of trafficking have been required to remain in the country to participate in court proceeding. NGOs in Singapore reported that some victims were confined to shelters and unable to leave without government permission and without their travel documents held by the police.
- 6.9 In 2012, the Taskforce issued the following response to the 2012 US State Department's Trafficking in Persons Report:

"The presence of witnesses in Singapore is necessary for the successful prosecution of TIP offenders. Victims who are identified to be suitable prosecution witnesses will be requested to remain in Singapore as prosecution witnesses. The decision to remain is theirs, and we will facilitate the departure of witnesses who do not wish to stay on in Singapore as prosecution witnesses."

- 6.10 As HOME reports (2010), however, many of the victims would choose to return home, rather than remain in Singapore to help prosecute their traffickers, as they are unable to work and have no housing for the duration of the trial.

7 Conclusions and recommendations

While we acknowledge the efforts made toward implementing the National Plan of Action against Trafficking in Persons and progress made in the identification and protection of victims, we would also submit that much remains to be done.

The areas that require specific attention, as also highlighted in SCWO's 2011 CEDAW Shadow Report in 2011 and SCWO's submission the TIP taskforce (*see annexes for details*) in 2012, include:

- 7.1 Implementation of a dedicated anti-TIP legislation to help provide definition for trafficking and framework for victim identification and protection;
At the moment, the lack of clear anti-TIP law continues to limit the government's ability to prosecute trafficking cases, particularly cases regarding labour trafficking with no clear evidence of coercion. While simultaneously, the lack of common definition and identification criteria are likely to hamper both the effective prosecution of perpetrators and the protection and restoration of the rights of trafficked person (OSCE, 2011). The

lack of common parameters also makes it hard to establish the extent of trafficking into and within Singapore.

7.2 Review the adequacy of the legal protections for victims and potential victims of trafficking, including access to legal aid, temporary visa and compensation.

7.3 In Singapore, there is an absence of a comprehensive and accessible platform for foreign workers to seek redress. And when they do report the abuse, the government of Singapore does not provide incentives such as legal aid for the pursuit of civil suits to victims to participate voluntarily in investigations and prosecutions of trafficking offenses. While some victims may receive special passes that allow them to stay legally in Singapore for a temporary period while the investigations and prosecutions were ongoing, this is still not the case with all victims. Lengthy investigations and prosecutions, often ranging from 6 to 12 months, place an unreasonable burden on the victim required to be a prosecution witness, especially if the victim is not granted a permit to work, place to stay, or compensated for lost income.

7.4 Funding for programs aimed at strengthening the capacity of service providers. Clients' needs and the structure of existing services are not always in harmony, and in most cases time-limited mainstream services are not adequate to meet the needs of victims of trafficking. While we acknowledge the efforts made toward enhancing the victim care and that services for victim of trafficking continue to develop on an ongoing basis, we would like reiterate the need to further develop the capacity of existing institutions and agencies to provide victim assistance services in a collaborative and comprehensive manner.

7.5 Some general strategies for good practice in the development of collaborative and coordinated services are provided by Clawson et al (2009) and include:

- Safety planning (for staff and client)
- Collaboration across multiple agencies
- Foster trust and relationship building constantly
- Ensure culturally appropriate approaches
- Establish trauma-informed programming
- Involve survivors.

7.6 Facilitate repatriation and safe return of victims.

Repatriation is one of the most visible and tangible trafficking interventions because it allows one to put a human face to the process (Takamatsu & Thatun, 2004). As defined by the Palermo Protocol, repatriation should “preferably be voluntary” and done with the victim’s safety in mind. Furthermore, the Protocol encourages states not to oblige victims to give testimony in legal proceedings connected to their exploitation, and states:

“When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.”

While the Government of Singapore is making efforts to *‘facilitate the re-entry and return of victims to their home countries, in partnership with civil society and other governments where possible’* (The NPA against TIP), there is no process in place to ensure the safe and timely return of victims with due regard to their rights.

Simultaneously, the needs of survivors of trafficking are complex, often requiring a multidisciplinary approach to address severe trauma and medical needs, legal issues, safety concerns, as well as basic daily needs.

Hence, to ensure the well-being, safe return and reintegration of victims, repatriation mechanism for victims should be further developed with due regard to the following:

- Victim’s willingness to return, and irrespective of victim’s readiness to participate in legal proceedings;
- Security concerns of the victim (through collaboration with law enforcement in the country of origin);
- Care and protection in the country of origins (including ensuring continuity of therapy started in the country of destination);
- Risk of re-trafficking (as a result of e.g. financial pressure and debts owed to the trafficker, family or community rejection due to trafficking experience, or inadequate reintegration programs) (IOM, 2010).

As with other interventions in the human trafficking chain, interventions in repatriations should take adopt a victim-centric approach that places the rights and needs of the victim at the centre.

8 Annexes

Annex 1

SCWO's recommendations regarding trafficking in persons included in the 2011 CEDAW Shadow Report:

Article 6: Trafficking and prostitution

CEDAW Committee consideration of the issue

1. *The CEDAW Committee expressed its concern at the narrow definition of trafficking employed by Singapore. It was also concerned that women and girls who have been trafficked may be punished for violation of immigration laws and treated as offenders instead of victims.*
2. *The CEDAW Committee in its 2010 List of Questions also wanted to know what steps Singapore has taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention Against Transnational Organised Crime.*
3. *The CEDAW Committee also requested for information on sentences imposed on cases of trafficking against women and girls, on perpetrators and on reparation granted to victims, as well as steps taken to collect sex-disaggregated data on trafficking.*
4. *The CEDAW Committee has sought information on public awareness campaigns for the general public regarding issues of trafficking and on amendments to the Penal Code.*
5. *The CEDAW Committee also requested that Singapore comment on reports that it has never investigated prosecuted or convicted a national or permanent resident.*

Positive Developments

10.1 Legislative efforts to support the criminalisation of trafficking and protection of trafficked women

1. Various statutes comprehensively criminalise the practice of trafficking in persons: Penal Code, Women's Charter, Children and Young Persons Act, Employment of Foreign Manpower Act, Employment Agencies Act, Employment Agency Rules, and the Conditions of Work Permits.
2. The Penal Code's regime against trafficking also has extra-territorial reach over Singapore Citizens and Singapore Permanent Residents committing the offences abroad who may face prosecution here.

Recommendations proposed for Concluding Comments

THAT the Government be commended for making legislative changes to boost its ability to meet the challenges of trafficking.

Challenges to the implementation of Article 6

10.2 *Singapore identified as destination country for trafficking*

1. Notwithstanding the above, Singapore was ranked Tier 2 in the US Department of State's Trafficking in Persons 2010 Report⁹ and identified as a destination country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for some migrant workers in conditions that may be indicative of forced labor.
2. The enforcement of the above laws was also criticised as being inadequate in that it was reported that the Singapore government could and should be more successful in finding, prosecuting, and punishing those responsible for human trafficking and that despite proactive measures taken by the Singapore government to identify and protect victims of trafficking, those measures proved insufficient to generate additional prosecutions for sex or labor trafficking.
3. The Government has published a point-by-point rebuttal of this report¹⁰ and it is not our intention to enter into an evaluation of the factual merits of either report save for the purpose of highlighting that continued measures can be taken to improve the enforcement mechanisms and their response to this problem.

10.3 *Acknowledgement of existence of trafficking*

4. Foreign workers make up at least up to one-third of Singapore's total labour force, which is considered to be the highest proportion in Asia. Comprising workers from Thailand, Myanmar, Philippines, Indonesia, Vietnam, India, Sri Lanka, Bangladesh, and elsewhere in Asia, most of them are unskilled and semi-skilled laborers employed in construction, domestic households, and the service industries.
5. Anecdotal evidence suggests that many may face deception about the nature of their employment or salary, confiscation of their passport, restriction on their movement, illegal withholding of their pay, or physical or sexual abuse at the hands of employers whether domestic or commercial. Many domestic workers in Singapore face debts associated with their employment that may amount to six to ten months' wages, which can make them vulnerable to forced labor.
6. The vast majority of persons trafficked to Singapore identified to date have been women, including those for illegal prostitution or illegal labour.

⁹ US Department of State Trafficking in Persons Report 2010 – Singapore:

<http://www.unhcr.org/refworld/type,ANNUALREPORT,,SGP,4c1883c8c,0.html>

¹⁰ Singapore's Detailed Response to the Allegations in the 2010 US State Department's Trafficking in Persons Report:

[http://www.news.gov.sg/public/sgpc/en/media_releases/agencies/mica/press_release/P-20100703-1/AttachmentPar/0/file/Detailed%20Reponse%20TIP%20report%202010%20\(Final\).pdf](http://www.news.gov.sg/public/sgpc/en/media_releases/agencies/mica/press_release/P-20100703-1/AttachmentPar/0/file/Detailed%20Reponse%20TIP%20report%202010%20(Final).pdf)

7. It is therefore important that there be an acknowledgement of this issue by government to provide a greater impetus to combat human trafficking under the guise of legal entry and legal employment.
8. Such acknowledgement coupled with public education and awareness on a national scale and a multi-disciplinary intervention policy would serve us well.

Recommendations proposed for Concluding Comments

THAT the Government acknowledges the existence of trafficking in women in Singapore and address the issue comprehensively.

10.4 Improving the response to trafficked women and girls

3. We acknowledge that steps have been taken to assist victims during the prosecution process, but have further suggestions for improvement as follows:
 - Any temporary visa granted for the duration of prosecution should be expanded to cover civil proceedings for trafficked persons, in order to provide access to compensation.
 - There be provision of counselling and access to specialist support for victims and this should not be linked to whether a trafficked person is cooperating with or able to assist a criminal justice investigation, but should be based on need;
 - Referral protocols, or a national referral mechanism, be developed to better facilitate inter-agency cooperation and comprehensive protection of trafficked persons.

10.5 Awareness and education

4. Currently awareness and public education programmes have been undertaken in the main by NGOs.
5. A National Communication Awareness Strategy should be considered by the Government to demonstrate its commitment to the eradication of trafficking.
6. Such a strategy should apply to all forms of trafficking with any review and development of the strategy occurring in full consultation with relevant organisations, whose contact details should be included in all awareness-raising materials.

Recommendations proposed for Concluding Comments

THAT the Government be encouraged to use a human rights framework in drawing up a comprehensive response to trafficking, and to move away from a predominantly transnational criminal justice framework.

THAT the Government be encouraged to explore legal reform so that compensation is more available to victims of trafficking from agencies and other parties involved.

Annex 2
SCWO Comments to Trafficking in Persons National Plan of Action

Key Initiatives	Key Outcomes	SCWO Comments
Enablers		
A. Effective implementation of National Plan of Action ('NPA')	Proposed Initiatives <ol style="list-style-type: none"> 1. Produce annual self-assessment report of Singapore's efforts to combat TIP 2. Enhance data collection, statistical reporting and monitoring of TIP offences through developing of dashboard 3. Request for funding of TIP initiatives 	SCWO suggestions <p><i>We propose the formation of an Anti-Trafficking in Person Taskforce comprising representatives from relevant government agencies, civil society and business sectors to meet regularly to monitor progress on implementation of various components of NPA, coordinate activities and keep each other informed of activities/initiatives, provide a platform to raise issues of concern and consult each other. This Taskforce will act as a checking mechanism.</i></p> <p><i>Outside this Taskforce, we propose the promotion of dialogues with other relevant government agencies, civil society and other stakeholders aiming at improving awareness of TIP in various sectors.</i></p> <p><i>We propose the State use a human rights and CEDAW framework in drawing up a comprehensive response to trafficking and move away from a transnational criminal justice framework. This is in line with our recommendations in SCWO's NGO Shadow Report on CEDAW 2011.</i></p> <p><i>Despite 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 Nations Convention against Transnational Organized Crime, there is still the continuing prevalence of the alleged criminalization and deportation of trafficked</i></p>

		<p>women and girls as immigration offenders, as well as low reporting rates.</p> <p>We propose the State enact 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.</p> <p>We propose the State collect sex-disaggregated data and information and data on sentences imposed on cases of trafficking against women and girls, on perpetrators and reparation granted to victims. These data and statistical reports must be made public</p>
<p>B. Benchmark against international standards on combating TIP</p>	<p>Proposed Initiatives</p> <p>4. Study feasibility of accession to UN Palermo Protocol on TIP</p>	<p>SCWO suggestions</p> <p>We propose the feasibility study timeline to be brought forward from 2012-2014 to by end of 2012.</p> <p>We propose the State ratify the UN Palermo Protocol on TIP sooner.</p> <p>The current NPA has a timeline of 3 to 5 years. We strongly propose that the law drafted, adopted and operationalise within 3 years, meaning by 2013.</p> <p>Singapore ratified CEDAW in 1995 and for several years since then the UN CEDAW Committee has been recommending the State to ratify the UN Palermo Protocol on Trafficking. Singapore needs to step up on its international obligations.</p> <p>SCWO CEDAW Committee has requested the State to provide the steps it has taken in its progress to ratify the Protocol.</p> <p>We would ask that the State TIP Taskforce share the steps it has taken with civil society.</p>

PREVENTION

<p>C. Heighten Awareness of TIP amongst Government officials, workers, employers and members of public</p>	<p>Proposed Initiatives</p> <ol style="list-style-type: none"> 5. Define sex and labour trafficking offences and indicators 6. Embark on comprehensive training curriculum for government officials 7. Conduct joint research studies 8. Conduct TIP Campaigns 	<p><i>We commend the proposed steps and would propose the State to work together with NGOs and civil society on awareness of TIP. SCWO can assist to provide awareness of TIP from a CEDAW</i></p> <p><i>Frame-work as well as to provide gender sensitivity training.</i></p> <p><i>We propose the State work with NGOs and civil society like SCWO to define these indicators.</i></p> <p><i>We propose the State conduct studies with academics institutions. These studies must be made public</i></p> <p><i>We propose the State fund public education on TIP. The public education campaign should be outsourced to civil society and NGO</i></p>
<p>D. Early detection of potential TIP case</p>	<ol style="list-style-type: none"> 9. Strengthen case referral mechanism for potential victims and members of public 10. Set up of TIP National Hotline 	<p>SCWO queries</p> <p><i>What the steps State is taking to strengthening the referral mechanism? Would this be through public education and a TIP Campaign?</i></p>
<p>PROSECUTION</p>		
<p>E. Effective Investigation and Prosecution of TIP cases</p>	<p>Proposed Initiatives</p> <ol style="list-style-type: none"> 11. Strengthen investigation and prosecution processes 12. Fast track TIP cases 13. Set up specialised enforcement teams for sex and labour trafficking 14. Study setting up of joint databases across enforcement agencies 	<p>SCWO suggestions</p> <p><i>We propose having a dedicated anti-TIP legislation in Singapore to raise profile of the issue, to set parameters – definition, classification and coverage, to offer comprehensive victim assistance scheme, to hold principals and accomplices equally liable to ensure time-effective trials.</i></p>

F. Commensurate penalties and deterrence sentencing for convicted TIP cases	Proposed Initiatives	SCWO suggestions
	<p>15. Review legislations related to TIP</p> <p>16. Engage judiciary and prosecutors on severity of TIP offences and need for commensurate penalties and deterrent sentencing</p>	<p><i>We propose the feasibility study timeline to be brought forward from 2012-2014 to by end of 2012.</i></p> <p><i>We propose the State ratify the UN Palermo Protocol on TIP by end of 2012.</i></p> <p><i>We propose the State provide education on TIP for the judiciary and prosecutors within 2012. Deterrence is key therefore stiff fines and penalties for offenders, both principals and accomplices will serve as effective deterrents. There must be public announcements of convictions to show robust law enforcement</i></p> <p><i>We propose raising awareness to foster deeper understanding of TIP issues among stakeholders</i></p> <p><i>We urge the State to note this excerpt from the UN CEDAW Concluding Remarks 2011 “The Committee urges the State party to 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”</i></p>

Protection		
<p>G. Enhanced detection and care of victims</p>	<p>Proposed Initiatives</p> <p>17. Develop clear SOPs and indicators to identify victims</p> <p>18. Train enforcement officers in victim identification management</p>	<p>SCWO suggestions</p> <p><i>We propose the State provide timelines when enforcement training takes place or steps taken to move towards this.</i></p> <p><i>SCWO is prepared to provide CEDAW and gender sensitivity training for enforcement officers</i></p>
<p>H. Enhance protection processes supportive of victims' needs</p>	<p>Proposed Initiatives</p> <p>19. Enhance victim care services including medical care, counseling services and translation services</p> <p>20. Facilitate re-entry and return of victims to home countries</p> <p>21. Review adequacy of shelters for TIP victims</p> <p>22. Review provision of legal assistance</p> <p>23. Review access to work facilitation and training for victims</p>	<p>SCWO suggestions</p> <p><i>We propose the State offer a comprehensive victim assistance scheme which is victim-centered and human rights focused</i></p> <p><i>We propose the State provide immunity from other offences, provide witness protection program and compensation packages.</i></p> <p><i>We propose the State provide funding for programs aim at strengthening the capacity of service providers with increasing the social workers capability and institutional capacity of rehabilitation centers.</i></p> <p><i>We propose the State explore legal reform so that compensation is more available to victims of trafficking from agencies and other parties involved. This is in line with our recommendations in our NGO Shadow Report on CEDAW.</i></p>
PARTNERSHIP		
<p>I. Stronger collaboration with foreign governments and embassies</p>	<p>Proposed Initiatives</p> <p>24. Engage enforcement agencies of source countries for joint-investigation and sharing of information</p> <p>25. Engage foreign countries in their</p>	<p>SCWO comments</p> <p><i>We welcome and commend these steps.</i></p>

	experiences to combat TIP	
J. Stronger partnerships with NGOs, relevant organisations and other elements of civil society	<p>Proposed Initiatives</p> <p>26. Formalise engagement of stakeholders including NGOs, relevant organisations and other elements of civil society</p> <p>27. Work with NGOs in identifying TIP cases and victims</p> <p>28. Partner NGOs on outreach initiatives</p> <p>29. Engage businesses on corporate social responsibility for the prevention of TIP in supply chains</p>	<p>SCWO comments</p> <p><i>We welcome and commend these steps and are prepared to contribute and support the engagement initiatives.</i></p> <p><i>SCWO had in its NGO Shadow Report on CEDAW proposed a National Communication Awareness Strategy should be considered by the Government to demonstrate its commitment to the eradication of trafficking.</i></p> <p><i>Such a strategy should apply to all forms of trafficking with any review and development of the strategy occurring in full consultation with relevant organisations, whose contact details should be included in all awareness-raising materials.</i></p>
K. Contribute to the global TIP dialogue and enhance multilateral cooperation in combating TIP	<p>Proposed Initiatives</p> <p>30. Participate actively in meetings, discussions and initiatives on TIP in UN, ASEAN and other international / regional fora</p>	<p>SCWO suggestions</p> <p><i>We propose the State establish and maintain cross-border and cross sector cooperation. There could be an establishment of NGO-Government cooperation with the creation of a Working Group on policy development, training of frontline officers and on implementation. The Working Group would also work in victim identification to victim assistance.</i></p> <p><i>We propose the State establish Government-to-Government regional cooperation and commitments and strengthen and increase international, regional and bilateral cooperation with countries of origin and transit, in line with article 6 of the Convention. We propose compiling, documenting and disseminating good practices and studies on the implementation of legislations, programmes, services and strategies to address all forms of VAW and VAC in the region. With cooperation of ASEAN, we propose State Government -to-</i></p>

		<i>Government collaboration and launching a regional public campaign on TIP in collaboration with the relevant ASEAN sectoral bodies, civil society, religious and local leaders, private sector and other stakeholders.</i>
--	--	--

References

Clawson, H., Dutch, N., Amy Solomon, A. and Grace, LG., (2009) *Human Trafficking Into and Within the United States: A Review of the Literature*

<http://aspe.hhs.gov/hsp/07/humantrafficking/LitRev/index.shtml#practices>

Hoe, P.S. (2013) More being done to fight human trafficking. *The Sunday Times*, 30 June, 2013.

Humanitarian Organisation for Migration Economics, HOME (2012). *FDW Trafficking Research Report*. December 2012.

Humanitarian Organisation for Migration Economics (HOME) *Migrant News*, Issue #2, May 2010. Available at: <http://home.org.sg/migrantnews/issue2/index.html>

International Labour Organisation. Asia and the Pacific (Singapore) <http://www.ilo.org/asia/countries/singapore/lang--en/index.htm>

International Labour Organisation (2013) Domestic workers across the world. Global and regional statistics and the extent of legal protection. ILO.

Larsen, J.J. (2010); *Migration and persons trafficking in Southeast Asia*. Trends and Issues in Crime and Criminal Justice. No. 401, November.

Ministry of Home Affairs (2011) *Oral Answer to Parliamentary Questions on Trafficking In Persons*, 22 November 2011. Available at: http://www.mha.gov.sg/news_details.aspx?nid=MjlyNA%3D%3D-LluYStxNGZ8%3D

Ministry of Manpower (2012) *Employer Fined \$4,710 for Defaulting on Foreign Domestic Workers' Salary Payments*. Press release, 1 August. (Available at: <http://www.mom.gov.sg/newsroom/Pages/PressReleasesDetail.aspx?listid=443>)

Ministry of Manpower (2013) *Singapore Inter-Agency Taskforce's official statement in response to the 2013 US State Department's Trafficking in Persons (TIP) Report*, 24 June.

Ministry of Manpower (2013) *Foreign Workforce Numbers*. Last updated on 17 September 2013. <http://www.mom.gov.sg/statisticspublications/others/statistics/Pages/ForeignWorkforceNumbers.aspx>

National Plan of Action (NPA) against Trafficking in Persons 2012-2015. Available at: http://www.mom.gov.sg/Documents/tip/tipbooklet_080812.pdf

Organisation of Security and Co-operation in Europe, OSCE (2010) *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*. Occasional Paper Series no. 4.

Project X (2009) *Situation in Singapore. Prostitution per se is not illegal in Singapore*. [http://theprojectx.org/?page_id=18_\(Accessed on 9 October 2013\)](http://theprojectx.org/?page_id=18_(Accessed%20on%209%20October%202013)) \

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Available at: http://treaties.un.org/Pages/ViewDetails.aspx?mtdsq_no=XVIII-12-a&chapter=18&lang=en

Senate of the Philippines (2008) Press release, 5 September.
http://www.senate.gov.ph/press_release/2008/0905_estrada2.asp

Tan, A. (2013) First male helper from Myanmar starts work. *The Sunday Times*, 12 May.

Tan, T. (2013) More abused foreign brides seeking help. *The Sunday Times*, 8 September 2013.

Takamatsu, K. & Thatun, S. (2004) Some Reflections on the Repatriation of Trafficked Persons: Case of Myanmar and Thailand. Social Science Publishing House, Hanoi.

The US State Department Trafficking in Persons Report (2013). Report available in <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>

UN's Committee on the Elimination of Discrimination against Women, CEDAW (2011) *Concluding observations of the Committee on the Elimination of Discrimination against Women*, Singapore. 49th Session. 11-29 July 2011.

UK Parliament: Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill <http://www.publications.parliament.uk/pa/bills/lbill/2012-2013/0015/13015.pdf> (Accessed on 9 October 2013).