

Singapore's efforts in combating trafficking in persons

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Introduction

1. It is my privilege to share with you Singapore's experience in the prosecution of trafficking in persons ("TIP" in short).

2. Singapore takes a serious view of TIP. Due, in large part, to active enforcement and existing criminal laws, the TIP situation in Singapore has been kept under control. Despite that, we continue to put in effort to detect and prosecute TIP cases.

Domestic approach in combating human trafficking

3. To that end, in 2015, Singapore enacted the Prevention of Human Trafficking Act ("PHTA") dedicated towards combating trafficking in persons.

4. Prior to that, we had to rely on existing laws in place to criminalise certain aspects of TIP. For example, where vice related activities are involved, offences under the Women's Charter may be disclosed and where issues relating to foreign workers are involved, offences under the Employment of Foreign Manpower Act may be disclosed. While these existing laws may go some way in addressing certain aspects of TIP, these legislations were not designed to deal with TIP. For example, the Women's Charter, being gender specific, does not cover situations where men are the trafficked victims.

5. That being said, in order for a case to be considered a human trafficking offence under the PHTA, it has to fulfil the three limbs of Act, Means, and Purpose. This is a high bar. The TIP cases that do not fulfil all three limbs can still be prosecuted under other existing legislation.

6. With the enactment of a dedicated legislation like the PHTA, we are better equipped to deal with concerns that are unique to TIP. Recognising that TIP has a transnational element, the PHTA makes an offender liable for trafficking in persons even if the acts that comprise the offence were committed in part outside of Singapore, provided that these acts would constitute the offence if wholly done in Singapore. This would cover cases where, for example, the recruitment and transportation of trafficked victims took place outside Singapore, with Singapore as the destination or transit point. Further, in our experience, trafficked victims are not only persons *forced* into providing services in the traditional sense. Trafficked victims can consent to the wishes of the traffickers due to many reasons, like financial need. Recognising this, the PHTA provides that the consent of the victim and, in the case where the victim is a child, the consent of the victim's parent or guardian, is irrelevant in determining whether an offence has been committed when it comes to TIP.

7. Under the PHTA, there are severe penalties that reflect the seriousness of human trafficking offences and serve as a deterrence. First-time offenders can be sentenced to imprisonment for up to 10 years, fined up to S\$100,000, and liable to caning up to 6 strokes. The penalty is further enhanced for repeat offenders, where the maximum punishment is 1.5 times that of first-time offenders, in terms of imprisonment, fine and caning.

8. Since the enactment of the PHTA, we have instituted 10 prosecutions under the PHTA. The majority of the concluded cases are local cases that involve a sex element and other sex-related charges.

9. For example, just earlier this year, we prosecuted a deplorable case of a man who made his wife prostitute herself to customers that he found for her. She handed all her substantial earnings in the period of about two months to the offender. For procuring a woman for the purpose of prostitution, he was sentenced under the PHTA to 6 years' imprisonment, S\$6,000 fine and 3 strokes of the cane. On top of that, for receiving payment in connection with exploitation of a trafficked victim, the offender was sentenced to 6 years' imprisonment, S\$6,000 fine and 3 strokes of the cane. He faced other offences under the Penal Code and was sentenced to a total of 25.5 years' imprisonment, S\$12,000 fine, and 24 strokes of the cane. The offender has since appealed against his sentence. The appeal will be heard next year.

10. Another case that we prosecuted under the PHTA involved a man who recruited male victims between 14 to 15 years old for the purposes of sexual exploitation and for receiving payment in connection with the exploitation of a trafficked victim. He faced other charges committed against these 4 male victims. He was sentenced to 20 months' imprisonment and S\$1,000 fine for each of the offences under the PHTA and about 6 years and 8 months' imprisonment, and S\$2,000 fine in total for all the offences he was convicted of.

11. I have just mentioned two examples of cases prosecuted under the PHTA since it was enacted. In these cases, my Chambers have argued for penalties befitting the crime and culpability of the offender.

12. There are other prosecutions under the PHTA. Some of these cases involve a transnational element – be it foreign accused persons and/or victims. I am not at liberty to discuss these prosecutions at the moment as they are still ongoing. I will be glad to share our experiences and challenges in these prosecutions at a future similar gathering.

Holistic approach in combating TIP

13. When it comes to combating TIP, we do not act alone. Even before prosecution can take place, robust enforcement is important to detect TIP cases and enforcing our laws. Frontline immigration officers deployed at checkpoints are trained to pick up on signs of TIP victims entering our borders and they intervene where necessary. There are also established channels to facilitate reporting of TIP cases, like a dedicated telephone hotline and email address to report and submit information on TIP cases. Non-governmental Organizations (“NGOs”) who spread awareness on TIP to migrant workers can also alert the police of potential TIP cases to investigate.

14. Further, Singapore has put in place a robust framework consisting of laws criminalising TIP, strong enforcement, a coordinated governmental approach on TIP matters, and partnership with local stakeholders.

15. In 2010, Singapore set up an inter-agency TIP taskforce to strengthen coordination of TIP issues. Officers from the our Chambers are part of the taskforce which consists of officers from the Ministry of Social and Family Development, the Ministry of Foreign Affairs, the Ministry of Law, the Ministry of Health, the Singapore Police Force and the Immigration & Checkpoints Authority.

16. In 2016, the TIP taskforce worked with stakeholders to develop a National Approach to combat TIP. This National Approach and the desired outcomes are centred around the ‘4Ps framework’ as follows:

- (a) Prevention of human trafficking – the desired outcome is to spread awareness of TIP crimes and to take active steps to prevent, combat and suppress TIP. Another desired

outcome is government officials and stakeholders who are well-trained, competent and professional in identifying and dealing with TIP cases.

(b) The second prong is Prosecution of offenders – the desired outcome is an effective end-to-end criminal justice response to TIP crimes, involving comprehensive investigations and prosecution of all offenders who may be involved in trafficking or the exploitation of victims.

(c) The third prong is Protection of victims – the desired outcome is an appropriate victim care and support framework that looks after the needs of all victims of trafficking.

(d) The fourth prong is working in Partnership with stakeholders domestically and internationally – the desired outcome is a strong ecosystem comprising both domestic and international stakeholders to put forth a whole of Government response against TIP.

17. With this approach to combating TIP, we hope to be able to better detect TIP cases, more effectively investigate and prosecute these offences, and put in place better victim care and support framework. On that last point, I am told that enforcement agencies work closely with NGOs to provide victim support in the course of a trial. NGOs send a volunteer to accompany the testifying victim during the trial and ensure that their needs are taken care of so they can focus on their testimony during the trial.

Regional partnerships in combating human trafficking

18. I have briefly shared with you some of the initiatives that Singapore has put in place to combat TIP. As we are all well aware of, TIP is a transnational crime. With increased movement of persons across national boundaries, it is not sufficient to focus only on domestic efforts in

combating TIP. Our tight border security and strong law enforcement framework has to be supplemented with international and regional cooperation.

19. Singapore actively participates in regional and international platforms to combat TIP. Singapore is a party to the UN TIP Protocol, which is an optional Protocol supplementing the United Nations Convention against Transnational Organised Crime (“UNTOC”). It seeks to prevent, suppress and punish trafficking in persons while protecting victims and promoting cooperation among State Parties. Singapore ratified the ASEAN Convention of Trafficking in Persons (“ACTIP”), which seeks to prevent and suppress trafficking in persons, protect victims and promote cooperation among ASEAN Member States.

20. Singapore is one of the first ASEAN Member States to ratify the ACTIP – ASEAN Convention on TIP. The 11th ASEAN Ministerial Meeting on Transnational Crime (“AMMTC”), where Singapore is a participant, also saw the development of a cross-sectoral TIP work plan which serves to create synergy among ASEAN sectoral bodies and organs to implement ACTIP.

Concluding remarks

21. We hope that the combination of international and regional cooperation and domestic efforts would allow us to effectively combat TIP.

22. In conclusion, I would like to thank the organisers and my distinguished counterparts for the privilege of sharing our experience in combating TIP. I have heard about some of your experience in this area and look forward to hearing from the rest of you before the end of this Conference.