**Singapore**

ECPAT International has developed [a legal checklist](https://ecpat.org/wp-content/uploads/2021/09/SECTT-Checklist_ENG-1.pdf) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal frameworks. This will help to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Following the development of this legal checklist, ECPAT International conducted country legal analysis for the Singapore and other countries in Southeast Asia, as well as Africa, Asia and the Americas.

The country analysis serves as a baseline to indicate and track the implementation status of the legal interventions within and across the four regions. It provides governments with clear directions for improving their actions with respect to child protection against sexual exploitation in the context of travel and tourism, including its online elements.

The table below allows easy assessment of existing legislation against the 24 measures of the legal checklist. It will be updated as the laws and policies change. An [explanatory note](https://ecpat.org/wp-content/uploads/2021/08/SECTT-Checklist_ENG_Explanatory-note.pdf) and an [assessment matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) can be consulted for further reference.

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|  | **Recommendations** | **Implemented** | **Legislation** |
|  | Establish by law **extra-territorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. | Yes | Sections 2 and 3 in conjunction with Section 376C of the Penal Code meet the minimal standards of art. (4)1 OPSC. No passive application for Singaporean victims for crimes committed outside Singapore. |
|  | Include in extradition treaties the sexual exploitation of children as **extraditable offences** and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. | Partially | Under the Extradition Act, Singapore will only extradite to a declared Commonwealth country, Malaysia or a foreign state with which Singapore has an extradition treaty or arrangements. In the case of Commonwealth countries, Singapore will extradite if the act (wherever committed) is an extraditable offence according to the Extradition Act. In respect of foreign states, an extraditable offence would mean an offence according to the law of the requesting state, and, when committed on Singapore’s territory, is also an extraditable offence according to the Extradition Act. Unlawful sexual intercourse with a female; indecent assault; procuring, or trafficking in, women or young persons for immoral purposes are considered extraditable offences by the Act. There is no mention about these offences against male victims. |
|  | Do NOT require the principle of **double criminality** for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. | Partially | Jurisdiction: Singapore does not apply the principle of double criminality when it is exercising its jurisdiction over citizens or permanent residents of Singapore who had commercial sex with a minor below the age of 18 outside of Singapore. In that case, it is not required that the conduct is considered to be an offence in both countries. Extradition: When a request of extradition is submitted by Commonwealth countries, the Extradition Act authorises Singapore to extradite to the extent that the offence is listed amongst the extraditable offence. On the other hand, when the request comes from a foreign state, the principle of double criminality is applicable. |
|  | Abolish **statutory limitations** for the prosecution of ALL offences of sexual exploitation of children. | Yes | It appears that in Singapore there are no statutory limitations at all for any criminal offences. |
|  | Set up **conditions for any travel** by persons convicted of sexual exploitation of children. |  ? | Access to the country has been denied in the past based on intelligence of foreign law enforcement agencies.  |
|  | Ensure **consistency in the definition of a ‘child’** as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. | Partially | National legislation criminalises some SEC offences: Section 376B of the Penal Code makes it a criminal offence to have commercial sex with a minor who is under 18 years of age.Sections 372-373 of the Penal Code punish, with imprisonment for up to 10 years, the selling, buying, hiring or obtaining possession of a female under the age of 21 for the purposes of prostitution. However, the same protection is not extended to males.Section 32 of the Films Act describes offences involving children and young persons. It states that any person who causes or procures any child or young person to commit any offence mentioned in Sections 29, 30 or 31 (concerning obscene films) shall be guilty of an offence and shall be liable on conviction for a fine of S$80,000 or 12-monthimprisonment, or both.Section 2 of the Prevention of Human Trafficking Act 2014 defines a “child” as “an individual below the age of 18 years”. |
|  | Ensure that the **age of sexual consent** for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships. |  No |  |
|  | Have a law or regulation establishing a **mechanism for centrally registering sex offenders** that has been implemented/setup. | No  | No sex offender registry.  |
|  | Establish **bail conditions** that prohibit individual accused of sexual offences against children from traveling outside of the country. | No |  |
|  | Provide in law that the **mere attempt** to commit a crime of sexual exploitation of children is criminalised. | ? |  |
|  | Impose more severe sentences for **reoffending** in case of sexual exploitation against children, e.g., by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country. | Yes  | Children and Young Persons Act, Article 7 concerns the sexual exploitation of children and young persons and increase the sentencing to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 7 years or to both when it is a second or subsequent case of obscene or indecent act.Under Section 4 of the Prevention of Human Trafficking Act 2014, for second or subsequent offences, a person is liable to be punished with a fine up to $150,000, imprisonment for a term up to 15 years and caning not exceeding 9 strokes.In addition, trafficking in children is considered an aggravating factor in accordance with Section 4(2)(c) of the Prevention of Human Trafficking Act 2014. |
|  | Provide for **mandatory reporting** for particular professions that have likelihood to have contact with kids who might disclose. | Partially | The following provision may provide partial protection. However, the Act does not provide for strong sanctions for non-compliance, the possibility of anonymous complaints, etc.Children and Young Persons Act Article 9A(2) requires that “the registered medical practitioner, psychologist or approved welfare officer conducting the assessment of the child or young person under subsection (1) believes on reasonable grounds that the child or young person is suffering from any physical or emotional injury or any injury to his health or development as a result of being ill-treated, the registered medical practitioner, psychologist or approved welfare officer shall immediately notify the Director, protector or police officer, as the case may be, who presented the child or young person for assessment.” |
|  | Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific **national codes for child protection** as a legal requirement for the travel and tourism industry to operate. | No  |  |
|  | Ensure the **liability of travel and tourism businesses** (in operations and supply chains) for criminal conduct including:* Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities;
* Procuring, aiding or abetting the exploitative sexual conduct with a child;
* Advertising or promoting sexual exploitation of children;
* Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business.
 | Yes | In the cases of tour organised outside Singapore, the Penal Code has a specific provision.Article 376D.— (1) Any person who —(a) makes or organises any travel arrangements for or on behalf of any other person with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person;(b) transports any other person to a place outside Singapore with the intention of facilitating the commission by that other person of an offence under section 376C, whether or not such an offence is actually committed by that other person; or(c) prints, publishes or distributes any information that is intended to promote conduct that would constitute an offence under section 376C, or to assist any other person to engage in such conduct,shall be guilty of an offence.Furthermore, Singaporean law does recognise corporate criminal liability. |
|  | Criminalize the **grooming of children for sexual purposes** (often called ‘solicitation’ in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation. | Partially | Sexual grooming of minor under 16 by an individual above 21 is criminalised by the Penal Code:Article 376E.—(1) Any person of or above the age of 21 years (A) shall be guilty of an offence if having met or communicated with another person (B) on 2 or more previous occasions — (a) A intentionally meets B or travels with the intention of meeting B; and (b) at the time of the acts referred to in paragraph (a) —(i) A intends to do anything to or in respect of B, during or after the meeting, which if done will involve the commission by A of a relevant offence;(ii) B is under 16 years of age; and(iii) A does not reasonably believe that B is of or above the age of 16 years.No protection for children older than 16 years of age. |
|  | Establish legislation requiring for a **criminal background check** for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children. | Partially | “The Registration of Criminal Act allows the Police to maintain a non-public record of persons convicted of serious offences, including sexual offences. Agencies such as MOE and MSF work closely with the Police to screen prospective employees who are applying for jobs involving children. For example, MOE screens prospective employees for child care centres, kindergartens and schools with the Police. These processes ensure that persons who have committed serious sexual crimes are not employed in sensitive positions which may put children at risk, but without publicly listing sex offenders which will add to the stigmatisation of these offenders and hinder rehabilitation and reintegration efforts.” (Source: Parliamentary Debates Singapore – Official Report, Vol. 94, No. 32, 6 February 2017,http://www.nas.gov.sg/archivesonline/data/pdfdoc/20170206008/OQ-6%20Feb%202017.pdf, p. 13) |
|  | Regulate and monitor the use of volunteers (including in **‘voluntourism’**) in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care. | No  |  |
|  | Ratify and implement relevant **regional and international instruments** related to child’s rights and sexual exploitation of children. | Partially | * Convention on the Rights of the Child (CRC) Accession in 1995
* Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography Not signed
* Optional Protocol to the CRC on a Communications Procedure (OP3 CRC) Not signed
* Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Accession in 2015
* ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No.182 Ratified in 2001
* United Nations World Tourism Organisation (UNWTO) Framework Convention on Tourism Ethics Not ratified
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|  | Establish **protection measures** for child victims at any stage of the legal process against the suspected offender. | Yes | The Witness Support Programme provides support to vulnerable witnesses in criminal cases who have to give their evidence in Court against their perpetrator(s), namely the accused person(s). The Programme provides emotional support to witnesses who are required to give evidence in Court and are children below 18 years old.Section 18(2) of the Prevention of Human Trafficking Act 2014 prohibits publication of names and other details of victims of trafficking.  |
|  | Establish **child-friendly interviewing practices by professionally trained police.**  | Partially | For a child victim of trafficking, Article 18(1)(a) of the Prevention in Human Trafficking Act 2014 permits the courts to hold in camera proceedings. The Children and Young Persons Act 1993 provides for the establishment of Youth Courts (Part III). According to Section 28(1):Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall, in a proper case, take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training. |
|  | Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services. | Partially | There seems to be no relevant provisions on the right of recovery and rehabilitation of child victims of sexual exploitation. However, programmes are in place to provide specialised psychological and therapeutic support to victims to strengthen their recovery. Section 19 of the Prevention of Human Trafficking Act 2014 provides for assistance to trafficked victims, including temporary shelters and counselling services. |
|  | Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children. | No | Section 21 of the Prevention of Human Trafficking Act 2014 accords protection to the informers of trafficking.No national reporting system provided for by law. Children can file complaints (via email or phone) with relevant government agencies, such as the MSF Child Protective Service hotline or Policy Division Headquarters and Neighbourhood Police Centres. A child helpline, Tinkle Friend, is available for school-aged children. |
|  | Create **data retention and** preservation laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction. | ? | It is unclear if the legislation on data retention (e.g., the Personal Data Protection Act) applies for investigation of cases related to sexual exploitation of children.  |
|  | Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds.  |  Yes | Order for payment of compensationArticle 359 Criminal procedure Code—(1) The court before which a person is convicted of any offence shall, after the conviction, consider whether or not to make an order for the payment by that person of a sum to be fixed by the court by way of compensation to the person injured, […](4) Any order for compensation made under subsection (1) shall not affect any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the amount of compensation paid under the order, but any claim by a person or his representative for civil damages in respect of the same injury arising from the offence, shall be deemed to have been satisfied to the extent of the amount paid to him under an order for compensation . |

**Legal Sources:**

[Children and Young Persons Act 1993](https://sso.agc.gov.sg/Act/CYPA1993)

[Criminal procedure Code2010 (as revised in 2012)](https://sso.agc.gov.sg/Act/CPC2010)

[Extradition Act 1968](https://sso.agc.gov.sg/Act/EA1968)

Films Act

[Penal Code (Revised Ed. 2008)](https://sso.agc.gov.sg/Act/PC1871)

[Prevention in Human Trafficking Act 2014](https://sso.agc.gov.sg/Act/PHTA2014)

[The Registration of Criminal Act 1949 (as revised in 1985)](https://sso.agc.gov.sg/Act/RCA1949)