

## National Laws

Legislation of Interpol member states on sexual offences against children

# Singapore– Singapour - Singapur

Singapore

## I. Ages for legal purposes

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### Age of simple majority

Under Singapore law, the legal age of majority for entering into contract is twenty-one (21) years.

### Age of consent for sexual activity

The legal age of consent for sexual activity is sixteen (16) years.

### Age of consent for marriage

The legal age of consent for marriage is eighteen (18) for female and male persons

### Avoidance of marriages where either party is under minimum age for marriage

**Section 9:** A marriage solemnized in Singapore or elsewhere between persons either of whom is below the age of 18 years shall be void unless the solemnization of the marriage was authorised by a special marriage licence granted by the Minister under section 21. [26/80]

## II. Rape

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### Section 375 of the Penal Code states

'A man is said to commit 'rape' who, except in the case hereinafter, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

- a) against her will;
- b) without her consent;
- c) with her consent, when her consent has been obtained by putting her in fear of death or hurt;

d) with her consent, when the man knows that he is not her husband, and her consent is given because she believes herself to be lawfully married or to whom she would consent;

e) with or without consent, when she is under fourteen (14) years of age.'

### **Section 376 determines the punishment and states**

Subsection (1):

'Subject to subsection (2), whoever commits rape shall be punished with imprisonment for a term which may extend to twenty (20) years, and shall also be liable to fine or to caning.'

Subsection (2):

'Whoever, in order to commit or to facilitate the commission of an offence of rape against any woman -

a) voluntarily causes hurt to her or to any other person;

or;

b) puts her in fear of death or hurt to herself or any other person,

-and whoever commits rape by having sexual intercourse with a woman under fourteen (14) years of age without her consent, shall be punished with imprisonment for a term of not less than eight (8) years and not more than twenty (20) years and shall also be punished with caning with not less than twelve (12) strokes.'

### **Article 90 defines consent and states**

'A consent is not a consent as is intended by any section of this code -

a) if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

b) if the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and the consequence of that to which he gives his consent; or

c) unless the contrary appears from the context, if the consent is given by a person who is under twelve (12) years of age.'

## **III. Other forms of child sex abuse**

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### **'Unnatural Offences', as described in Section 377**

'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to ten (10) years, and shall also be liable to a fine.'

### **'Incest', described in Section 376A (a) and (b)**

'(a) Any man who has carnal knowledge of a woman with or without her consent who is to his knowledge his grand-daughter, daughter, sister, half-sister or mother (whether such relationship is or is not traced through lawful wedlock); or

(b) any woman of or above the age of sixteen (16) who with consent permits her grandfather, father, brother, half-brother or son (whether such relationship is or is not traced through lawful wedlock) to have carnal knowledge of her (knowing him to be her grandfather, father, brother, half-brother or son, as the case may be),

-is said to have committed incest.'

### **Section 376B determines punishment and states**

'A man who commits incest shall be punished with imprisonment for a term which may extend to five (5) years and if the woman is found to be under the age of fourteen (14), the offender shall be punished with imprisonment for a term which may extend to fourteen (14) years.'

### **Section 376C states**

'A woman who commits incest shall be punished with imprisonment which may extend to five (5) years.'

### **'Outraging of modesty', described in Section 354**

'Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to two (2) years, or with fine, or with caning, or with any two of such punishments.'

### **Subsection (1) of Section 354A states**

'Whoever, in order to commit or to facilitate the commission of an offence against any person under Section 354, voluntarily causes or attempts to cause to that person death, or hurt, or wrongful restraint, or fear of instant death, instant hurt, or instant wrongful restraint, shall be punished with imprisonment for a term of not less than two (2) years and not more than ten (10) years and with caning.'

### **Subsection (2) of Section 354A states**

'Whoever commits an offence under subsection (1)-

(a) in a lift in any building; or

(b) against any person under fourteen (14) years of age, shall be punished with imprisonment for a term of not less than three (3) years and not more than ten (10) years and with caning.'

**'Outraging of decency', described in Section 377A**

'Any male person who, in public or private, commits, or abets the commission of , or procures or attempts to procure the commission by any male person of, any gross indecency with another male person, shall be punished with imprisonment for a term which may extend to two (2) years.'

## **IV. Child prostitution**

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**The articles concerning the offence of child prostitution are extracted from the Women's Charter.**

**Section 140 subsection (1) states**

'Any person who -

a) sells, lets for hire or otherwise disposes of or buys or hires or otherwise obtains possession of any woman or girl with intent that that woman or girl shall be employed or used for the purpose of prostitution either within or out of Singapore, or knowing or having reason to believe that that woman or girl will be so employed or used;

b) procures any woman or girl to have either within or out of Singapore, carnal connection except by way of marriage with any male person or for purpose of prostitution, either within or without Singapore.

c) by threats or intimidation procures any woman or girl to have carnal connection except by way of marriage with any male person either within or without Singapore;

d) brings into Singapore, receives or harbours any woman or girl knowing or having reason to believe that that woman or girl has been procured for the purpose of having carnal connection except by way of marriage with any male person or for the purpose of prostitution either within or out of Singapore, receives or harbours that woman or girl with intent to aid such purpose;

e) knowing or having reason to believe that any woman or girl has been procured by threats or intimidation for the purpose of having carnal connection, except by way of marriage with any male person, either within or out of Singapore, receives or harbours that woman or girl with intent to aid such purpose;

f) knowing or having reason to believe that any woman or girl has been brought into Singapore in breach of Section 142 or has been sold or purchased in breach of paragraph (a), receives or harbours that woman or girl with intent that she may be employed or used for the purpose of prostitution either within or without Singapore;

g) detains any woman or girl against her will on any premises with the intention that she shall have carnal connection except by way of marriage with any male person, or detains any woman or girl against her will in a brothel;

h) detains any woman or girl in any place against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose;

i) has carnal connection with any girl under the age of sixteen(16) years except by way of marriage; or

j) attempts to do any act in contravention of this section,

-shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five (5) years and shall be liable to a fine not exceeding \$ 10,000.'

**Subsection (2) states**

'Any male person who is convicted of a second or subsequent offence under subsection (1) a), b), c), d), e) or f) shall in addition to any term of imprisonment awarded in respect of such offence, be liable to caning.'

**'Permitting a girl under sixteen (16) years to use premises for intercourse', described in Section 143**

'Any person who is the owner or occupier of any premises, or who has, or acts or assist in, the management or control of any premises, induces or knowingly suffers a girls under the age of sixteen (16) years to resort to, or be on those premises for the purpose of having sexual intercourse except by way of marriage with any male person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$ 2,000 or to imprisonment for a term not exceeding three (3) years or to both.'

**Section 145: 'Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl below the age of 16'**

1. Any person who causes or encourages the prostitution of, or the commission of unlawful sexual intercourse with, or of an indecent assault on, a girl below the age of 16 years for whom he is responsible shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years or to both. [26/80]
2. Where a girl has become a prostitute, or has had unlawful sexual intercourse, or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged

it, if he knowingly allowed her to consort with or to enter or continue in the employment of, any prostitute or person of known immoral character. [26/80]

3. The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to subsection (4))
  - a. any person who is her parent or legal guardian;
  - b. any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having the custody of her; and
  - c. any other person who has the custody, charge or care of her. [26/80]
4. In subsection (3) 'legal guardian', in relation to any girl, means any person who is for the time being her guardian, having been appointed according to law by deed or will or by order of a court of competent jurisdiction;  
'parent', in relation to any girl, does not include a person deprived of the custody of her by order of a court of competent jurisdiction; but (subject to that), in the case of a girl who has been adopted under the Adoption of Children Act (Cap. 4), or any enactment thereby repealed, means her adopters and, in the case of a girl who is illegitimate (and has not been so adopted), means her mother and any person who has been adjudged to be her putative father. [26/80]
5. If, on a charge of an offence against a girl under this section, the girl appears to the court to have been below the age of 16 years at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved. [26/80]

#### **'Person living on or trading in prostitution', described in Section 146**

'(1) Any person who knowingly lives wholly or in part on the earnings of the prostitution of another person shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five (5) years and shall also be liable to a fine not exceeding \$ 10,000.

(2) Any person who is convicted of a second or subsequent offence under this section shall in addition to any term of imprisonment imposed in respect of such offence be liable to caning.

(3) Where any person is proved to live with or be habitually in the company of a prostitute or prostitutes or is proved to have exercised control, direction or influence over the movements of a prostitute or prostitutes in such a manner as to show that that person is aiding, abetting or compelling her or their prostitution with any other person or generally, that person shall, on the absence of proof to the contrary, be deemed to be knowingly living on the earnings of prostitution.'

#### **'Traffic in woman and girls', described in Section 141**

'Any person who buys, sells, procures, traffics in, or brings into or takes out of Singapore for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girl, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five (5) years and shall also be liable to a fine not exceeding \$ 10,000.'

### **'Importation of a woman or a girl by false pretences', described in Section 142**

'Any person who by or under false pretence, false representation or fraudulent or deceitful means made or used either within or out of Singapore, brings into or takes out of, or assists in bringing into or assists in taking out of Singapore, any woman or girl -

a) with intent that that woman or girl shall be employed or used for the purpose of prostitution either within or out of Singapore;

b) knowing or having reason to believe that that woman or girl will be so employed or used; or

c) whether or not for the purpose of present or future prostitution;

-shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five (5) years and shall also be liable to a fine not exceeding \$ 10,000.'

## **V. Child pornography**

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**The Articles concerning Pornography are extracted from the Children and Young Person Act.**

**Concerning 'Sexual exploitation of a child or young person', Section 6 states**

'Any person who, in public or private, commits or abets the commission of or procures or attempts to procure the commission by any person of any obscene or indecent act with any child or young person, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$ 5,000 or to imprisonment for a term not exceeding two (2) years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding 10,000 or to imprisonment for a term not exceeding four (4) years or to both.'

**There is no specific legal provision in the legislation of Singapore concerning the offence of child pornography, but the Undesirable Publication Act and the Film Censor Act cover all forms of pornography.**