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**Singapore's Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women:  
The Death Penalty**

**Submitted by The Advocates for Human Rights**  
a non-governmental organization in special consultative status with ECOSOC since 1996  
**The World Coalition Against the Death Penalty**  
**Capital Punishment Justice Project**  
**Anti Death Penalty Asia Network**  
and  
**Transformative Justice Collective (Singapore)**

**for the 88th Session of the Committee on the Elimination of Discrimination Against  
Women  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Capital Punishment Justice Project** (CPJP) is an Australian based NGO that stands for a world without the death penalty or other forms of state-sanctioned killing. We are a human rights

organisation made up predominantly of passionate legal experts and campaigners who volunteer their time to develop legal and policy solutions that help save lives. CPJP works closely with partners in Asia – where over 90 per cent of the world’s executions take place – to support the defence of people facing the death penalty, assist local anti-death penalty civil society organisations, and campaign to convince governments to abolish the death penalty. Australia has identified abolition of the death penalty as one of its human rights priority areas, and we see the work we do as imperative to ensuring that Australia is a leading voice on abolition.

**Anti Death Penalty Asia Network (ADPAN)** is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman, and degrading punishment and that the death penalty should be entirely abolished internationally.

**Transformative Justice Collective** is a collective founded on the principles of transformative justice, and committed to seeking the reform of Singapore’s criminal punishment system, starting with the abolition of the death penalty.

## EXECUTIVE SUMMARY

1. This report supplements the report that the authors submitted in October 2022 at the list of issues stage and provides relevant updates.<sup>1</sup>

### **Singapore fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women**

#### **I. Access to justice (List of issues para. 5)**

2. The Committee requested information about the quality of legal aid for women, particularly women in vulnerable situations such as migrant women.<sup>2</sup> The Committee also requested information about measures taken to address gender stereotypes in the judiciary.<sup>3</sup>
3. Responding to these requests, Singapore confirms that the government funds civil and criminal legal aid for citizens and permanent residents who pass a “means and merits” test and added that migrant women and other foreigners can request assistance from several non-governmental organizations.<sup>4</sup> Regarding the quality of legal representation, Singapore states that new prosecutors receive general training and specialist prosecutors receive training in prosecuting cases with vulnerable witnesses.<sup>5</sup>
4. The replies made no reference to the quality of legal representation for women in conflict with the law or to the quality of legal representation provided by non-governmental organizations.<sup>6</sup> Moreover, the replies do not state whether people who do not qualify for legal aid are otherwise guaranteed legal representation of any kind.
5. Regarding gender stereotypes in the judiciary, Singapore states that the Singapore Judicial College “has programmes to enhance the understanding of newly appointed judges and judicial officers when dealing with sexual assault victims,” and law students preparing for Part B of the Singapore Bar Examinations gain “exposure to materials on gender-related issues such as gender-based violence.”<sup>7</sup>
6. None of these responses addresses the training of current judges, judicial officers, prosecutors, or defense attorneys. Moreover, the responses do not state whether any training is specific to women in conflict with the law.

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<sup>1</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>2</sup> Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the sixth periodic report of Singapore*, (Nov. 3, 2022), U.N. Doc. CEDAW/C/SGP/Q/6, ¶ 5.

<sup>3</sup> *Ibid.*

<sup>4</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 18.

<sup>5</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 18.

<sup>6</sup> See Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶¶ 18-21.

<sup>7</sup> See Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶¶ 20-21.

## II. Death penalty (List of issues para. 6)

7. The Committee requested information about the cases against women currently sentenced to death and “whether and how gendered vulnerabilities, such as trauma, gender-based violence against women, coercion and dependency, were taken into consideration in their cases and whether such mitigating factors can be taken into consideration.”<sup>8</sup>
8. In response to this request, Singapore states that between 2017 and 2022, courts sentenced two women to death on drug-trafficking charges and asserts without further explanation that “[t]he ‘gendered vulnerabilities’ mentioned did not feature in either case.”<sup>9</sup>
9. Singapore’s replies fail to acknowledge that authorities executed one of these women on July 28, 2023.<sup>10</sup> The execution of S.B.D. was Singapore’s first execution of a woman in nearly 20 years.<sup>11</sup> Authorities’ statement after her execution asserted that she had been “convicted of having in her possession for the purpose of trafficking, not less than 30.72 grammes of diamorphine, or pure heroin,” and that Singapore uses the death penalty “only for the most serious crimes, such as the trafficking of significant quantities of drugs which cause very serious harm, not just to individual drug abusers, but also to their families and the wider society.”<sup>12</sup> Yet S.B.D. had testified that she was in possession of a larger quantity of heroin in order to stock up for personal use during Ramadan, and she intended to sell just 11.71 grams.<sup>13</sup> Notably, the court sentenced her male codefendant, who had supplied her with the drugs, to life imprisonment.<sup>14</sup>
10. As discussed in greater detail in the authors’ report at the list of issues stage, women sentenced to death for drug-related offenses in Singapore may be less likely to receive a certificate of substantive assistance and may be at risk of being implicated by male codefendants seeking such a certificate.<sup>15</sup> The report provides important details about the case of the Malaysian woman sentenced to death in 2017 pursuant to a mandatory death sentence,<sup>16</sup> and S.B.D., the

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<sup>8</sup> Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the sixth periodic report of Singapore*, (Nov. 3, 2022), U.N. Doc. CEDAW/C/SGP/Q/6, ¶ 6.

<sup>9</sup> See Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 22.

<sup>10</sup> *Statement in Response to Media Queries*, Central Narcotics Bureau, July 28, 2023, <https://www.cnb.gov.sg/NewsAndEvents/News/Index/statement-in-response-to-media-queries-28Jul2023>.

<sup>11</sup> Email correspondence with The Advocates for Human Rights, Apr. 5, 2024, on file with The Advocates for Human Rights.

<sup>12</sup> *Statement in Response to Media Queries*, Central Narcotics Bureau, July 28, 2023, <https://www.cnb.gov.sg/NewsAndEvents/News/Index/statement-in-response-to-media-queries-28Jul2023>.

<sup>13</sup> Derek Cai, *Singapore executes woman for the first time in 20 years*, BBC News, July 27, 2023, <https://www.bbc.com/news/world-asia-66333776>.

<sup>14</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 12, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>15</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶¶ 3, 6-15, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>16</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of*

Singaporean woman of Malay ethnicity sentenced to death in 2018 and executed in 2023 for drug possession with intent to traffic.<sup>17</sup> Both cases “illustrate[] some of the gender disparities in Singapore’s procedure to allow some defendants to avoid the mandatory death penalty for drug-related offenses.”<sup>18</sup> Please refer to paragraphs 8–16 of that report for further details and analysis.

11. Regarding mitigating factors in general, Singapore asserts that “the Court takes into account all relevant circumstances and mitigating factors,” and states that the accused person may address the court prior to sentencing.<sup>19</sup> These assertions ignore the fact that both intentional homicide and most drug possession / trafficking offenses carry a mandatory death penalty,<sup>20</sup> thereby precluding any consideration of mitigating factors.
12. The Committee also asked whether the death penalty is applied to women who act in self-defence.<sup>21</sup>
13. In response to this question, Singapore states that “[a]ny act in the exercise of the right of private defence is not an offence” under the penal code.<sup>22</sup> Persons charged with murder may benefit from several additional partial defences that will result in a conviction for a lesser (non-capital) offense.<sup>23</sup>
14. Singapore’s replies make no reference to the context of a woman killing in self defense after enduring a long history of gender-based violence at the hands of the person she kills. In most jurisdictions, the defense of self-defense is available only if the danger to the accused was imminent. Hence, if a woman kills her abuser while he is incapacitated or sleeping, rather than when he is physically assaulting her, under the law she will not have the benefit of self-defense

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*All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 10, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>17</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 12, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>18</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 13, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>19</sup> See Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 23.

<sup>20</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 2, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>21</sup> Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the sixth periodic report of Singapore*, (Nov. 3, 2022), U.N. Doc. CEDAW/C/SGP/Q/6, ¶ 6.

<sup>22</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 24.

<sup>23</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 25.

or any of the other partial defenses. Moreover, because homicide with the intention of causing death carries a mandatory death penalty,<sup>24</sup> she would likely face a mandatory death sentence.

15. The Committee also asked whether the criminal legal system has any procedures “to consistently provide adequately resourced qualified legal defence with prior expertise in capital punishment cases.”<sup>25</sup>
16. In response to this question, Singapore states that all persons charged with capital crimes “are assigned free legal counsel under the Legal Assistance Scheme for Capital Offences (LASCO), administered by the Supreme Court.”<sup>26</sup> LASCO counsel may also assist with appeals and petitions for clemency.<sup>27</sup> An accused person’s lead LASCO counsel must have at least 7 years of experience and must have conducted at least 2 capital trials and 2 capital appeals.<sup>28</sup> The assisting counsel must have had at least 5 years of experience and must have conducted at least 2 capital trials or 1 capital trial and 1 capital appeal.<sup>29</sup> Singapore’s response does not state whether LASCO counsel have access to adequate resources to mount a rigorous defense.<sup>30</sup> Nor does it state whether LASCO counsel have any training or expertise on gender-related issues such as gender-based violence or gender-specific mitigation. Moreover, LASCO representation is not available at all stages of capital cases, such as applications to re-open appeals.

### **III. Human rights defenders (List of issues para. 8)**

17. The Committee asked for information concerning how authorities “promote[] women human rights defenders’ activities and civil society organizations, meaningfully consult[] with them and integrat[e] their views into national strategies on gender equality.”<sup>31</sup> The Committee further inquired about measures to ensure a safe and enabling environment for women human rights defenders and civil society organizations to carry out their activities on women’s rights and gender-related issues.<sup>32</sup>
18. In response to these requests, Singapore states that its “legislation allows women activists and CSOs to freely express their views and safely carry out their work and activities on women’s

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<sup>24</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶ 2, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>25</sup> Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the sixth periodic report of Singapore*, (Nov. 3, 2022), U.N. Doc. CEDAW/C/SGP/Q/6, ¶ 6.

<sup>26</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 28.

<sup>27</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 29.

<sup>28</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 30.

<sup>29</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 30.

<sup>30</sup> See Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 30.

<sup>31</sup> Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the sixth periodic report of Singapore*, (Nov. 3, 2022), U.N. Doc. CEDAW/C/SGP/Q/6, ¶ 8(a).

<sup>32</sup> *Id.* ¶ 8(b).

rights and gender-related issues.”<sup>33</sup> Singapore further states that parliament may restrict freedom of speech and expression only if it considers such restrictions “necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence.”<sup>34</sup>

19. The authors’ report at the list of issues stage outlined ongoing harassment of abolitionist human rights defenders and attorneys representing capital defendants, including women human rights defenders.<sup>35</sup> Authorities’ investigations into the work of abolitionist activists Kirsten Han and Rocky Howe have been ongoing since June 2022 and are still active.<sup>36</sup> Moreover, in the second half of 2023, police on multiple occasions targeted people who had participated in abolitionist events such as vigils outside Changi Prison, calling them in for questioning and investigating their activities.<sup>37</sup>

#### **IV. Conditions of detention for the one woman remaining on death row**

20. After the 2023 execution of S.B.D., civil society organizations are aware of just one woman currently under sentence of death, and they are concerned that under existing prison regulations, her isolation must be “severe as she has to be kept apart from the rest of the prison population.”<sup>38</sup> Prison Regulation § 162(2)(a) states that “every prisoner awaiting capital punishment must be confined apart from all other prisoners.” Civil society organizations have received unverified information suggesting that she is experiencing mental distress due to her extreme isolation.<sup>39</sup>
21. Prison Regulation § 127 establishes that sending and receiving letters is a “privilege,” despite Rule 58.1(a) of the Nelson Mandela Rules, which establishes that people in detention must be allowed to communicate with family and friends at regular intervals via written correspondence, and Rule 61, which establishes that people in detention must have adequate opportunity to consult with a legal adviser “without delay, interception or censorship and in full confidentiality, on any legal matter.”

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<sup>33</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 36.

<sup>34</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Singapore to the list of issues and questions in relation to its sixth periodic report*, (Feb. 15, 2024), U.N. Doc. CEDAW/C/SGP/RQ/6, ¶ 35.

<sup>35</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Capital Punishment Justice Project, and Anti Death Penalty Asia Network, *Singapore’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 3 Oct. 2022, ¶¶ 31-32, [https://www.theadvocatesforhumanrights.org/International\\_Submissions/A/Index?id=360](https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=360).

<sup>36</sup> Email correspondence with The Advocates for Human Rights, Apr. 5, 2024, on file with The Advocates for Human Rights. The authors have express permission from Kirsten Han and Rocky Howe to use their names in this report.

<sup>37</sup> Email correspondence with The Advocates for Human Rights, Apr. 5, 2024, on file with The Advocates for Human Rights.

<sup>38</sup> Email correspondence with The Advocates for Human Rights, Apr. 5, 2024, on file with The Advocates for Human Rights.

<sup>39</sup> Email correspondence with The Advocates for Human Rights, Apr. 5, 2024, on file with The Advocates for Human Rights.

## **V. Suggested recommendations for the Government of Singapore**

22. The authors reiterate the recommendations suggested in paragraph 41 of their report at the list of issues stage and offer the following additional recommendations:

- Ensure that no woman is subject to solitary confinement as a consequence of being sentenced to death and ensure that any woman under sentence of death has ample opportunity to interact with other people in detention on a regular basis, consistent with the Nelson Mandela Rules and the Bangkok Rules.
- Ensure that all women in detention are able to communicate with friends, family, and legal counsel in accordance with Rules 58 and 61 of the Nelson Mandela Rules.