

**SINGAPORE'S DETAILED RESPONSE TO THE ALLEGATIONS
IN THE 2010 US STATE DEPARTMENT'S TRAFFICKING IN
PERSONS REPORT**

*Allegations on Trafficking of Women and Children and Labour
Trafficking:*

The 2010 TIP report alleged that “Singapore is a destination for women and girls subjected to trafficking in persons, specifically forced prostitution”, and for some migrant workers in conditions that may be indicative of forced labour.” “The Government of Singapore demonstrated limited law enforcement efforts to combat trafficking in persons during the year.” “The Singapore government showed an inadequate response to the sex trafficking problem in Singapore, convicting and punishing two trafficking offenders.” “The government did not prosecute any cases under the Singaporean Penal Code’s provisions against forced labour.”

Singapore Government’s response:

1 The fact is that Singapore does not have a serious TIP problem. The mere reliance on absolute reported and prosecution figures as a basis to judge Singapore's commitment against the TIP problem is superficial and perfunctory at best. Singapore has a comprehensive and holistic three-pronged approach of Prevention, Prosecution and Victim Assistance which the US has chosen to ignore. This three-pronged framework has proven to be an effective deterrent in the trafficking of persons to Singapore, a fact that is borne out by the extremely low number of substantiated cases.

Prevention and Prosecution

2 With regard to prevention, Singapore has a very strict immigration regime. Our tough enforcement actions and security checks conducted at the various checkpoints detect and deter the movement of illegal immigrants in and out of Singapore – thus preventing would-be traffickers from entering Singapore in the first place. For those who manage to enter Singapore legally under other guises, we have strong laws to prosecute anyone caught trafficking in persons. Specifically, the Penal Code, Children and Young Persons Act and Women’s Charter allow us to prosecute those involved in the different aspects of trafficking.

3 The Singapore authorities leverage on intelligence sources and proactively engage foreign embassies and other organisations and individuals to develop mechanisms to prevent and identify potential victims of trafficking. We have various legal safeguards in place to prevent the exploitation of foreign workers, whether by employers or labour market intermediaries who bring foreign workers into Singapore. Singapore regulates the practices of employment agencies serving as intermediaries between employers and foreign workers under the Employment Agencies Act. Employment agencies that commit offences against workers such as withholding their passports or work permits can face fines or even imprisonment of up to 6 months, or both in the event of a subsequent offence. Employers who seek to exploit vulnerable foreign workers also face heavy penalties. The Employment of Foreign Manpower Act (EFMA) prohibits employers from receiving payment (whether monetary or in kind) from a foreign worker or an employment agent as consideration for employing the worker. The EFMA also prohibits employers from recovering employment-related expenses (e.g. medical insurance) from their workers.

4 The TIP report pointed out that “Many domestic workers in Singapore face debts associated with their employment that may amount to six to 10 months’ wages.” It is odd that the US would choose to lay the blame for this on Singapore’s door since these debts are almost always incurred in the worker’s home country. Any steps by Singapore to prevent Singapore employers from giving soft loans to their foreign domestic workers to pay off these debts would simply force the workers to find alternative means of repayment.

5 The Ministry of Manpower (MOM) has also introduced various measures in recent years to provide foreign workers with greater clarity on their employment rights. All foreign workers entering Singapore on a work permit (for lower-skilled or unskilled labour) are issued with In-Principle Approval (IPA) letters *prior* to their departure for employment that provide information on their expected occupation and basic monthly salary as declared by their employers. The IPA letters also inform workers of the employment-related expenses that should be borne by their employers and cannot be passed on to the worker. Accredited employment agencies placing foreign domestic workers (FDWs), whom MOM recognises as being a particularly vulnerable group, must facilitate the use of a standard employment contract between FDWs and their employers. This contract includes provisions on employment terms and conditions, including the salary, rest hours, the number of rest days or compensation in lieu of rest days.

6 Singapore firmly rejects the assertion in the 2010 TIP that our law enforcement agencies are passive and reactive. The Singapore authorities carry out regular inspections and audits to ensure that employers comply with their obligations to foreign workers under the Employment Act and EFMA. Errant employers are not only prosecuted under the Employment Act or EFMA, but may also be barred from employing foreign workers in the future. In 2009, 2,252 foreign worker-related inspections were conducted by the authorities. FDWs working in Singapore for the first time are also randomly selected for interviews especially within the first six months of their stay here.

7 Meanwhile, the US' conclusion that we made "no increasing efforts to prosecute and punish forced labour offences" appears to be based solely on the fact that we did not prosecute any cases under the Penal Code's provision on forced labour. The US' preoccupation with this specific clause is hard to understand; as we had informed the US, Singapore has in fact prosecuted behaviour that the US considers "indicative of forced labor" under other clauses in the Penal Code or other Acts, which have penalties comparable to or harsher than s374 of the Penal Code. In 2009, 476¹ employers (including employers of both foreign workers and FDWs) were prosecuted and convicted for breaches of their employment obligations under the EFMA.

8 The authorities had also stepped up efforts to combat offences related to trafficking-in-persons, especially vice. In 2009, the Singapore Police Force had conducted some 2600 anti-vice operations island-wide, up from some 1400 operations in 2008. As a result of these enforcement efforts, a total of 7614 female foreigners were arrested in 2009 for suspected vice activities, up from 5047 female foreigners arrested in 2008.

9 According to paragraph 8 of the 2010 TIP report on Singapore, some foreign embassies in Singapore told the US reporting team that they identified "approximately 105 female sex trafficking victims". But for the period under review, the Police received only 3 reports of alleged trafficking from foreign embassies. It is surprising and puzzling that embassies choose not to report these cases to the police to take concrete action. Singapore takes a stern view of practices leading to the exploitation or abuse of vulnerable persons and we investigate and prosecute such offences vigorously. The Police are always mindful that a woman in the vice trade may have been trafficked. Hence as part of the

¹ The 226 figure provided in the earlier response to the US referred to prosecutions for specific offences only.

interview protocol for women or girls arrested for vice activities, all arrested persons are asked if they had been coerced into prostitution, and if they were victims of trafficking. There were a total of 32 reported cases of alleged trafficking in 2009. Police had thoroughly investigated into all 32 reported cases and 2 cases were substantiated and prosecuted. The offenders were seriously dealt with and the victims were cared for. A low absolute number of reported and convicted cases is therefore no basis for concluding that Singapore has a serious TIP problem.

Allegations on the Lack of Victim Protection:

“The (Singapore) government did not show appreciable progress in protecting trafficking victims.”

Singapore Government’s response:

Victim Protection and Assistance

10 On the observation that law enforcement efforts aimed at curbing prostitution may have resulted in some trafficked victims being penalised, the Ministry of Home Affairs (MHA) would like to correct that false impression. Upon investigation where clear evidence of trafficking is revealed, the victims will not be prosecuted but will instead serve as prosecution witnesses. They will also be granted appropriate protection such as staying in shelter homes where they will be protected from further harm, and provided with all basic amenities such as meals and medical attention. Upon conclusion of the case, arrangements will be made with the embassy by the Police for the victim’s safe return to her home country. For cases where there is no evidence of trafficking, the female foreigners will only be prosecuted if they are found to have committed a criminal or immigration offence. Otherwise, they would be repatriated. Meanwhile, foreign workers serving as prosecution witnesses are allowed to work on the Temporary Jobs Scheme, and many convert to regular Work Permits after their cases have been completed.

11 The Ministry of Community Development, Youth and Sports (MCYS) has put in place services which are available for any child or person that requires care and protection. These services are also available for victims of trafficking. These include medical services, counselling, psychological/psychiatric services, residential care for children in children’s homes, and crisis shelters that can provide protection for adult trafficking victims. These services have been developed under the

National Family Violence Networking System, which links up non-governmental agencies, the Police, hospitals and schools. The Child Protection Service at MCYS has also developed a comprehensive framework to protect and assist children who have been abused or exploited.

12 The TIP report mentioned that there were 8 children referred to the crisis shelters. This is a gross distortion of facts. In actual fact, the 8 were not children, but were aged between 17 and 41. These cases had been referred to MCYS by the Police.

13 We recognise that the US, in dealing with its own TIP problems, has developed its own mechanisms and measures. Different countries adopt different approaches and it is a matter of what works for each country. Singapore will continue with its calibrated and pragmatic approach to TIP issues, and review this if necessary, rather than blindly follow a one-for-all operating model just to achieve a better technical ranking on the US TIP Report.

Other Factual Errors

14 We would also like to make a few factual clarifications:

- The TIP report stated that Police had arrested 89 children for prostitution offences during 2009. During the information gathering stage for the report, MHA had conveyed to the US Embassy that these 89 arrested persons refer to 'minors' under the age of 18 as defined under Singapore's laws rather than 'children' who are defined as those below the age of 14. None of the 89 arrested were below the age of 14.
- The TIP report wrongly suggested that none of the 228 prosecutions of employment agencies and employers for violations of employment laws in 2009 resulted in the offenders serving jail terms. 27 of the prosecutions resulted in jail terms being served by the offenders.
- The report gave the impression that domestic workers from Indonesia and the Philippines involved in employment disputes were forced to stay in embassy shelters because government-funded shelters were not available. This is false. Domestic workers involved in employment disputes are given the option of

staying in government-funded accommodation, embassies, and non-government organisation shelters.

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