

Response to Public Feedback on Private Member's Bill on the Prevention of Human Trafficking

Over March and April 2014, the Singapore Inter-Agency Taskforce on Trafficking-in-Persons (“TIP”) and Member of Parliament for Holland-Bukit Timah GRC, Mr Christopher de Souza, together with REACH, conducted four public consultation sessions on the proposed Private Member’s Bill on the Prevention of Human Trafficking (“the Bill”). These complemented two prior private dialogue sessions by Mr de Souza with the public and interested stakeholders from civil society. A consultation paper was also hosted on the REACH portal from 19 March to 18 April 2014.

2 We canvassed feedback from about 300 individuals who comprise civil society representatives, academics, industry representatives, religious persons, grassroots leaders, students, and members of the public. Views were sought on the key pillars of this dedicated law, such as the definition of human trafficking and issues specific to labour trafficking, sex trafficking, child trafficking, and victim protection. A summary of the key feedback received and our responses are provided below.

Definitions and scope

3 There was broad agreement that Singapore’s definition of key TIP terms in the proposed Bill should be closely aligned to international benchmarks, and that consent of victims could not be taken at face value for TIP cases. It should also be able to go after all parties involved in the TIP chain (e.g. middlemen, facilitators and beneficiaries of TIP).

4 We concur with the suggestions to keep the coverage of the law wide, and to cover TIP perpetrators as well as abettors/facilitators. We will adapt the definition of TIP and other key terminologies from the UN Palermo Protocol and nuance them to suit the local context and needs. The Bill will also state expressly that the consent of a victim shall be irrelevant when the required elements of TIP are established.

Issues Specific to Labour Trafficking

5 The general sentiment was that there are many indicators of labour trafficking, and the law would need to be specific as to what types of indicators would come together to constitute TIP offences, as opposed to employment law offences. While there were calls for the Bill to include all forms of deceptive recruitment practices, others felt that situations of labour trafficking should be reserved only for the most serious of cases where worker well-being was severely compromised. Many respondents commented that corporate entities should be more involved in ensuring their supply chains are free from TIP practices. Suggestions included encouraging corporations to be

more transparent about their practices, making corporations accountable for the actions of outsourced partners, and imposing sanctions for malpractices within the organisation and supply chain.

6 We will study the suggestions carefully. While we understand the desire for the Bill to comprehensively cover various situations where workers are mistreated, many of these wrongs are already addressed by existing employment laws which provide deterrent penalties against errant employers as well as avenues of redress to the workers. These levers can be reviewed to better address the concerns raised. This approach ensures that the Bill remains focused at targeting genuine egregious trafficking cases.

Issues Specific to Sex Trafficking

7 Generally, respondents felt that sex trafficking concerns would be well covered under the UN Palermo Protocol's definition. This would cover both male and female victims and would require an element of deceit, fraud, or coercion. To strengthen our enforcement levers, some respondents suggested tightening the regulation of vice activities at the upstream (which can fuel TIP) and conducting more active enforcement on the ground against such activities.

8 We will adopt the UN Palermo Protocol's definition and criminalise persons living on or trading in the earnings of trafficked persons. We will also continue our efforts to keep the vice situation in Singapore under control.

Issues Specific to Child Trafficking

9 Respondents generally agreed that child victims should benefit from a lower threshold of proof for the TIP offence to be made out. Enhanced penalties were also warranted in certain circumstances to send a firm deterrent signal, such as where the victim is a child or vulnerable, or where the offender is in a position of responsibility, authority or trust concerning the victim. Suggestions on the appropriate punishment for child trafficking acts included setting higher penalties to the prescribed default imprisonment terms or introducing mandatory minimum penalties.

10 We share the public's concern on the need to reflect a strong deterrent position where vulnerable victims are involved. We will calibrate an appropriate aggravated penalty to be commensurate with the severity of such crimes.

Victim Protection and Support Measures

11 Most respondents agreed that the Bill should do more than just provide enforcement levers and should also contain sufficient measures to protect and support victims of trafficking as well. These measures may include:

Protection measures

- Immunity from prosecution
- Protection from sudden/forced repatriation
- Protection from harm/threats from perpetrators, including anonymity during court proceedings and/or participation as prosecution witnesses remotely
- Compensation/restitution to victims for harm caused/loss suffered

Support measures

- Provision of food, shelter, and financial assistance
- Provision of basic healthcare services and counselling
- Provision of legal aid
- Right to pursue alternative employment
- Expedited processing of cases

12 Some respondents argued strongly that the measures above were fundamental entitlements and had to be legislated while others felt that not all these measures needed to be hardcoded into the law. This is so as not to negatively incentivise persons to come forward and demand protection as a right even while their status as a victim had yet to be determined.

13 Key protection and essential support measures will be considered for provision within the Bill. These include establishing places of safety, providing for in-camera court proceedings, and ensuring access to counselling and temporary shelter. Some are already provided for in existing pieces of legislation. Other measures – such as temporary employment and basic medical – are currently being provided administratively where merited, and can continue to remain so. Administrative guidelines can be considered to guide the assessing officer in determining what protection/support measures to be accorded. This ensures victims are quickly identified and provided appropriate assistance, based on his/her circumstances and needs. To supplement this framework, we will study how we can partner civil societies to better deliver services that attend to the needs and welfare of the victims.

Other Key Feedback

14 A number of respondents stressed that a comprehensive TIP law had to be accompanied by robust and effective ground efforts to apprehend offenders and identify victims. Besides active enforcement, some suggested mandating regular training and proper protocols to guide ground officers in their response to various trafficking situations.

15 The Bill will provide adequate powers to the ground officers of various law enforcement agencies to effectively combat TIP. Training and response

protocols are also being strengthened at the intra-agency and inter-agency levels, as part of the Singapore National Plan of Action.

16 The Taskforce and Mr de Souza would like to thank all who have participated in the public consultation exercise. We are grateful for the valuable sharing and feedback received during the consultation, and will endeavour to include the principles gleaned in the actual Bill, where they complement the enforcement of operations on the ground.

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Issued by:

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25 May 2014