

WIDENING THE DEFINITION OF DOMESTIC VIOLENCE IN THE WOMEN'S CHARTER

**SUBMISSION TO REACH :PUBLIC CONSULTATION ON THE REVIEW OF THE
WOMEN'S CHARTER**

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Introduction

This paper seeks to make a case for a widening of the definition of domestic violence in the Women's Charter to include people in an intimate partner relationship in the context of a heterosexual relationship. This would include both those who are currently in a partner relationship or who were in a partner relationship, whether cohabiting or dating.

We believe that this will create the opportunity for early intervention for couples in an Intimate Partner Violence (IPV) relationship and provide an opportunity for upstream work particularly for those in a dating relationship.

1. History to the issue

Case 1 2001

In 2001, a 38 year old woman in a partner relationship, Mdm S was seriously abused by her partner. The police found her in a "filthy" house, emaciated, slashed, with bald patches on her head, physically and sexually abused. She was blinded and had several bones, repeatedly broken. Her partner was sentenced to 7 1/2 years imprisonment and received 9 strokes of the cane. The 2 children then aged 5 years and 3 years were placed under the Children Protection Service and lived in the foster care system until 2014.

*The survivor had attempted to get protection several times but under the Women's Charter, **cohabitees** do not fall under the ambit of family members and therefore was not eligible to apply for protection and receive mandatory counselling.*

The systems failed her. The hospitals that she turned up at did not report the abuse, neither did the social service systems, both citing client self-determination.

Upon his release, the partner found her and the abuse continued. He was sentenced to imprisonment again, this time for a month. Police stated that it was getting increasingly difficult to charge him should he continue his abuse as the survivor was unable to relate the incidents. Doctors reported that the continuous slamming of her head into objects caused damage to her brain. She would increasingly lose her ability to remember.

When the then MCDS was asked by the Press whether cohabitees would be included in the Women's Charter, MCDS's response then was

"The Ministry of Community Development and Sports will review (our emphasis) the policy surrounding personal protection orders (PPO), so that live-in partners like Madam X

will be able to apply for one if necessary.” (ST Thursday, 19 July 2001)

It revealed this when replying to queries from The Straits Times. But it did not say when this would happen.

2. Why we need to be concerned about this issue?

Intimate partner violence before and after marriage

- 2.1 Violence in an intimate partner relationship does exist. The WHO Global and regional estimates of violence against women (2013) indicates that worldwide, almost 30% of all women who have been in a relationship have experienced physical and/or sexual violence by an intimate partner. While this does not differentiate women who are in a non-legal partner relationship, what is of greater concern is that prevalence of exposure to violence is already high among young women aged 15-19 years. This suggests that violence commonly starts early in women’s relationship (WHO report, 2013,). A look at the figures indicate that the prevalence was highest in the WHO African, Eastern Mediterranean and South East Asian Nations where women indicated some form of violence at some point in their lives.
- 2.2. In Singapore there has been one attempt at a prevalence study done by Bouhours, Chan, Bong & Anderson (2013). Although this study had several limitations, it provided some useful baseline data. About 2006 female Singaporean residents were surveyed using the International Violence Against Women Survey (IWAS). Out of this 1603 women were surveyed for Intimate Partner Violence in a current or former partner relationship. The findings (Table 2.7, p.11).indicated that
 - 2.1.1. Women were more likely to be victimised by a former partner (22.1%) than a current partner (1.9%)
 - 2.1.2. Women reported the perpetration of sexual violence by former boyfriends more frequently than by former husbands or defacto partners
 - 2.1.3. Of the women who were abused by a former partner 43.7% were injured while 40.8% feared for their life during the incident. This is similar to the woman who were abused in their current relationship – about 50% were abused and 44% fear for their life in the most recent incident
 - 2.1.4. Women in a dating relationship were much more likely to report physical or sexual violence (by any man, not necessarily their dating partner) in the past 5 years than married or single women.
- 2.3. However this study did not differentiate legal relationships from non-legal relationships.
- 2.4. The figures from PAVE indicate that spousal violence cases made up an average of 68% of PAVE’s caseload over the last three financial years (PAVE Annual Report FY13/14 & FY 14/15). Over the 3 year period, an average of about 19% of both perpetrators and survivors reported using and/ or experiencing abuse **prior to their marriage** (Table 1). All of them continued the use of violence into the marriage.

Table 1 - Total number of Spousal Violence cases with history of dating violence prior to marriage

	FY12/13	FY13/14	FY14/15
Total no. of clients who reported history of dating violence	52 (20.9%)	33 (14.3%)	56 (21.2%)
Total no. of clients who did not report history of dating violence	165 (66.3%)	154 (66.7%)	168 (63.6%)
Missing data	32 (12.8%)	44 (19%)	40 (15.2%)
Total number of Spousal violence clients	249 (100%)	231 (100%)	264 (100%)
<i>Breakdown in terms of victims & perpetrators</i>			
Victim who reported history of dating violence	39	19	38
Perpetrators who reported history of dating violence	13	14	18
Total no of spousal violence clients who reported history of dating violence	52	33	56

The following two case studies tell us how violence that began in a dating relationship continued into the marriage.

Case 2, 2014

In February 2014, Mr A, the 26 year old boyfriend of 18 year old Ms F, slashed her sister's friend on the head in front of her (Ms F), her siblings and her mother. This was despite the fact that she had broken up with him some weeks before. He wanted to make the point that she could be the next to get hurt. She had met him only 6 months before. When they met, he proudly announced to her that his friends called him "Chucky" (the evil icon from the movie Child's Play).

At 26, Mr A was already a father of 3 illegitimate children in another cohabitee relationship. That young woman was also abused and eventually ran away from him.

*During the short 6 month courtship, he would **hit her, bang her head against the wall, punch, strangle her, use vulgarity and continuously put her down**. She tried to break up with him several times but went back to him after he **cajoled** her, promising he would change or **stalked her and threaten to harm her family**. At 26, he had been incarcerated 6 times for rioting, possession of a dangerous weapon and grievous hurt. She never sought any help as she thought it would be pointless. After the last break-up, she found out she was pregnant and her father decided that rather than bring shame to the family she should marry him.*

*Soon after the marriage, Mr A continued to **abuse her physically and emotionally** despite knowing she was pregnant with their first child. This was prior to the incarceration. When he was imprisoned, he got his family to **confine her** and made her write letters to him every day, detailing what she was doing. Her mother eventually applied for a PPO for her. Ironically with marriage, she finally got help the help she needed.*

*But the abuse did not stop. Upon his release from prison he continued the abuse. The physical violence stopped but the **sexual abuse intensified**. She was **daily and repeatedly raped and sodomised** in the toilet of the 2 room flat where they lived with 9 other family members. He **forced her to take the drug ICE** despite knowing that she was in her first trimester of their second pregnancy. She was **confined in the home** and could only leave the house with him. On two occasions she managed to run away but he was able to coax her to return. However, the second time around she left, because of the repeated sexual abuse which she felt humiliated and degraded by. She was also afraid it would harm the baby. She is currently in hiding. During this latest separation in March 2015, he met another 21 year old girl. She moved in with him and was abused. She left him in July 2015 after he threatened to stab her and was pushed away by his mother. The prison psychological report states that he has a **“moderate to high risk”** of violent reoffending. Child Protection Services is monitoring the 8 month old baby who is currently under the care of the maternal grandmother. The baby is lagging behind in his developmental milestones and doctors are concerned that it may have been a result of the abuse during the pregnancy. Ms F is currently 7 months pregnant.*

Case 2.

Ms R was 16 when she met Mr P, who was in his 30's. Mr P was married before and had 2 children. He had severely abused his wife and she ran away leaving the children, then infants, with him. MSF's Child Protection Service came in and the children were placed in foster care. Eventually his wife divorced him. About 2 months into the

current courtship, Mr P began abusing her. He would **beat her, punch her, bang her head against the wall**. In the 3 years that she had known him she tried to break off the relationship several times, but each time, he would threaten suicide, take a knife to cut himself or coax her into going back to him and she relented. When she began living with him, on weekends, the abuse intensified, especially when he became drunk. He would **punch her on her face and body repeatedly, slam her head against the wall, pull her hair and swing her against the wall**. He **did not allow her to contact her friends or family**. She went to a Family Service Centre for support but except for counselling no other help was given to her. When she was 18 she found herself pregnant and **during the pregnancy, the abuse intensified**. She would be **beaten about once a week**, this included **strangulation, threatening to stab her with a knife**, apart from the **kicking, punching, slamming her head against the wall**. Because of shame issues and the fact that Ms R still loved Mr P and thought that marriage and a baby would change him, she married him a few days before the birth of their child.

But the abuse did not stop. With the new born he still continued his violent behaviours and the **baby was very affected** as Ms R would be beaten with the baby in her arms. The baby became very cranky and fretful, all signs of trauma in infant witnesses of violence. Finally the FSC alerted Child Protection Services (CPS) to the dangers that the baby was exposed to and the fact that the young mother was not a protective factor to the child, as she could not keep herself safe, let alone look after an infant. CPS referred her to PAVE. On the day that they brought her to PAVE, accompanied by Mr P, he had punched her on the nose just before the CPS officers arrived at their home. The next day at 2am in the morning she recognised the cues of his violent behaviours and quickly left the house with the baby as she knew that if she stayed she would be assaulted. She was placed in a shelter where she currently is.

2.5. In both these cases, these young Singaporeans were in a violent dating relationship and presumed that marriage would change their husbands. It did not. In fact the violence escalated and just like in Case 1, Child Protection Services had to step in. Had the system not stepped in, the lives of these children would have been affected by the trauma that they would have grown up in.

Cohabitee and dating violence

2.6. Studies have shown that there are parallels in dating and cohabitee violence, with violence among married survivors. These findings suggest that behaviours that occur in unmarried relationships may establish expectations and patterns of behaviour which continue in later marriages (Roscoe, & Benaske, p.423).

2.7. A look at prevalence figures across countries indicate that the prevalence rate for ever-partnered women who experience intimate partner violence is high with almost 37% of ever-partnered women having experienced physical and/or sexual intimate partner violence in their lives (WHO report 2013).

Table 2 : Lifetime prevalence of physical and/or sexual intimate partner violence among ever-partnered women by WHO region.(WHO report , 2013, p.24)

WHO Region	Prevalence, %	95% CI, %
Low- and middle – income regions:		
Africa	36.6	32.7 to 40.5
Americas	29.8	25.8 to 33.9
Eastern Mediterranean	37.0	30.9 to 43.1
Europe	25.4	20.9 to 30.0
South-East Asia	37.7	32.8 to 42.6
Western Pacific	24.6	20.1 to 29.0
High Income:	23.2	20.2 to 26.2

CI = Confidence Interval

Table 3: Lifetime prevalence of intimate partner violence by age group among ever-partnered women.

Age group, years	Prevalence, %	95% CI, %
15 – 19	29.4	26.8 to 32.1
20 – 24	31.6	29.2 to 33.9
25 – 29	32.3	30.0 to 34.6
30 – 34	31.1	28.9 to 33.4
35 – 39	36.6	30.0 to 43.2
40 – 44	37.8	30.7 to 44.9
45 – 49	29.2	26.9 to 31.5
50 – 54	25.5	18.6 to 32.4
55 – 59	15.1	6.1 to 24.1
60 – 64	19.6	9.6 to 29.5
65 – 69	22.2	12.8 to 31.6

CI = Confidence Interval (WHO report, 2013, p24)

2.8. Although small in number when compared to spousal violence cases, cohabitee and dating violence cases known to PAVE hover around an average of about 2% of the caseload over the last 3 years - 2% in FY12/13, 2.6% in FY 13/14 and 2.5% in FY 14/15.

2.9. Table 4 shows the number of new cases over the last 3 years from PAVE's caseload. The number may actually represent the tip of the iceberg.

Table 4 Total number of PAVE cases based on presenting problems across 3 financial years

	FY12/13	FY13/14	FY14/15
Total no of SV cases	249	231	264
No. of Dating Violence cases	6	5	8
No. of Cohabitee Violence cases	1	2	2
No of other forms of violence	102	101	121
Total no of new cases in the financial year *	358	339	395

(* note: all the cases reported are based on new cases opened in the financial year. The reporting does not include brought over cases from previous financial year.)

- 2.10. Several studies that have shown that with earlier intervention or accessibility to help, more people came forward. Collective action from the legal system, the community and the medical front is necessary to implement preventive approaches to help this vulnerable segment of the population. Legislation obviously is the way to go as it draws out people who otherwise would not have sought help. Singapore's experience with Personal Protection Orders (PPO) is an indication of this. Prior to the Amendments of the Women's Charter in 1996, applications for PPO from survivors of abuse were a low 28 in 1986 (Edelson & Choi, 1994) but increased to 2019 in 1997. By 2012 it had increased to 3075 (Subordinates Court, 2012). What this tells us is that changes in the law do open doors for people who have previously shied from getting help.
- 2.11. Yet for those who are not covered by the law, there is very little recourse for them. Many of them experience very serious cases of violence, very much like the 2001 case. Illustrated below are 3 cases that describe the complexity of their situation.

Case 3, 2015

Ms. N was first referred to PAVE on 15 January 2015 by Khoo Teck Puat Hospital's (KTPH) MSW, following her admission to the hospital's A&E Department for the incident of assault by her boyfriend. The incident had caused an injury and blood clot in her vocal cords. Although placed in a shelter, the boyfriend tracked her down when she reported to the hospital for her check-up, following her discharge. He then dragged her home in front of the police, medical social workers, shelter workers and hospital personnel. They have been cohabiting.

On February 4 2015, following a very bad beating, Ms. N managed to escape from her boyfriend after he had dumped her off somewhere along Frankel Avenue. She sustained bruises on her body and somehow made her way to Changi General Hospital in a weakened state.

*Ms. N was reported to have been repeatedly admitted to hospital due to multiple assault incidents by her boyfriend. She had however not disclosed her abuse to the medical team at the hospital until her admission in January 2015. In most of the incidents, Ms. N had often been physically assaulted, at times **with dangerous weapons such as hammer, pen knife as well as burning cigarettes**. One of the **most serious injuries** that she sustained was **to her eyes**, following an incident in late 2014. She currently **needs corrective eye surgery**. She has **limited vision in her eyes**. Since her return to her boyfriend in February 2015, she reported being assaulted on a daily basis and not being allowed to be away from his sight throughout the day. She was placed in another shelter again.*

In May 2015, he found her at the second shelter and threatened to beat her up at the front gate of the shelter. He also threatened the other residents.

Her family members are petrified of him as a he is a drug dealer and has had a history of incarcerations for rioting, drugs and grievous hurt. He has threatened to hurt the family.

Case 4, 2015

Ms C is 23 years old and has been in an abusive dating relationship for the past year. She was brought in by her concerned parents who wanted her to receive counselling for the abuse she was going through. However she has been unable to attend the counselling sessions regularly as her boyfriend forbids her to attend and would beat her up if he found out that she did.

The latest major incident of physical assault happened in public. He pushed her and she hit her head on the curb and she sustained a very serious cut which required stitches at NUH's A&E Department. She has a permanent scar on her forehead. She did disclose to the medical team at NUH that she was assaulted by her boyfriend.

*Mr J, the boyfriend is physically, verbally, psychologically and emotionally abusive of Ms C. She disclosed multiple physical assaults over a short span of three months. Every few days, she would receive what she called a "present" from him. He **strangled her, kicked her, pulled her hair, slammed her head against the wall, and slapped her** in front of her male friend. Once, he **punched** her till she fell unconscious along an expressway. Many times, she sustained various scratch marks, bruises, and cuts on her body. He would accuse her of cheating on him and used vulgarities and demeaning words to insult her. He forced her to admit infidelity through constant harassment*

and she gave in so that he would stop. He justified his abusive actions by placing the blame on her infidelity.

Mr J is also highly controlling of C. He **restricts her contacts** with friends and she is only allowed to call her parents when she is with him. Her **mobile phone is bugged**. Every few days, he cancels her SIM card and replaces it with a different mobile number. On top of that, he had a **mobile application installed in her phone** to view her screen at all times. Once she returns home from work, she needs to switch on her laptop so that he can check on her activities. He has a list of rules for her to follow, including **sending pictures of herself to him** consistently throughout the day, picking up his phone calls within a certain number of rings, promising not to share her problems to anyone other than him.

He also gets her to **pay his bills, purchase items for him, borrows money** from her to finance his debts, and even being the guarantor for his motorbike.

The family attempted various recourses for help. However they feel that no help is forthcoming because the “acts” of violence are non-arrestable offences. They feel that the Magistrate’s Complaint does not help.

Case 5, 2008

Janet, 41, was physically abused by her boyfriend, 38 for more than a year. She made police reports to no avail. He had **punched her on the neck and back, punched her on her face, elbowed her back and slammed her head against the steering wheel**. He beat her up so badly that blood spurted out of her ear. She was treated at the hospital the same day. On another occasion when he **slammed her head against the steering wheel, he fractured her nasal bone**.

The worst incident occurred on the 21 August, 2007 when, while driving her to office, they started quarrelling. When they arrived at her office he **refused to let her alight and drove off to an isolated place** in Sime Road. He then **slapped her on the mouth, pulled her hair, slammed her head on the car seat repeatedly and hit her back with his elbow**. He then tried to tear off her clothes and attempted to **outrage her modesty**. She made a police report and he was arrested. While on bail he continued to harass her and turned violent again.

2.12. A few points can be gleaned from the cases above.

- a) The violence perpetrated on them was very severe and repeated.
- b) They tried applying for a PPO but were told that they would not qualify
- c) They did not consider applying for protection as they did not think they had a right to protection.

- d) The Magistrate’s Complaint although available, was not a route they wanted to take because they perceived that there would be no protection provided to them especially when the summons was served, unlike the PPO that has an expedited order which takes effect when the summons is served.
- e) They were known to some formal organizations but help was not activated.
- f) Action was only taken when serious injuries were sustained and it became an arrestable offence.

2.13. While information about the Magistrates’ Complaint may have been offered, the survivors for various reasons decided not to pursue the complaint and continued to suffer under the hands of their tormentors. Some common reasons given were the fear of retribution from the Person Who Abuses (PWA); the survivors’ perception that the police do not take their complaints seriously even when the Magistrate directs the police to investigate as many of the complaints are non-arrestable offences; and the suggestion that the couple go for mediation or counselling on a voluntary basis which they perceive, places them in even graver danger.

2.15. Where criminal acts have taken place and these acts are arrestable, the Penal Code kicks in. However, for those whose acts are deemed non-arrestable, no recourse is available to survivors except through the Magistrate’s Complaint which in cases of intimate partner violence does not appear “to have the teeth” to send a message out to the perpetrators that violence to an intimate partner is not to be condoned. As a result where there are survivors who want and need help through a legal means, this deters them.

2.14. Then there is Protection of Harassment Act 2014 (POHA). There is a general perception that POHA can be used to address violence in an intimate relationship. **However it does not.** It addresses harassment in the context of cyber harassment, stalking, bullying and sexual harassment in a non-intimate relationship. It was not meant to address violence in an intimate partner relationship. In his speech in Parliament, Minister S Shanmugam stated clearly that “harassment in the context of family violence will be covered under the Woman’s Charter”. (Singapore Parliamentary Debates, 13 March 2014). **Therefore legally, persons who are unmarried but in a violent partner relationship and where no criminal offence has taken place, have no legal options to protect them through POHA or the Women’s Charter.**

2.16. Getting help is therefore extremely daunting as public expectation is that because there are no legally binding strings in a courtship or a cohabitee relationship, breaking off is easy. But the psyche of the abused women whether in a legal or non-legal relationship is the same. The intimacy of the relationship and the psychological hold that abusers have over the victims make it difficult for them to break free of the abuser. One could also fathom a guess that for those in an intimate partner relationship getting help from systems are perceived to be futile and as such, many may not come forward for help. Hence, there is an under-reporting of such abuse cases.

2.17. The need to reach out to this group of people and provide access to help and early intervention is vital. Several studies have found that a victim of violence in a romantic relationship during adolescence was a significant predictor of violence in young adulthood. Cui, Gordon, Ueno, & Fincham (2013); Spriggs, Halpern, & Martin (2009).

2.18. Prevalence studies of dating violence done in other countries reports it being three times more prevalent than violence between married couples (Chan & Straus, 2008). The National PAVE’s submission to the Public Consultation on the Women’s Charter on Widening the Definition of Domestic Violence . July 13, 2015. ©

Intimate Partner and Sexual Violence survey (NISV) conducted in 2010 revealed that 25% of women had been survivors of severe physical violence by an intimate partner and nearly 20% had been raped in their lifetime.

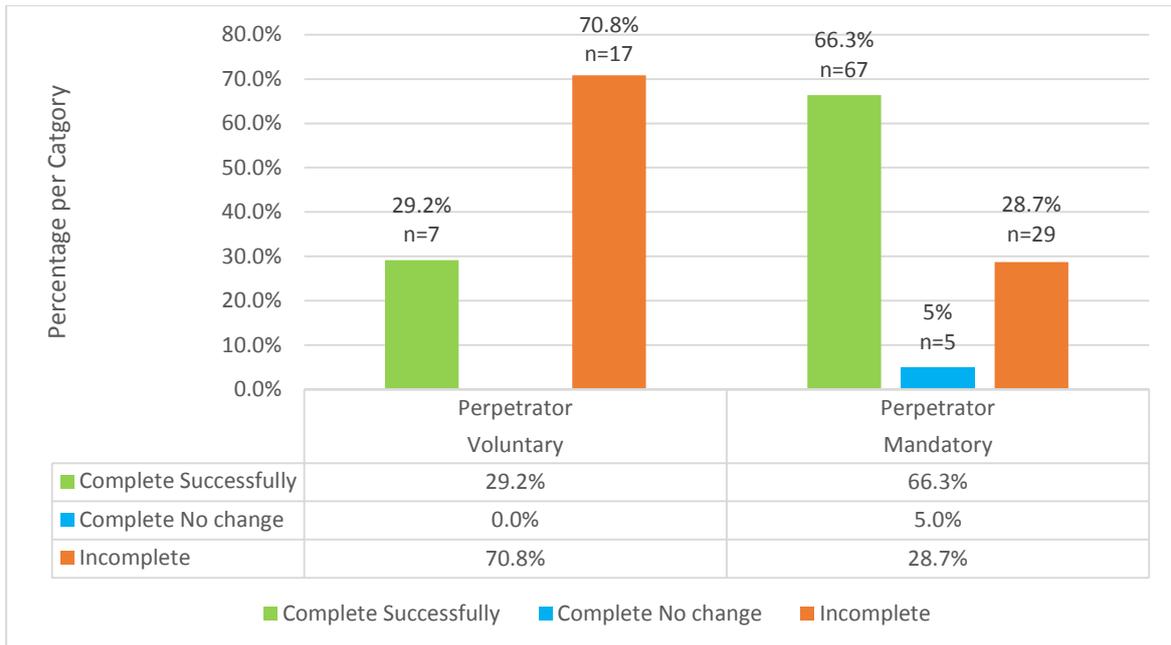
- 2.19. In the International Dating Violence Study conducted by Chan & Straus (2008) amongst 13,601 students across 32 different countries, they found the proportion of students who reported being victims of a physical assault ranged from 14% to 39%.
- 2.20. Out of the 279 Singaporean University students who participated in this study, 22.7% reported being victims of physical assault in the past year. When verbal aggression was included in the types of violence experienced, the figure went up from 9% to 65%. In fact in a study conducted by Ngee Ann Polytechnic students in 2010, 14% of students had been threatened with suicide if they were to leave the relationship and 17% felt they were controlled in their dating relationship.
- 2.21. How this affects their health is also of primary concern. Findings from the National Intimate Partner and Sexual Violence Survey 2010 indicate that violence that begins at an early age commonly leads to negative health consequences. Survivors can experience physical injury, mental health consequences such as depression, anxiety, low self-esteem and suicide attempts, as well as other health consequences such as gastro-intestinal disorders, substance abuse, sexually transmitted diseases and gynaecological complications. These can lead to hospitalisation, disability or death (NIPSVS 2010).

3. Why this change is important?

Personal Protection Orders as a means to help the PWA stop the violence

- 3.1. The PPO does more than sends a message to the abuser that violence must stop. It also brings in help through the Mandatory Counselling Programme to both the perpetrator and survivor to deal with the violence. This is a loud signal that domestic violence is not tolerated in Singapore- that ties in an intimate relationship are important and easily accessible rehabilitation plays a critical role in preserving these relationships.
- 3.2. An analysis of PAVE's closed cases over the last financial year (FY14/15) indicates that counselling appears to have some measure of success. For those who were sent by the Family Justice Courts with a Mandatory Counselling Order, 66.3% (n=67) completed the programme successfully with no recurrence of violence. Only 29% (n= 7) of perpetrators who came through the voluntary counselling route, that is, those who came to the Agency on their own asking for help, completed the programme successfully. Successful completion indicates that the PWA had taken accountability for the abuse and they completed the programme showing change and no recurrence of violence.

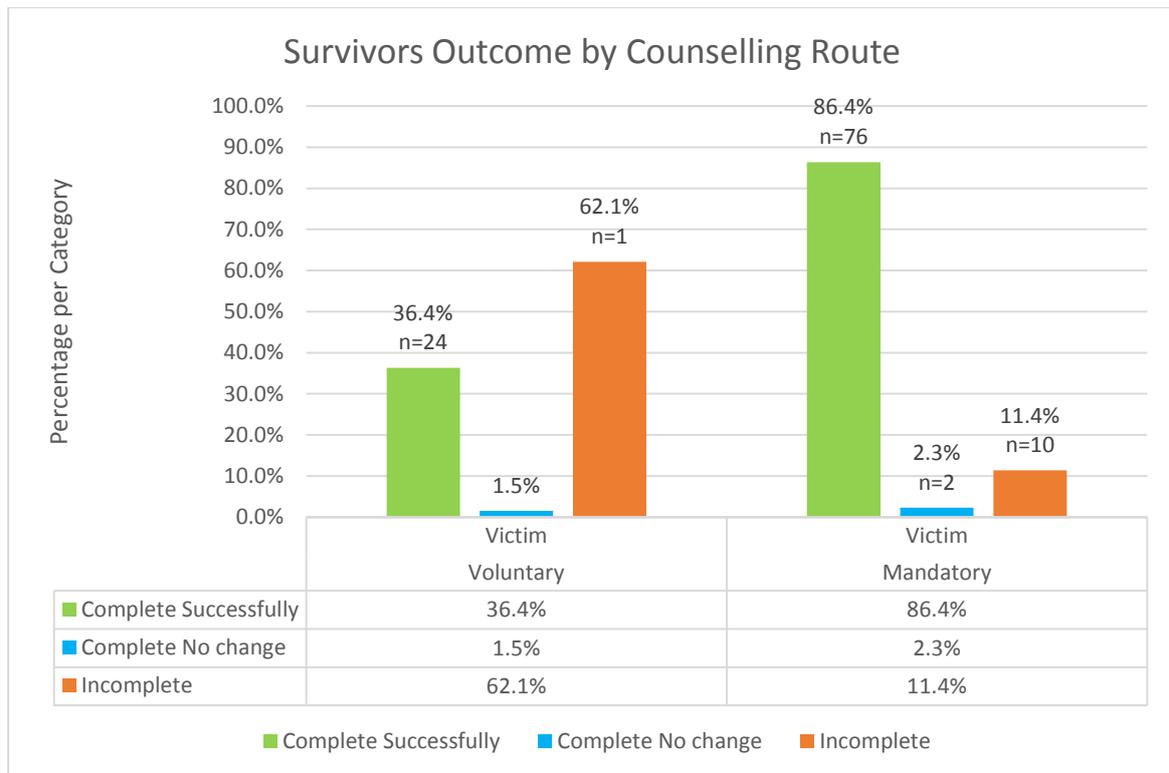
Chart 1. Perpetrator Outcome by Counselling Route



3.3. However, 70.8% (n= 17) of PWAs who came in through the voluntary counselling route did not complete the programme. The spike in defaulters in the voluntary category was because some of them felt their issues were dealt with after the initial counselling session and chose not to come back ; some felt that they could deal with the issues on their own and required no help.

Among those who were mandated for counselling , 28% (n=29) did not complete their programme. The defaulters in this category were more insolent. They were bent on defying the Court Order; many were uncontactable, although they would turn up at the Court Review and despite being sent back to the Agency by the Judges, they would not appear for counselling; some would make appointments to attend sessions and frequently change appointments and hence default. A small number were serving out their sentence for other offences.

Chart 2: Victim Outcome by Counselling Route



3.4. Among the survivors who came for counselling 86.4% (n=76) of the mandatory cases and 36.4% (n= 24) of the voluntary cases completed the programme successfully. Successful completion for survivors meant that they were able to distinguish the types of violence, the dynamics of violence, identify cues for violence, develop a safety plan and knew resources from which to seek help among other things.

3.5. What both sets of figures show is that mandatory counselling works better than voluntary counselling and should be offered to people who live with violence.

3.6. For couples in a non-legal intimate partner relationship, this choice is not offered to them. Given that the kinds of abuse that are perpetrated on them are primarily non-arrestable offences, it is vital that such help is extended to them before the violence exacerbates into a serious criminal offence. What the PPO and Mandatory Counselling Order does also, is to offer them an opportunity to deal with their violent behaviours and the survivor mentality such that should they decide to proceed to marriage they would be equipped with healthy relational skills.

4. The need to broaden the Definition of Family Violence

4.1. Currently the Women’s Charter defines family as members in a family in a legal relationship. We are requesting that MSF looks at broadening the definition to include partners in a heterosexual relationship, who are in an intimate partner violence situation.

- 4.2. In Jurisdictions such as the United Kingdom¹, Hong Kong² and Australia³, the legislations cover those who are in a cohabitee relationship. In Hong Kong it is defined as a relationship between 2 people in an opposite sex or same sex relationship, either in a current relationship or have had a previous relationship. In the UK the extension of Part 4 of the 1994 Act to non-cohabitating couples includes “those who have or have had an intimate partner relationship with each other which is or was of a significant duration”; while in Australia, an intimate personal relationship is defined as persons in a) a spousal relationship b) an engagement relationship⁴ c) couple relationship⁵.
- 4.3. The table in Appendix 1 describes the coverage for protection of people in an intimate partner violence relationship in 14 countries. Most of these cover cohabiting relationships (past and present) and only two include dating relationships (The Philippines and The United States).
- 4.4. There are 4 basic categories in the definitions
- a. Coverage for those in a legal relationship with extensions to other family members by marriage or by blood.
 - b. Coverage for those in a legal and non- legal heterosexual relationship. These include cohabitees, and those who are or were in a dating or intimate partner relationship.
 - c. Coverage to include same sex relationships.
 - d. Coverage of domestic helpers living in the same dwelling.
- 4.5. In several developing countries in Asia, non-legal or customary marriages are recognised, hence the coverage of those who are living together, that is, cohabit. In other more developed countries, where courtship, live-in heterosexual relationships as well as same sex-marriages are the norm or gaining acceptance, coverage is extended to these partners.
- 4.6. In listing various categories in paragraph 4.3, we are not suggesting that Singapore adopts it in its totality. What we are imploring MSF to consider is the **inclusion of people in a heterosexual relationship** who are already **in a violent relationship** and require protection. We do not know the numbers of people who are in relationships like this. But numbers alone should not be the basis for inclusion of protection. Singapore, being an enlightened society, should not deprive the survivors of protection nor the perpetrators of help.
- 4.7. Singapore laws are quite progressive. In recent times the Penal Code has made great strides in recognising marital rape as a criminal offence. This would not even have been conceivable a decade ago. However, Intimate Partner Violence (IPV) does fall within the cracks of our legal system and some review of the law is necessary to address some of the loopholes. **Presently there are no provisions in the law, which addresses the kinds of acts committed in an unmarried intimate partner relationship that are not arrestable offences.** The police therefore have no grounds to take any kind of action except to advise the complainant to file for a Magistrate’s Complaint.

1. UK: Domestic Violence, Crime and Victims Act, 2004

2. HK. Domestic Violence and Cohabitation Relationship Ordinance, 2009

3. Australia: Domestic and Family Violence Act, 2012

4. Engagement Relationship: exists between 2 people if the persons are or were engaged to be married to each other, including a betrothal under religious or cultural tradition

5. Couple relationship exists between 2 persons if the persons have or had a relationship as a couple

- 4.8. The principles for reform in Singapore, in addition to accessibility which is not an issue are
- i. **Duty to protect:** this is the duty of the State. We have done this in the Criminal Justice System recently with the sexual harassment legislation.
 - ii. **Fairness:** to ensure that legal responses to IPV especially are fair and just, holding those who use violence accountable for their actions and providing protection for victims;
 - iii. **Effectiveness :** to facilitate effective interventions and support in circumstances of violence.
- 4.9. The Women’s Charter needs to relook at how this same protection can be accorded to women and/ or men who are in an unmarried intimate partner violent relationship. Our argument is that all Singaporeans in a heterosexual non-legal intimate partner relationship should be accorded the same rights to protection under the Women’s Charter. This was reiterated by the Deputy Prime Minister, Mr Teo Chee Hean, in a response in Parliament on September 10, 2012, when he was asked about Domestic Violence among live-in partners. He said *“The Government does not condone acts of domestic violence regardless of the marital circumstances”*. (Singapore Parliamentary Debates, 2012). He further added that *“Any victim of domestic violence in Singapore facing violence from an unmarried live-in partner, can seek assistance from the National Family Violence Networking system by approaching the Police , a Family Service Centre or calling the Comcare Helpline”*. This is true, but without the change in the law and where no criminal offence is committed, there is very little legal recourse for these survivors and they continue to be subjected to “terrorism in the home” (Johnson,1995).
- 4.10. While we understand that Singaporeans are rather conservative around issues of cohabitation and sexual orientations (IPS study 2013), and this has implications on what is seen as the State’s endorsement of family values, we urge that this be seen in terms of the right to safety and protection, and a prelude to receive protection, instead of an encouragement of non-mainstream values. Surely the widening of the definition to include protection for survivors and help for abusers to stop the violence regardless of their marital status will not affect the social fabric that underlies our family policy for safe and healthy families.
- 4.11. We would like to suggest that MSF considers the countries whose legislation are closest to us and who adopt a conservative approach to family policies. Hong Kong, Australia and the United Kingdom appear to be the closest to Singapore’s policy approaches and yet have provided wider coverage for all forms of intimate partner violent relationships.
- 4.12. If MSF is not willing to relook at a widening definition of family at this point in time, we would like to suggest a possible re-tweaking of the law which may address this issue. We had consulted Professor Leong Wai Kum of the Law Faculty, NUS, who suggest the following amendment, as an addition to the definition of “family member” in S 64

*“(g) and a person who is in an intimate relationship with another who **in the opinion of the court should, exceptionally, be regarded as a family member of the other person.**”*

OR

An additional definitional provision immediately following the existing “family member” definition to read

“family member, in relation to a person, may exceptionally be understood in any of the ways described above despite the absence of a formal marital relationship between them or their family members where, in the opinion of the court, such an extension should be made in the circumstances of the case.”

4.13. What this will offer social work professionals is an opportunity to do upstream work so that should these people move towards marriage, the relationship can be a healthy one. For persons in an IPV relationship whether dating or cohabiting, it offers the opportunity to promote respectful relationships, conflict resolution skills, managing emotions and addressing negative beliefs and attitudes that keep them locked in their current state. This allows them to heal the relationships which they clearly want to keep.

4.14. By not giving help at an early stage and in a timely manner, tragedies multiply and family problems are perpetuated. Below is an updated account of what happened to Mdm S, the cohabitee highlighted in the first part of the paper (2001 case).

Today at 51 years, Mdm S, is blind, totally non-ambulant, and lives in a government-run institution for the Destitute. She has the mental age of a child. Her children now aged 20 and 18 were up till recently, under the care of Child Protection Services. The State pays both for her and until recently, the care of the children. Her partner, Mr M got into another partner relationship and abused the other woman as well. She also did not receive protection but was told by police to seek help from social service agencies. We do not know if she sought help. Today he lives in a rental room and receives help from the state after he suffered a stroke.

4.15. Fourteen years have gone by since 2001. The MCDS then did say that they will review the family violence policy so that “live-in partners like Mdm X will be able to apply for protection if necessary”. How many more traumas and tragedies do we need before we decide that an expansion of the definition is necessary? We postulate that widening the definition sends out the message that regardless of the marital status of the couple, every Singaporean in an abusive relationship will be accorded full recognition and protection under the law and both they and their children will receive the help necessary to live respectful and trauma-free lives.

Prepared by PAVE

July 13 2015

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Appendix 1

Country	Definition
Bangladesh	Domestic violence may be defined as violence perpetrated by a man upon a woman and vice versa in course of leading a domestic life. Domestic violence is not confined to married couples only, but extends to cover other <u>couples who are jointly living together</u> . It may also cover men and women other than husbands and wives, such as parents, brothers, sisters or <u>co-tenants, domestic servants</u> etc. Domestic violence may also be caused to young girls who may become victims of sexual assault within the family. Male or female domestic servants may also become objects of domestic violence.
Brunei	<u>A spouse includes a person who has undergone a marriage ceremony even if the marriage has not been legally registered.</u>
Cambodia	Domestic violence is referred to as violence that happens and could happen towards: <ul style="list-style-type: none"> — husband or wife; — dependent children; and/or — <u>persons living under the roof of the house and who are dependant of the households.</u>
China	The term “spousal violence” as used in this law refers to illegal attacks from one spouse (<u>including persons who are in a de facto state of marriage even if it has not been legally registered</u> ; same below) that threaten the spouse's life or physical conditions.
Hong Kong	In this Ordinance, unless the context otherwise requires- "applicant" means a person who applies for an injunction to be granted under section 3, 3A or 3B; (Added 18 of 2009 s. 5) "cohabitation relationship" (a) means a relationship between 2 persons (whether of the same sex or of the opposite sex) who live together as a couple in an intimate relationship; and (b) includes such a relationship that has come to an end; (Added 18 of 2009 s. 5) "matrimonial home" includes a home in which the parties to a marriage ordinarily reside together whether or not it is occupied at the same time by other persons; (Amended 17 of 2008 s. 3) "minor" means a person under the age of 18 years; (Added 17 of 2008 s. 3) "party to a cohabitation relationship" does not include a person who is or was the spouse of the other party to that relationship; (Added 18 of 2009 s. 5) Cap 189 - DOMESTIC AND COHABITATION RELATIONSHIPS VIOLENCE ORDINANCE 2 "respondent" means the person against whom an injunction is granted or sought to be granted under section 3, 3A or 3B; (Added 17 of 2008 s. 3. Amended 18 of 2009 s. 5) "specified minor" means a minor— (a) who is a child (whether a natural child, adoptive child or step-child) of the applicant or respondent concerned; or (b) who is living with the applicant concerned. (Added 18 of 2009 s. 5) (Amended 17 of 2008 s. 3)
Philippines	"Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, <u>or against a woman with whom the person has or</u>

	<p><u>had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.</u></p>
Sri Lanka	<p>A spouse, an ex-spouse, <u>a cohabitating partner</u>, a parent, , grandparents, step-parents, children, step-children, grandchildren, brothers, sisters, half-siblings step siblings, uncles and aunts, nephew, nieces.</p> <p>Note: Son and daughters in laws as perpetrators will be charged under the provisions of the Penal Code.</p>
Thailand	<p>“Family member” means a spouse, former spouse, <u>person who lives and cohabits, or used to live and cohabit together as husband and wife without registering marriage</u>, legitimate child, adopted child, family member, including any dependent person who has to live in the same household.</p>
Taiwan	<p>Family members, referred to in the Act, shall include the following person and their minors:</p> <ol style="list-style-type: none"> 1. Who is commented a spouse or ex-wife or ex-husband; 2. Who has or have had on-going marital, or de-facto marital, parental, or dependent relationship; 3. Who has or have been related as a lineal-blood or a lineal-blood-by-marriage; and 4. Who has or have been related as a lateral blood or a lateral-blood-by-marriage falling within the Relation Rank 4.
Vietnam	<p>The violent acts stipulated in paragraph 1 of this Article shall also be applicable to family members in cases of divorcees or <u>living together as husband and wife without marriage registration</u>.</p>
Australia	<p>Domestic violence refers to acts of violence that occur between people who have, or have had, <u>an intimate relationship in domestic settings</u>. These acts include physical, sexual, emotional and psychological abuse. Domestic violence is most commonly perpetrated by males against their female partners, but it <u>also includes violence against men by their female partners and violence within same-sex relationships</u>.</p> <p>Relationships, including current and former partners that could be included in a definition are: married; defacto; intimate relationships, whether of a sexual nature or not; parent-child; sibling; domestic relationships, foster and guardian relationships; relatives through blood, marriage, or cultural, ethnic or religious beliefs, including kinship; relationships of dependency, or involving personal or financial commitment; <u>persons who cohabit, such as an individual and their carer, persons living in a rooming house or shared accommodation or other non-familial domestic arrangements;</u></p> <p>Family, Domestic and Sexual Violence, Australia 2013 Government of Australia</p>
Bulgaria	<p>Domestic violence is any act of physical, mental or sexual violence, and</p>

	<p>any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or <u>cohabit or dwell in the same home</u>.</p>
<p>United Kingdom</p>	<p>The Government defines domestic violence as</p> <p>"Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been <u>intimate partners</u> or family members, regardless of gender or sexuality."</p>
<p>United States of America</p>	<p>We define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in <u>both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating</u>.</p>

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