

Annex – Legislative changes to address sexual offending and enhance protection for women, children, and vulnerable persons

Date	Summary of Amendments
2019	<p>The Penal Code was amended to update and strengthen sexual offences and enhance protection for minors and other vulnerable persons:</p> <p>a. <u>New offences to better combat technology-facilitated sexual crimes.</u> We introduced new offences to cover the production, distribution, possession of, and access to, voyeuristic recordings; as well as threats to distribute, or the distribution of, intimate images or recordings. The new offence of voyeurism has stiffer penalties compared to the offence of insulting the modesty of a woman, which voyeuristic acts were previously prosecuted under: the new offence of voyeurism has a maximum of 2 years' imprisonment compared to 1 year previously, and the possibility of caning was also introduced.</p> <p>b. <u>New offences and amendments to enhance protection for minors from sexual exploitation:</u></p> <p><i>Introduced the following new offences</i></p> <ul style="list-style-type: none"> i. Sexual communication with a minor below 16 years of age; ii. Engaging in sexual activity before a minor below 16 years of age; iii. Causing a minor below 16 years of age to look at a sexual image; iv. Criminalising the conduct in (i), (ii), and (iii) where the victim is a minor of or above 16 but under 18 years of age and is in a relationship with the offender that is exploitative; v. Exploitative sexual penetration of a minor of or above 16 but under 18 years of age; vi. Production, distribution, advertising, and possession of child abuse material. <p><i>Made the following amendments</i></p> <ul style="list-style-type: none"> i. Increased the penalty for the offence of sexual penetration of minor where the victim was of or above 14 but below 16 years of age and the offender was in an exploitative relationship with the victim (up to 20 years' imprisonment); ii. Expanded the scope of aggravated rape and sexual assault involving penetration, which attracts a mandatory minimum of 8 years' imprisonment and 12 strokes of the cane, to include cases where the victim was below 14 years of age and the offender was in an exploitative relationship with the victim, regardless of whether the victim consented to the penetration; and iii. Expanded the scope of the offence of commercial sex with minor under 18 to include non-penetrative sexual touching.

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	<p>c. <u>Repeal of marital immunity for rape.</u></p> <p>d. <u>New offence of procurement of sexual activity by deception or false representation.</u></p> <p>e. <u>Enhanced penalties of up to twice the maximum punishment for select offences committed against:</u></p> <ul style="list-style-type: none"> i. Vulnerable victims, namely: <ul style="list-style-type: none"> 1. Persons with mental or physical disabilities and who are substantially unable to protect themselves from abuse, neglect or self-neglect; 2. Children under 14 years old; and 3. Domestic workers (where the offender was the employer, a member of the employer’s household, or the employment agent); ii. Victims in an “intimate relationship” with the offender, even if they were not married to the offender; and iii. Victims in a “close relationship” with the offender. <p>f. <u>New offences to punish acts involving sustained abuse of a vulnerable victim, such as:</u></p> <ul style="list-style-type: none"> i. Causing death of a vulnerable victim by sustained abuse; ii. Causing or allowing death of a vulnerable victim in the same household; and iii. Allowing neglect, physical or sexual abuse of a domestic worker (where the offender was the employer, a member of the employer’s household, or the employment agent) or vulnerable person.
	<p>The Children and Young Persons Act was amended to expand the offence of sexual exploitation of a child or young person, to cover obscene or indecent acts with a young person of or above 16 but below 18, where either the young person did not consent to the act, or the offender was in an exploitative relationship with the young person.</p>
	<p>The Evidence Act was amended to lift marital communications privilege for any communication relating to certain specified sexual offences, child abuse offences, and hurt offences involving violence or threat of violence against persons below 16 years of age, vulnerable persons and domestic workers (where the offender was the employer, a member of the employer’s household, or the employment agent).</p>
	<p>The Protection from Harassment Act was amended to enhance protections for victims of harassment and falsehoods, and to make it faster and easier for victims to obtain remedies under the Act:</p>

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	<ul style="list-style-type: none"> a. <u>Maximum penalties for offences committed against vulnerable persons and intimate partners; and repeated breaches of Protection Orders and Expedited Protection Orders were doubled.</u> b. <u>New offence of “doxxing” was introduced,</u> to deal with the increasing trend of an individual’s personal information being published online with an intention to harass the said individual. c. <u>Protection Order (PO) and Expedited Protection Order (EPO) may be issued more quickly, especially in cases involving violence or the threat of violence.</u> The new Protection from Harassment Court (PHC) commenced operations on 1 June 2021. The PHC’s simplified procedures make it easier and less expensive for victims to obtain certain types of reliefs (including a PO and EPO), within a shorter timeframe. d. <u>Applications for POs are facilitated.</u> For example, where a respondent has been convicted of a hurt-related offence, some of the conditions required for the grant of a PO are deemed to be satisfied. This reduces the need for the victim to prove similar things in different court proceedings. e. <u>Enhanced protection afforded by POs and EPOs.</u> POs and EPOs now protect persons related to the victim such as the victim’s parents and siblings, who are often at risk of violence from the harasser as well. An EPO will remain in effect until the PO hearing is concluded. Domestic exclusion orders may also be granted as part of a PO to ensure better protection for victims who may reside in the same residence as the harasser. f. <u>Strengthened recourse for breaches of POs and EPOs.</u> When a PO is breached, community orders can be made against the offender. In addition, certain types of breaches of POs and EPOs are arrestable. Examples include breaches involving hurt, intimidation, or continued harassment.
2018	<p>The Criminal Procedure Code and Evidence Act were amended to enhance protection for victims of sexual or child abuse offences, and to reduce the stress they face when participating in the criminal justice process. The changes include the following:</p> <ul style="list-style-type: none"> a. <u>Requiring the accused or his counsel to obtain the Court’s permission before they can adduce evidence, or ask the alleged victim questions, about the alleged victim’s physical appearance or sexual behaviour (which do not relate to the charge).</u> Applications for the court’s permission must be made in the absence of the victim.

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	<ul style="list-style-type: none"> b. <u>Prohibiting a person from doing any act that may lead to the identification of alleged victims</u>, where the person knows that the individual is an alleged victim, even before a complaint is made. c. <u>Conducting closed-door hearings by default</u> when the victim testifies, unless the victim elects to give evidence in open court. d. <u>Allowing the use of physical screens to shield the victim</u> from seeing the accused when testifying in court. e. <u>Allowing video-recorded interviews of victims to be tendered in Court as evidence, in lieu of Examination-in-Chief, to reduce the number of times they have to give their account</u>
2014	<p>The Protection from Harassment Act was enacted to provide a range of criminal and civil remedies to better protect people from harassment. The changes included the following:</p> <ul style="list-style-type: none"> a. <u>Existing harassment offences in the Miscellaneous Offences (Public Order and Nuisance) Act, with some modifications were re-enacted</u>, to cover a range of behaviour including sexual harassment within and outside the workplace. b. <u>Unlawful stalking</u>, involving a course of conduct which caused harassment, alarm or distress, was made an offence. c. <u>Existing penalties for harassment offences were increased</u>, to better reflect the gravity of the offences. Enhanced penalties were also introduced for repeat offenders. d. <u>Offences and contraventions were made to apply to acts committed outside Singapore</u>, as long as certain conditions were satisfied. One example is where an offender who is overseas commits any acts of stalking against a victim who is in Singapore, and the offender knew or had reason to believe that the victim would be in Singapore at the time the acts were committed. In this scenario, the court would have jurisdiction over the matter. e. <u>Avenues for self-help and civil remedies for victims of harassment were created</u>. For example, victims could apply to the Court for Protection Orders requiring harassers to desist from doing anything which is stated in the order. An EPO to protect the victims could also be granted in cases of urgency. This amendment extended protection to victims of abuse who were not eligible for a protection order under the Women's Charter as they were not a family member of the abuser.
2012	<p>The Evidence Act was amended to repeal a provision that permitted the credit of an alleged victim of rape or attempted rape to be impeached by showing that she is of a "generally immoral" character. This provision had</p>

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	<p>existed since 1872 and was premised on outmoded assumptions that a sexually active woman was less worthy of credit.</p>
2007	<p>The most comprehensive review of the Penal Code since 1984 was completed. The changes included:</p> <p><u>New offences to enhance the protection of vulnerable persons, including:</u></p> <ol style="list-style-type: none"> a. A new offence of sexual penetration of a minor under 16 years of age, which makes punishable the sexual penetration of the vagina or anus of a minor under 16 with the offender's penis or body part or any object, or the penetration of the mouth of a minor under 16 with the offender's penis, or causing a minor under 16 to penetrate another person in the said manner, whether consensual or not. b. New offences of commercial sex with a minor under 18 years of age (whether within or outside Singapore); and organising or promoting tours outside Singapore for commercial sex with a minor under 18 years of age. c. A new offence of sexual grooming to protect minors under the age of 16 from sexual exploitation by sexual predators on the internet. d. A new offence to target the procurement of sexual activities with a person with mental disability who is capable of consent, but where inducement, threat or deception was used to obtain that consent. <p><u>Partial repeal of marital immunity for rape in the following circumstances:</u></p> <ol style="list-style-type: none"> a. The wife is living apart from the husband under a judgment or decree of judicial separation, a written separation agreement, an interim judgment of divorce not made final, or an interim judgment of nullity not made final; b. There is in force a court injunction restraining the husband from having sexual intercourse with his wife; c. There is in force a protection order or expedited order made against the husband for the benefit of his wife. d. The wife is living apart from her husband and proceedings have been commenced (and not terminated or concluded) for divorce, nullity or judicial separation; and e. The wife is living apart from her husband, and proceedings have commenced (but not terminated or concluded) for a protection order or expedited order for the benefit of the wife.