



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

SINGAPORE

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 11th session, 2011

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Singapore despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and as a sentence of the courts, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Singapore

1.1 Corporal punishment is lawful in the **home**. Article 89 of the Penal Code 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. 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”.

1.2 Corporal punishment is lawful in **schools**. Regulation No. 88 under the Schools Regulation Act (1957), pursuant to article 61 of the Education Act (1957), states that corporal punishment shall be administered to boys only, on the palms of the hand or the clothed buttocks, and by the principal or authorised person.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. Under article 33 of the Children and Young Persons Act, children aged 7-15 are tried by the Juvenile Court, with the exception of offences triable only by the High Court, such as murder, rape, drug trafficking and armed robbery. Under article 37 the High Court, but not the Juvenile Court, may sentence the child to be caned. Persons aged 16-17 are tried as adults. They 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 (Criminal Procedure Code, articles 11 and 12). Caning is prescribed as a punishment in the Penal Code and many other laws.¹ The Criminal Procedure Code specifies that children aged 7-15 should be caned up to 10 strokes with a light rattan, older young people up to 24 strokes with a rattan up to 1.27cm in diameter (articles 228 and 229). A medical officer must be present and must certify that the offender is fit to receive the caning (article 232). Females may not be caned (article 231).

1.4 Corporal punishment is lawful as a disciplinary measure in penal institutions, including the Singapore Boys Home for boys as young as 13. Article 68 of the Children and Young Persons Act covers children in approved schools, approved homes, remand homes and places of detention, and allows for the use of “such force as is reasonable and necessary ... to restrain any such person who is attempting or preparing to commit or is committing any offence or any breach of discipline”. Regulations under the Act provide for corporal punishment. The Prisons Act allows a juvenile, defined as “any person under the age of 16 years, whether convicted or not, under detention in any prison” (article 2), to be given up to 10 strokes. The Prison Rules allow caning for breaches of discipline ranging from attempted escape to repetition of a minor offence. Caning is also permitted in Drug Rehabilitation Centres.

1.5 In the **military**, the Singapore Armed Forces Act (1972) and the Singapore Armed Forces (Disciplinary Barracks) Regulations (1990) allow for caning up to 24 strokes for a variety of offences, including for boys below the age of 18. Boys under 16 may be caned up to 10 strokes. Military service is compulsory for all males.

¹ For example, the Misuse of Drugs Act (1973), the Piracy Act (1993), the Armed Offences Act (1973), 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 (1871), the Arms Offences Act (1952), the Explosive Substances Act (1970), the Public Order (Preservation) Act (1958), the Railways Act (1905) and the Road Traffic Act (1993)

1.6 In relation to **alternative care settings**, corporal punishment is explicitly prohibited in child care centres by Regulation 17 of the Child Care Centres Regulations but there is no prohibition of corporal punishment in other forms of childcare.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party's initial report in 2003, the **Committee on the Rights of the Child** expressed concern at the legality of corporal punishment in the home, schools and institutions and as a punishment for male juvenile offenders, and recommended prohibition in all settings (CRC/C/15/Add.220, paras. 32, 33, 44 and 45).