

**OPENING SPEECH BY MR TAN CHUAN-JIN, MINISTER FOR SOCIAL AND  
FAMILY DEVELOPMENT, AT THE SECOND READING OF THE WOMEN'S  
CHARTER (AMENDMENT) BILL 2016, IN PARLIAMENT, 29 FEB 2016**

Mdm Speaker, I beg to move, "That the Bill be now read a Second time". With your permission Mdm Speaker, may I ask the Clerks to distribute the documents that would illustrate the points I am covering in my speech.

2. The Women's Charter was passed in 1961. It is a historical and significant Act. It instituted the rights of women, and protected vulnerable women and girls exposed to vice. The Women's Charter was also pivotal in strengthening the family institution, the key pillar of our society. It upheld monogamy and outlined the rights and duties of married persons. Strong marriages and families are as important and relevant today, if not more so.

**Changing Family Trends**

3. Families in Singapore are changing. Let me share a few trends which we have observed, and which led us to review the Women's Charter.

a. First, there are more dual-income families where both the husband and wife work. We also see small, but increasing instances, of wives being the main breadwinner.

b. Secondly, divorces are becoming more common among recent cohorts, and especially so for couples who got married at a very young age. Children are often adversely affected, even long after the divorces.

c. Thirdly, there are more Singaporeans marrying non-Singaporeans. The vast majority are genuine but there are some marriages of convenience for immigration advantage.

- d. Fourth, the increasing prevalence of social media, which requires new measures to protect those who experience family violence and also professionals engaged in protection work.

4. Our social policies, infrastructure and legal provisions must be regularly updated to support families. My Ministry has been doing so. The proposed legislative amendments we are making to the Women's Charter today is one part of this larger effort.

5. Specifically, the proposed amendments to the Women's Charter will:

- a. Firstly, help support younger couples in their transition into married life and parenthood;
- b. better protect the interest of children affected by their parents' divorce;
- c. thirdly, allow incapacitated husbands and ex-husbands to apply for spousal maintenance where there is a clear need;
- d. fourthly, void marriages of convenience;
- e. fifthly, better support vulnerable persons in family violence and crisis situations; and
- f. lastly, strengthen law enforcement against online vice.

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Let me elaborate.

### **Supporting Young Couples' Transition Into Marriage & Parenthood**

6. First, we must continue to strengthen marriages and families. This is, and will remain, one of MSF's key priorities. We have different services, programmes and public outreach initiatives towards this objective.

7. However, notwithstanding these efforts, divorces are becoming more common and this is very much a global phenomenon. To cite a statistic, 20.3% of our 1998 marriage cohort had dissolved before the 15th anniversary, compared to 12.3% of the 1987 marriage cohort. Marriages involving couples where one or both parties are very young face higher risk. A fair number are not adequately prepared for marriage, and those who become parents shortly after marriage face additional stress.

8. In 2011, the Women's Charter was amended to require minor couples to attend a Marriage Preparation Programme if one party is below the age of 18 years; or if both parties are minors below 21 years old. About 200 minor couples have gone through the programme. We very are heartened that over 95% of the couples found it useful.

9. We will now amend the Women's Charter Rules to extend the Marriage Preparation Programme to all marriages where one party is a minor. Agencies that currently conduct the Marriage Preparation Programme will do so for this additional group of couples. This will take effect for marriages on and after 1 October 2016.

10. Beyond legislation, we will enhance the pre- and post- marriage support continuum for this group of couples. We will put in place group marriage education programmes, one-on-one marriage assessments and post-marriage support sessions by 2017.

### **Enhancing Child Centricity in the Divorce Process**

11. Even as we try to strengthen marriages, there will be those that have irretrievably broken down. Divorcing couples and their family members go through periods of anger, anxiety, grief and stress. The children are often the ones most adversely impacted when caught in the middle of their parents' fights.

12. Let me cite you some examples that we picked up while working with families. There was a child whose paternal grandma told her that if she really loved her daddy, she should stop thinking of mummy. The little girl grieved over this but hid it from her dad and grandmother because she didn't want to disappoint them; she didn't want to make them angry.

13. Another example was a child who was told by her mother that her daddy did not love her anymore, as he had a new family with a new baby. The child felt abandoned, unloved and insecure. She asked whether her mummy would also not love her anymore if she had a new baby herself. These are stories which the children share with our social workers who work with the families. And these stories tell us that we must always ensure that children's voices are heard and their interests and needs taken care of during divorces.

14. In 2011, the Ministry amended the Women's Charter to require divorcing parents with children to attend mandatory mediation and counselling **after** a writ of divorce has been filed. This has been quite effective in helping some divorcing couples reach agreements on children matters in less acrimonious ways.

15. But going for mandatory mediation and counselling on children's issues, after first battling it out in Court to settle the divorce, is really not ideal. Many divorcing parties have become hardened in position, or too caught up with their emotions, by then. Social workers, counsellors and lawyers have told us it is much better to have divorcing parents consider their children's well-being early, before the divorce process formally starts.

#### *Mandatory Parenting Programme*

16. We are therefore introducing a new section 94A in the Women's Charter to require divorcing couples with minor children who are not able to agree on all matters of divorces to attend a mandatory parenting programme **before** they can file for divorce. For a start, those with at least one child aged below 14 years will be required to attend the programme. We plan to eventually extend this requirement to those with children aged below 21 years old.

17. The new pre-divorce mandatory parenting programme will cover a range of issues that will have a tangible impact on children such as housing, school, care arrangements, and bread and butter issues. These practical aspects when overlooked add unnecessary turmoil to a child's life post-divorce.

18. The new mandatory programme will also stress the importance of positive co-parenting after divorce. Even though a marriage ends, parental responsibilities remain. And I think that it's important that parents remember that. Children need both parents to co-parent even after divorce. Allow me to say this with the best of intentions. I know that co-parenting is not easy. But in many cases, it is probably the best "gift" that divorced parents can give to their children – the certainty that they still have both parents to love them despite it all. Then the children do not feel that they have to take sides; they do not feel they are to blame; they do not feel guilty.

19. The process where divorcing parents go through in applying for the mandatory parenting programme, will also include self-reflection questions - questions that focus parents' minds on their children's wellbeing. For those who may still have questions about their marriage and divorce, we will also point them to agencies that provide marital counselling. I hope that with this, perhaps some, upon reflection, may actually reconsider divorce, and seek help for their problems.

20. During our public consultation on the Bill, some members of the public expressed concern that the new mandatory requirement could lengthen the divorce process. They felt that in some situations, for example where there is family violence, the divorce process needs to be expeditious.

21. Let me assure the House that our intention is not to make it more onerous for parties to be granted a divorce. Neither do we aim to make it easier. But the objective is to better equip parties with knowledge and awareness of the issues arising in a divorce that will affect their children. It will enable couples to be more informed and make child-centric decisions during the process of divorce.

### *Divorce Support Specialist Agencies*

22. The pre-divorce mandatory parenting programme will be funded by my Ministry and conducted by the Divorce Support Specialist Agencies or DSSAs. These four agencies offer a range of programmes and services. Since they started operating a year ago, they have served over 3,000 divorcing couples. The feedback from the couples and their children, as well as from judges and community partners, has been positive.

### **Maintenance of Spouses**

23. I will now move on to the next area of amendments, which is on maintenance. Today, under the Women's Charter, maintenance may be ordered for two broad categories. The first is maintenance for children. Both fathers and mothers are responsible for maintaining or contributing to the maintenance of their children. This is so even after a divorce, and whether or not they have custody of the children. A mother may therefore seek child-maintenance from the father, and vice-versa.

24. The second category of maintenance is for a spouse or ex-spouse. This is the focus of the proposed amendment. Today, a woman can seek spousal maintenance from her husband or ex-husband. The law, however, does not enable men to seek spousal maintenance from their wives or ex-wives. And this is something that is increasingly being questioned and debated, and my Ministry has certainly received a broad range of opinions.

25. At one end of the spectrum, some Singaporeans have argued that spousal maintenance should be gender-blind and based on needs. Let me cite you an email feedback that we received during the public consultation, and I think it sums it up quite neatly. The writer wrote "I find it hard to believe that Singapore, a first world society is unable to accept that women should be our equals and should provide towards maintaining their ex-spouse equally if he is unable to do so."

26. Along this line of argument, some Singaporeans proposed that matters relating to marriage and divorce be addressed through a new "Family Charter", rather than the Woman's Charter.

27. At the other end of the spectrum, there are those who feel strongly that men should be the main breadwinner, and by and large they remain so, and spousal maintenance should be reserved for women only. After all, a wife is more likely to give up her career to care for the family. She is also more likely to be financially more vulnerable post-divorce. Allow me to quote two emails we had received to illustrate.

28. One said “Despite the call of gender equality, we must face the reality that there cannot be absolute equality between the two genders. Moreover, it remains in our culture and in fact among men themselves, the notion that the husband is deemed the “protector” of the family.”

29. Another argued that “Remember that the Women's Charter is supposed to protect women's rights and not allow women to fall prey to the irresponsibility of men who wilfully refuse to work, in the name of providing care for the family.” Clearly, they are very emotive and strong responses from various ends of the spectrum and in between as well.

30. I don't honestly think there is one decision that can satisfy all the differing views. This is one issue where there will be a range of views, and there is certainly merit on both sides. Indeed, there are more women today with successful careers. Some of you may have read about a recent Court of Appeal judgment which disallowed a woman's claim for a nominal maintenance order of \$1. The Court found her “more than capable” of taking care of herself.

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31. On the other hand, we still have many women struggling to provide a decent home for herself and her children, after years of being a homemaker during the marriage. As MPs, many of us would have encountered such real life examples during our Meet-the-People sessions and when we meet our residents.

32. So after extensive discussions with stakeholders and internal deliberations, we have concluded that our society is not quite ready for gender neutrality on the spousal maintenance front. We will not rename the Women's Charter as a Family Charter at this time, despite some calls to do so in line with the philosophy of gender-neutrality.

33. There remains many vulnerable women, and many women who hold rank and file jobs, who need to be able to rely on their husbands or ex-husbands for maintenance for themselves and their children. However, we do note that feedback provided on this issue and will consider them in future.

*Maintenance for Incapacitated Husbands/Ex-husbands*

34. That said, we do feel the time is right for us to take a step to allow incapacitated husbands and ex-husbands to apply for spousal maintenance where there is a clear need.

35. Recently, one of the divorce support specialist agencies highlighted a case they handled. This concerns a man with a professional job. He was unfortunately struck with a debilitating illness while on an overseas work assignment. The illness left him mentally incapacitated and unable to work. His wife, equally successful in her career, divorced him, and now he has no way to support himself.

36. In yet another case, my Parliamentary Secretary met a male resident who became severely disabled after a serious work accident. His wife divorced him. He is very bitter that he has no recourse for support, despite years of having provided for his wife and family.

37. We are proposing amendments that will allow, for the first time, spousal maintenance to be extended to such husbands and ex-husbands. This is part and parcel of the mutual help and support expected when a man and a woman enter into a marriage. Stories such as what I have shared reinforces my sense that this is one area we should work on.

38. We have set three clear criteria that must all be met. Only a man who is firstly, incapacitated before or during the course of the marriage, secondly, unable to earn a livelihood and thirdly, unable to support himself, can claim maintenance. He must also be unable to support himself at the time when the maintenance application is heard.



39. For clarity, I will give some examples which will **not** be covered. These include:
- a. An incapacitated husband or ex-husband who is able to earn a livelihood sufficient to maintain himself;
  - b. Secondly, an incapacitated husband or ex-husband who has other means, such as income from investments or insurance payouts, to support himself; and
  - c. Thirdly, An ex-husband who became incapacitated after the divorce has been finalised.

An ex-wife is not expected, and does not have any obligation to provide spousal maintenance if her ex-husband does not meet the criteria up to the point of divorce.

#### *Strengthening Maintenance Enforcement Regime*

40. During our public consultation, we also received a lot of feedback on maintenance enforcement. Many heartfelt appeals and letters spoke of maintenance payments slipping, being irregular or not being paid at all. I can understand how frustrating this can be for an ex-spouse who is not only entitled to but who relies on the maintenance to keep the family going after divorce.

41. At the last round of amendments in 2011, we introduced several measures to strengthen maintenance enforcement. Today, the Court may order a defaulter's employer to pay maintenance directly out of the defaulter's salary, mandate that a defaulter attend financial counselling and even sentence a defaulter to jail.

42. We do not need more legislative changes on this round or this front. Many of the challenges lie instead with implementation. This is what we must tackle.

43. To this end, my Ministry has been working closely with the Family Justice Courts and the Community Justice Centre. We find that there are two broad groups of defaulters: (i) those who "cannot pay" and (ii) those who "won't pay" group. We will need to address them differently.

44. We will extend timely financial assistance to vulnerable wives and ex-wives and their children in cases where the husband or ex-husband genuinely cannot pay the maintenance. For example, he could be in jail, or has had a serious accident and cannot work. Such wives or ex-wives will be directed to MSF's Social Service Offices (SSOs) for financial assistance. Our SSOs will also refer them to the Community Justice Centre if they need legal assistance.

45. Our focus here is on the women and children, as they are often the victims. But that said, we will also help a husband or ex-husband whose circumstances have changed such that he genuinely cannot pay maintenance. For example, if a man has a serious debilitating illness and is not able to work for a sustained period, he may approach the Community Justice Centre for legal assistance to review the maintenance orders. He may also approach the SSOs. The SSOs will help not only the man, but also his wife/ex-wife, with financial assistance so that the family may tide over the difficult period and get back on their feet.

46. In contrast to this empathetic approach, we intend to be very firm with recalcitrant maintenance defaulters in the "won't pay" group, i.e. those who have the means but choose not to honour their maintenance payments. This is where there is much distress, anger and bitterness on the part of wives and ex-wives especially. They know their husbands refuse to pay maintenance for themselves and their children. We intend to seriously stop such irresponsible behaviour.

47. We are working closely with the Courts to appoint a "maintenance record officer". This officer will assist the Court in certain maintenance enforcement applications so as to identify those who can afford but refuse to pay maintenance. With the assessment of the individual's ability to pay, Judges will be in a better position to make full use of the range of enforcement levers introduced in the 2011 round of amendments. Judges can impose tougher penalties against these recalcitrant individuals.

48. Related to maintenance are child access issues. As an MP, I have encountered many heart-rending appeals for divorced parents to see their children. Often, it is the fathers who have been denied access. By July this year, the Divorce Support Agencies will double their capacity of supervised exchange and visits for children. With an increase in capacity, the agencies will be better able to facilitate child access arrangements. Very importantly, they will work with parents to co-parent more effectively.

49. As a husband and a father, I would like to take this opportunity to remind all men to be responsible, especially when you have child maintenance to pay. Parenting your child does not stop even when the marriage is over. You can still and always be a loving father by not neglecting your responsibility to provide for your children. Even if your marriage is over, a caring relationship with you as a father will help your child to heal and learn to trust all over again.

### **Voiding of Marriage of Convenience**

50. Earlier, I mentioned that there are more marriages between Singaporeans and non-Singaporeans. The numbers of marriages between Singaporeans and non-residents have been increasing from 5,411 in 2004 to 6,686 in 2014.

51. The vast majority of such marriages are genuine marriages. But there are instances where parties enter into a sham marriage for immigration purposes. In 2012, MHA introduced a provision in the Immigration Act criminalising such marriages for immigration advantage. Parties convicted can be fined or imprisoned, or both, with their immigration facilities revoked. As of 2015, 218 parties have been convicted.

52. It is an offence for parties to abuse marriage laws for immigration advantage. It follows that such marriages should be void. The new Section 11A will now make a marriage void if one party to the marriage is convicted of the marriage of convenience offence under the Immigration Act.

## **Enhancing Protection for Victims of Family Violence and Professionals Engaged in Protection Work**

53. Let me now move to the issue of protection. Men, women and children who experience family violence require help. Today, in the event of violence within the family, a married man or woman below 21 years of age has to rely on others such as a parent or guardian to apply for a protection order on his or her behalf.

54. Given that most married persons below 21 years old already have familial responsibilities such as care for children, Section 65 is to be amended to provide for married or previously married persons below 21 years old, to apply for protection orders for themselves and their children. This is similar to the provisions in the Act that govern the parties allowed to apply for maintenance orders.

55. Some women and girls in crisis situations may, at times, need temporary emergency accommodation at places of safety such as crisis shelters or residential facilities. The Bill introduces new community-based care options by allowing the Director of Social Welfare to also place a vulnerable woman, or girl below 21 years of age into the care of a 'fit individual'. This could be a relative or friend who could provide support in a "home environment", and not only in residential facilities or shelters.

56. Some professionals that my Ministry works with in protection work include the staff in Family Service Centres, Family Violence Specialist Centres and crisis shelters. We will provide immunity for such professionals when they assist vulnerable individuals or discharge their duties in good faith and with reasonable care. In this way, they are protected against lawsuits or other legal proceedings in their personal capacity when carrying out a court order, acting under the direction of the Minister or the Director of Social Welfare in discharging duties under the Act.

57. The rise of online platforms and social media also pose new dangers to victims of abuse and challenges to the professionals who protect them. A new section 177A will prohibit the publication or broadcast of any information in the mass and social media that would reveal or is likely to identify the location of the shelter, residential facility or its residents. This is to better prevent perpetrators of violence from harassing, intimidating or harming persons residing or working at places of safety. The State may also act against serious breaches by the media which compromises the safety of the residents and staff.

58. A related amendment is made to Section 153 to prohibit publishing of information via online media, which may lead to women and girls being identified in certain in-camera Court proceedings.

### **Law Enforcement Against Online Vice**

59. The rise of online media has also allowed vice syndicates to take their business online to widen their reach to clients, while hiding behind the anonymity of the Internet. This makes it challenging for the Police to prevent and detect criminal groups conducting such a business. Sexual services at hotels and residences arranged by vice syndicates using new technologies also affect the public's sense of safety and security.

60. The proposed amendments will enhance the Police's levers to address online vice. They will make it an offence for persons in Singapore to operate or maintain in Singapore any website or other remote communication service that offers or facilitates the provision of sexual services in return for payment. They will also enable the Police to take action against a person who aids or will aid the prostitution of another person by providing any service, such as setting up a website to advertise such services, and who receives any gratification, whether cash or in kind, for providing that service.

## **CONCLUSION**

61. Let me now conclude. The family is the key pillar of our society. As families continue to change in Singapore, we will continue to review our policies, services and programmes. We will also regularly update our legislations. The legislative amendments I am proposing to the Women's Charter today is one part of this effort.

62. Many Singaporean organisations and individuals have contributed to this exercise. Some have generously provided their professional knowledge and expertise. Others have given their inputs and feedback during our consultation. I would like to thank all of them for their contributions.

63. I believe this set of amendments we are proposing, and the other changes we are making to policies and services, will help strengthen marriages, support families and render protection and assistance to those who are more vulnerable. With that, Mdm, I beg to move.

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