

NUS Institutional Review Board (IRB)

PAMPHLET ON SEXUAL OFFENCE LAWS FOR PARTICIPANTS

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Protocol title:

Detrimental to Our Well-Being: Digital Technologies and Campus Sexual Misconduct in Singapore

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Before we proceed to explain sexual offence laws in Singapore; it is crucial for us to highlight that under section 424 of the Criminal Procedure Code:

“Every person aware of the commission of or the intention of any other person to commit any arrestable offence punishable under Chapters VI, VII, VIII, XII and XVI of the Penal Code (Cap. 224) or under any of the following sections of the Penal Code [please see the link below for details of the sections] shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer of the commission or intention.” This implies that if investigators are made aware of the identity of any person who has committed or has an intention to commit an arrestable offence, the study investigators are legally obliged to report the said person and crime to the authorities, even in the case where the survivor in question does not wish to make a report.

Please find the details here: <https://sso.agc.gov.sg/Act/CPC2010?ProvIds=P1XXII->

Laws Against Sexual Offences in Singapore

Singapore has multiple laws against various forms of sexual offences. In this pamphlet we are providing a brief summary of some laws that are relevant in relation to sexual violence. If you wish to get details and learn more please see the links below.

Singapore Statutes; Penal Code: https://sso.agc.gov.sg/Act/PC1871?ProvIds=P4XVI-P4_375-

Singapore Police Force: <https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>

Legal Assistance: <https://singaporelegaladvice.com/law-articles/consent-sexual-offences-singapore-victims/>

375: Rape

- Any man who penetrates a woman’s vagina with his penis without consent or when the victim is under the age of 14, with or without consent, will be guilty of an offence.
- Any man who penetrates an anus or mouth of another person without their consent or when the victim is under 14 years of age, with or without consent, will be guilty of offence.

Punishment: A person guilty under this offence will be punished with imprisonment for a term which may extend to 20 years, and liable to fine or to caning.

376: Sexual assault involving penetration

- Any man who causes another man to penetrate with the latter's penis, mouth or anus without consent, or with or without consent from a victim below the age of 14 years, shall be guilty of an offence.
- Any person who sexually penetrates with their body or anything else the anus or vagina of another person, shall be guilty of an offence.

Punishment: A person guilty under this section will be punished with imprisonment for a term which may extend to 20 years, and liable to fine or to caning.

376A: Sexual penetration of minor under 16

- Any sexual act and penetration with penis to vagina, mouth or anus is an offence for an individual who is 16 years of age or under. This includes penetration of penis in vagina, anus, and mouth and/or sexual penetration involving third party.
- In this section, the individual who is a minor is not require to prove their consent in the court of the law. Also, stating that the minor gave consent is not an admissible defense.

Punishment: The person guilty under this section will be punished with imprisonment for a term which may extend to 20 years, and liable to fine or to caning.

376AA: Exploitative sexual penetration of minor of or above 16 but below 18 years of age

- Any sexual act in an exploitative relationship with a person who is above the age of 16 but under 18 years will be guilty of an offence. This includes penetration with penis in vagina, anus, and mouth, and/or sexual penetration involving third party.
- In this section, the individual who is a minor is not require to prove their consent in the court of the law. Also, stating that the minor gave consent is not an admissible defense.

Punishment: The person guilty under this section will be punished with imprisonment for a term which may extend to 15 years, and liable to fine or to caning.

376EB: Sexual communication with minor below 16 years of age

- Any sexual communication to cause humiliation, alarm and/or distress by a person who 18 years of age or above to an any individual, including minors (below 16 years of age) will be guilty of an offence.
- Survivors response or whether communication emerged in Singapore is irrelevant and cannot be used as defence.

Punishment: If the victim is below 14 years of age the imprisonment term may extend to 3 years, or with fine, or both. In other scenrios, the term for imprisonment may extend to 2 years, or with fine, or with both.

376F: Procurement of sexual activity with person with mental disability

- Any unwanted touching, including sexual act, is an offence when done to a person with disability.

Punishment: Non-sexual touching offence the imprisonment term may extend to 5 years, or with fine, or with caning, or with any combination. Sexual offence imprisonment may extend to 20 years, and shall also be liable to a fine or to caning.

377BB: Voyeurism

- Any person intentionally observing another person doing a private act without consent, or the other person when does not give consent to being observed. This includes recording the person without consent.

Punishment: If the victim is below 14 years of age the imprisonment term may extend to 2 years, or with fine, or both. In other scenarios, the term for imprisonment may extend to 2 years, or with fine, or with both.

You can find more statutes regard sexual offences, here:

https://sso.agc.gov.sg/Act/PC1871?ProvIds=P4XVI-P4_375-

Commercial sex with minor under 18 (376B), Commercial sex with minor under 18 outside Singapore (376C), Tour outside for commercial sex with minor under 18 (376D), Sexual grooming of minor under 16 (376E), Exploitative sexual grooming of minor of or above 16 but below 18 years of age (376EA), Exploitative communication for minors of or above 16 but below 18 years of age (376EC), Sexual activity or image presence of minor below 16 years of age (367ED), Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age (376EE), Incest (376G), Procurement of sexual activity by deception or false representation (376H), Sexual Penetration of a Corpse (377), Outrages of decency (377A), Sexual Penetration with living animal (377B), Word or gesture intended to insult modesty of any person (377BA), Distribution of voyeuristic image or recording (377BC), Possession of or gaining access to voyeuristic or intimate image or recording (377BD), Distributing or threatening to distribute intimate image or recording (377BE), Sexual exposure (377BF), Using or involving child in production of child abuse material (377BG), Producing child abuse material (377BH), Distributing or selling child abuse material (377BI), Advertising or seeking child abuse material (377BJ), Possession of or gaining access to child abuse material (377BK), Exploitation by abusive material of minor of or above 16 but below 18 years of age (377BL), Defences to offences relating to intimate image or recording and voyeurism (377BM), Defences to child abuse material offences (377BN), Child abuse material offences outside or partially outside Singapore (377BO), Consent given under misconception in sexual offences (377CB).

Call 999 for immediate assistance from police

Support Services:

Samaritans of Singapore (SOS)

Helpline: 1800 221 4444 (24 hours)

Email Briefing: pat@sos.org.sg

Witness Support Programme

Helpline: 1800 578 8423

(Monday to Thursday: 8.30am to 6pm; Friday: 8.30am to 5.30pm)

Email:

STATECOURTS_CENTRE_FOR_SPECIALIST_SERVICES@statecourts.gov.sg