**WOMEN’S CHARTER (AMENDMENT) BILL 2016**

**FACTUAL FAQS**

|  |
| --- |
| 1. What is the scope of the proposed amendments? |

MSF proposes to amend the Women’s Charter in these key areas:

(I) Putting the child’s interest first in divorce through Mandatory Parenting Programme for divorcing parents;

(II) Maintenance for incapacitated men who cannot work;

(III) Enhancing protection for women, girls, residents at places of safety and professionals engaged in protection work; and,

(IV) Voiding a marriage that is a marriage of convenience under Section 57C of the Immigration Act.

|  |
| --- |
| 1. Are there plans to implement more effective measures to decrease maintenance defaults? What more can be done to support women who face difficulty getting maintenance from their husbands? |

The measures introduced in 2011 are useful for enforcing maintenance in cases where the defaulter has the means to pay and but refuses to for various reasons.

There is a lower income group who default on maintenance payments because they lack the financial means. MSF is looking into ways to better assist women in need whose husband cannot afford to make the maintenance payments. A referral protocol between the Community Justice Centre (CJC) and Social Service Offices (SSOs) is in place. This will allow CJC to identify the women and refer them to the nearest SSO for timely assistance. Similarly, women seeking help at the SSOs can be referred to the CJC for assistance on maintenance related issues.

**Mandatory Parenting Programme**

|  |
| --- |
| 1. What is the mandatory parenting programme? |

Currently, the law requires divorcing parents with a child below 21 years old to attend mandatory mediation and counselling at the Family Justice Courts after a divorce writ has been filed. This has helped many parties reach agreement on child matters in a less acrimonious way. However, more can be done to protect the interests of the child.

The proposed amendment will require divorcing parents with children below 21 to attend a mandatory parenting programme before they file for a divorce, unless both spouses agree to the divorce and on all ancillary matters. The programme aims to help them understand the importance of co-parenting and the practical issues arising from a divorce that impact their children.

Through the mandatory parenting programme, it is envisaged that divorcing parties would be better able to make informed decisions about the divorce and ancillary matters, prioritise their children’s needs over their own, and generally make greater efforts to reduce the level of acrimony between them.

|  |
| --- |
| 1. Will the mandatory parenting programme be required for all divorcing parents? |

The mandatory parenting programme will be for divorcing parents who have children under 21 years of age. It will be implemented in phases, starting with those with children aged below 14 years.

**General Maintenance Issues**

|  |
| --- |
| 1. What are the conditions under which a woman is expected to maintain her incapacitated ex-husband? |

The proposed amendment will allow the Court to order maintenance for men who are incapacitated by physical or mental disability or by illness which must be severe enough such that they are unable to work. The men must also have no other means to support themselves.. In addition, the incapacity must have occurred during the marriage and not after the divorce. Support given to these men is in line with our philosophy of having family as the first line of support, and the mutual help expected of spouses.

As with maintenance for a wife, the Court will have to consider all the circumstances of the case, including a wife’s financial circumstances and needs of the children, before ordering maintenance for an incapacitated husband or ex-husband.

|  |
| --- |
| 1. Will the changes cause a large increase in number of men applying for maintenance? |

The numbers are expected to be small, as the man would have to meet all the criteria (i.e. he is or became incapacitated during the marriage by physical or mental disability or illness from earning a livelihood and unable to maintain himself) to be eligible for spousal maintenance.

Support given to these men is in line with the intent of having family as the first line of support, and the mutual help expected of spouses.

**Enhanced Protection of Women, Girls and Professionals**

|  |
| --- |
| 1. Why the need for this enhancement? Have there been cases where current protection was insufficient? |

Victims residing at the places of safety, as well as the staff and professionals working there, could face threats to their personal safety, as some perpetrators of violence may try to seek out their victims to harass, intimidate, or cause them harm.

Thus, there is a need to prohibit any person (e.g. the media) from revealing the location of a place of safety, or the identity of any of its residents.  There have been instances where perpetrators turned up at places of safety, and had to be prevented from entering the premises by shelter staff.

To prevent perpetrators from obtaining information on the locations, especially online, MSF has been relying on the cooperation and goodwill of the media and other website owners to remove identifiable information on the places of safety. Having this provision would give legal basis to restrict the publication of such information and reassure victims that the location of the places of safety cannot be easily obtained by the perpetrator.

|  |
| --- |
| 1. Does the clause to prohibit the publication of sensitive information extend to the homes of ‘fit individuals’ defined under the Women’s Charter (e.g. relatives and friends of victims? |

No, this clause does not extend to the homes of ‘fit individuals’, but only applies to places of safety.  It is neither possible nor practicable for the public/media to know all the fit individuals under whose care a victim has been or could be placed.

**Voiding MOCs**

|  |
| --- |
| 1. Since MOCs were criminalised in Aug 2012, why wait till now to legally void these marriages? |

MOC was made an immigration offence in Dec 2012. We are taking steps now to amend the Women’s Charter to allow the automatic voiding of MOC, as the immigration law has been in force for some time and the number of MOC convictions has been observed.

|  |
| --- |
| 1. Is the statutory declaration of a prior MOC conviction only for Singaporeans/Singapore PRs? |

No. All parties who have a prior MOC conviction, regardless of nationality, will be required to make the statutory declaration.