

## SINGAPORE

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		5 Oct 1995 a <sup>1</sup>	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography			
Protocol to Prevent, Suppress and Punish Trafficking in Persons			
UN Optional Protocol on the Involvement of Children in Armed Conflict	7 Sep 2000	11 Dec 2008 a	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction	28 Dec 2010 <sup>2</sup>	A	1 Mar 2011

In Singapore, there are four laws that refer directly or indirectly to missing children:

1. Penal Code of 1871, as amended in 2007;
2. Children and Young Person Act of 1993, amended as of 2001;
3. International Child Abduction Act of 2010; and
4. Prevention of Human Trafficking Law of 2014.

### Definition of “Missing Child”

The Children and Young Persons Act of 1993, as amended in 2001, states that a child is in need of care and protection when he or she has been abandoned by a parent or guardian and despite reasonable inquiries, the parent or guardian cannot be found.<sup>3</sup> It also criminalizes bringing a child into

<sup>1</sup> Singapore Reservation upon signature: “(3) The Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The accession to the Convention by the Republic of Singapore does not imply the acceptance of obligations going beyond the limits prescribed by the Constitution of the Republic of Singapore nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution....”

<sup>2</sup> *Singapore Reservations*: Articles: 24, 26

1. In accordance with the provisions of Article 42 and pursuant to the second paragraph of Article 24, the Republic of Singapore makes the reservation that:

All applications, communications and other documents sent to the Central Authority of Singapore shall, if it is in a language other than English, be accompanied by their translation into English.

2. In accordance with the provisions of Article 42 and pursuant to the third paragraph of Article 26, the Republic of Singapore makes the reservation that:

It shall not be bound to assume any costs referred to in the second paragraph of Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

<sup>3</sup> Singapore Children and Young Person’s Act, Revised Edition 2001, Section 4 (on file with the International Centre for Missing & Exploited Children).

Singapore under false pretenses, false representations, or fraudulent means, highlighting yet again the Singaporean Government's essential focus on cross-border travel with children.<sup>4</sup> The Act does not provide a specific definition of "missing child" or "child in need of protection," nor does it mention street children, runaways, or child victims of sex tourism and trafficking.

Despite the fact that there is no designated definition for "children in need of protection," any child is able to call Child Protection and Welfare Services in the Ministry of Social and Family Development to register their concerns.<sup>5</sup> In 2002, the Child Protection and Welfare Services developed a set of standards on child protection in Singapore to enhance service delivery, including foster care placement, for children in need of protection. Children who are under the Ministry of Social and Family Development's umbrella include those who have been physically, sexually, or psychologically abused or neglected. The Ministry coordinates the entire investigation by convening the relevant professionals, sharing knowledge, and implementing a welfare plan for each child.<sup>6</sup>

### Kidnapping and Abduction

The Children and Young Persons Act defines a child or juvenile as a person under the age of 16 years.<sup>7</sup> However, some sections in the Penal Code protect only children under 10 years of age from abduction and kidnapping,<sup>8</sup> while other sections, such as those protecting against sexual exploitation, apply to children up to 18 or 21 years of age.<sup>9</sup> Section 361 of Chapter §224 of the Penal Code introduced different ages for male and female victims of kidnapping: 14 years of age if male and 16 years of age if female.<sup>10</sup>

In addition, Penal Code Section 224 – Kidnapping, Abduction, Slavery and Forced Labor (as amended in 2007), covers a range of other child protection issues. It defines "kidnapping" as the abduction of a child specifically from Singapore to a foreign nation and goes into further detail, laying out specific punishments for each form of kidnapping, such as that which is for confinement, exploitation, prostitution, or murder.<sup>11</sup> Section 360 states, "whoever conveys any person beyond the limits of Singapore without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Singapore." Similarly, Section 376C goes on to provide for extraterritorial jurisdiction stating that any citizen or permanent resident of Singapore who commits any of these crimes outside of the country will still be held liable by Singaporean law.<sup>12</sup>

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<sup>4</sup> *Id.* at Section 13.

<sup>5</sup> Email correspondence with Tammy Yap, Senior Policy Officer, Policy branch, Rehabilitation and Protection Group, Ministry of Social and Family Dev. (Mar. 12, 2014) (on file with the International Centre for Missing & Exploited Children).

<sup>6</sup> *Policy on Protection and Welfare of Children*, MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT, at <http://app.msf.gov.sg/Policies/StrongandStableFamilies/NurturingProtectingtheYoung/ChildProtectionWelfare/PolicyonProtectionWelfareofChildren.aspx> (last visited on Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>7</sup> Children and Young Persons Act, *supra* note 281.

<sup>8</sup> Singapore Penal Code, amended in 2007, Section 369 – Kidnapping or abducting child under 10 years with intent to steal movable property from the person of such child (on file with the International Centre for Missing & Exploited Children).

<sup>9</sup> *Id.* at Section 372 – Selling minor for purposes of prostitution, Section 373 – Buying minor for purposes of prostitution; Section 376B – Commercial sex with minor under 18; and Section 376D – Tour outside Singapore for commercial sex with minor under 18.

<sup>10</sup> *Id.* at Section 361 – Kidnapping from lawful guardianship.

<sup>11</sup> *Id.* at Section 364 – Kidnapping or abducting in order to murder, Section 365 – Kidnapping or abducting with intent secretly and wrongfully to confine a person; Section 372 – Selling minor for purposes of prostitution; and 373A – Importing woman for purposes of prostitution.

<sup>12</sup> *Id.* at Section 376C – Commercial Sex with minor under 18 outside Singapore.

### Parental Abduction

In 2010, after becoming the second ASEAN country to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, Singapore passed the International Child Abduction Act of 2010 (Chapter §143C).<sup>13</sup> Singapore is currently the only Southeast Asian country to have a specific law covering international parental abduction that provides a clear and concise framework for handling such cases with other Contracting States to the 1980 Hague Convention. Section 8 of the International Child Abduction Act states:

a person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of a Contracting State, a child has been wrongfully removed to or retained in Singapore within the meaning of the Convention may apply to the Court for an order that the child be returned.<sup>14</sup>

In this way, Singapore ensures through its domestic legislation that international parental abduction is handled as a civil matter by the Singaporean courts. Strengthening the civil remedy for parental abduction, Penal Code Section 361 – Kidnapping from lawful guardianship (as amended in 2007), includes an exception for the father similar to that found in the legislation of Malaysia and Myanmar.<sup>15</sup> Both laws give citizens the ability to have their child returned to them if they are abducted by a non-custodial parent. The International Child Abduction Act does not apply retroactively for children who were abducted by a parent to or from Singapore before 2010.<sup>16</sup>

### Reporting Mechanism

The Information Booklet on Police Procedures produced by the Singapore Police Force provides that if a family member or friend has searched and failed to locate a missing person, they must make a police report immediately.<sup>17</sup> A parent seeking to file a report of a missing child may call the police's 999 emergency hotline or file a report at the nearest local police station.<sup>18</sup>

The Tinkle Friend Helpline, run by the Singapore Children's Society, is a national toll-free helpline and chatline for children of primary school age who are lonely or distressed to receive support, advice, and information especially when their parents or caregivers are unavailable.<sup>19</sup> It is open Monday through Friday from 2:30 pm to 5:00 pm with additional chatline hours on Wednesdays. According to the

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<sup>13</sup> Singapore International Child Abduction Act of 2010, Section 8 (1) (on file with the International Centre for Missing & Exploited Children).

<sup>14</sup> *Id.*

<sup>15</sup> Singapore Penal Code, *supra* note 286, at Section 361 Exception: "This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose."

<sup>16</sup> *Impact of Hague Convention: still early days*, HUGOJAPAN, July 5, 2014 (on file with the International Centre for Missing & Exploited Children).

<sup>17</sup> SINGAPORE POLICE FORCE, INFORMATION BOOKLET ON POLICE PROCEDURES: MAKING A POLICE REPORT 17, at <http://www.spf.gov.sg/epc/procedures/index.html> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>18</sup> Email correspondence with Tammy Yap, *supra* note 283.

<sup>19</sup> TINKLE FRIEND HOTLINE, <http://tinklefriend.com/talk-to-us> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

Singapore Children's Society, 1,701 children benefitted from their services through the Tinkle Friend Helpline in 2013,<sup>20</sup> and in 2014 – there were 1,783 calls to the helpline and 1,683 chats logged.<sup>21</sup>

Singapore set up its first DNA database and began profiling in 2008, and is one of two countries that provide the most DNA analysis for countries requiring outsourcing.<sup>22, 23</sup>

### Investigation of Missing Children

According to an official at the Ministry of Social and Family Development, there is no time limitation before the police will accept a report and once the report is filed, police will act immediately, and all new missing person reports will be reviewed on a daily basis by a senior officer.<sup>24</sup>

The Information Booklet on Police Procedures does not explain in detail how a case is to be handled once a police report is made. According to an official at the Ministry of Social and Family Development, the Singapore Police Force has an internal policy that contains guidelines for how police officers should handle a missing person's case including checking with hospitals, screening against internal databases, and conducting further investigations when necessary.<sup>25</sup>

### Trafficking

Singapore passed its first anti-human trafficking law in November 2014.<sup>26</sup> Through the newly established Prevention of Human Trafficking Act, the Government created specific definitions for “trafficking in persons,” “sexual exploitation,” “debt bondage,” and “forced marriage,” which will help in the identification of trafficking victims, the prosecution of offenders, and the establishment of a dedicated national database of offenders and victims.<sup>27</sup> Clause 25 of the Act strengthens child protection by amending Section 16 of the Children and Young Persons Act and giving the Director of Social Welfare the responsibility to provide protection if he or she believes the child is a victim of trafficking.<sup>28</sup> The Act also stipulates that the act of trafficking is criminalized regardless of whether it is done partly in or partly outside of Singapore. The act would be considered a criminal offense if it was committed wholly in Singapore.<sup>29</sup>

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<sup>20</sup> *Programmes and Service Statistics as of 2013*, SINGAPORE CHILDREN'S SOCIETY, at <https://www.childrensociety.org.sg/service-stats> (last visited Mar. 30, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>21</sup> *Ever Ready to Meet the Growing Needs of Children Annual Report 2014*, SINGAPORE CHILDREN'S SOCIETY, at [https://issuu.com/sgchildrensociety/docs/scs\\_ar2014\\_26032015\\_single\\_final](https://issuu.com/sgchildrensociety/docs/scs_ar2014_26032015_single_final) (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>22</sup> INTERPOL, *INTERPOL Global DNA Profiling Survey Results and Analysis (2008)* 25, at <http://www.dnaresource.com/documents/2008INTERPOLGLOBALDNASURVEYREPORTV2.pdf> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>23</sup> DNA profiling is the collection of DNA samples from crime scenes and reference samples from suspects (i.e., blood, hair, body fluids) and analyzing the sample using forensic science methods to obtain a DNA profile that can be compared against other DNA profiles within a database. This comparison process creates the opportunity for connections between cases (i.e., person-to-scene, scene-to-scene, or person-to-person) where no previous connection was previously known. For more information, see INTERPOL Fact Sheet *DNA Profiling*, at [http://www.interpol.int/content/download/802/6623/version/26/file/FS01\\_02\\_2015\\_EN\\_web.pdf](http://www.interpol.int/content/download/802/6623/version/26/file/FS01_02_2015_EN_web.pdf) (last visited Apr. 18, 2016) (on file with the International Centre for Missing & Exploited Children).

<sup>24</sup> Email correspondence with Tammy Yap, *supra* note 283.

<sup>25</sup> *Id.*

<sup>26</sup> Singapore Prevention of Human Trafficking Act 2014 (on file with the International Centre for Missing & Exploited Children).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at Part 5, Clause 25 – Consequential Amendments to Children and Young Persons Act.

<sup>29</sup> *Id.* at Part 2, Clause 3 (4) – Trafficking in Persons.

The Singapore Interagency Task Force on Trafficking in Persons, established in 2010, is co-chaired by the Ministry of Home Affairs and the Ministry of Manpower. The Ministry coordinates decision-making and formulates national strategies to curb all forms of trafficking, particularly when young victims are involved. This Task Force also includes key agencies such as the Singapore Police Force, the Attorney General's Chambers, and the Ministry of Social and Family Development.<sup>30</sup> In recent years, the Task Force has worked to increase collaboration among various agencies working on trafficking in persons, to raise awareness, and to train government support staff and frontline officers on how to recognize this growing crime.<sup>31</sup>

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<sup>30</sup> Email correspondence with Tammy Yap, *supra* note 283.

<sup>31</sup> Press Release, Ministry of Manpower, *Stakeholder Engagement on Singapore's Anti-Human Trafficking Efforts* (Feb. 26, 2014) ([on filed with the International Centre for Missing & Exploited Children](#)).