



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Singapore under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Singapore (CRC/C/OPAC/SGP/1) at its 1914th meeting (see CRC/C/SR.1914), held on 9 September 2014, and adopted at its 1929th meeting, held on 19 September 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/SGP/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined second to third periodic reports under the Convention (CRC/C/SGP/CO/2-3), adopted on 4 February 2011.

II. General observations

Positive aspects

4. The Committee welcomes the accession or ratification by the State party of:

(a) Protocol III additional to the Geneva Conventions of 12 August 1949, in July 2008;

(b) ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment, in November 2005;

(c) ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in June 2001;

* Adopted by the Committee at its sixty-seventh session (1–19 September 2014).



(d) The Convention on the Prevention and Punishment of the Crime of Genocide, in August 1995.

III. General measures of implementation

Legislation

5. While noting that the State party indicates that obligations under the Optional Protocol are implemented through domestic legislation, the Committee is concerned at the lack of clarity in the State party report as to whether all the provisions of the Optional Protocol are covered.

6. **The Committee recommends that the State party take all necessary measures to ensure that the Optional Protocol is fully incorporated into the domestic legal system.**

Independent monitoring

7. While welcoming the existence of a complaints mechanism for members of the armed forces, the Committee notes with concern that that mechanism is managed by the Ministry of Defence, which might hamper the independent and impartial handling of complaints.

8. **The Committee recommends that the State party establish a complaints mechanism outside the Ministry of Defence, with a clear mandate to receive and investigate complaints from National Servicemen, in particular National Servicemen under the age of 18, regarding all areas covered by the Optional Protocol, and take all necessary measures to ensure its confidentiality and accessibility. Furthermore, the mechanism should be provided with the necessary human, financial and technical resources for it to function adequately.**

Dissemination, awareness raising and training

9. The Committee notes with appreciation that the State party provides training on human rights and humanitarian law for its military personnel participating in international peacekeeping missions. However the Committee regrets the absence of any specific training programmes on the Optional Protocol. Furthermore, the Committee notes with concern that limited efforts have been made to disseminate information on the provisions of the Optional Protocol and particularly regrets the lack of awareness-raising measures targeted specifically at children.

10. **The Committee draws attention to article 6, paragraph 2, of the Optional Protocol, and recommends that the State party enhance its dissemination efforts to make the principles and provisions of the Optional Protocol well-known among the general public, and also develop specific information campaigns to raise awareness among children, including through greater involvement of the media. Furthermore, the Committee recommends that the State party develop and implement systematic education modules for its military personnel on the practical application of the Optional Protocol.**

IV. Prevention

Voluntary recruitment

11. The Committee notes that, according to the State party's declaration upon ratification of the Optional Protocol, children who have reached the age of 16 years and

6 months may be voluntarily recruited into the Singapore Armed Forces. The Committee further notes that such voluntary recruitment is subject to documentary proof of age, the written consent of a parent or legal guardian, and the fully informed consent of the recruit. However, the Committee regrets that:

(a) A volunteer having entered the Singapore Armed Forces under the Voluntary Early Enlistment Scheme is able to request release from volunteer services only by giving three months' notice in writing;

(b) Underage volunteers are subject to military law, and, accordingly, subject to trial by the Subordinate Military Court;

12. The Committee recommends that the State party consider discontinuing voluntary recruitment under the age of 18, and that it take all necessary measures to:

(a) **Significantly reduce the notice required to be given by underage volunteers to request release;**

(b) **Ensure that no underage volunteer is subject to military law or to trial by the Subordinate Military Court and that, if charges are brought against underage volunteers, trials are held in civilian courts and are consistent with the standards on juvenile justice set out in the Convention.**

Human rights and peace education

13. The Committee notes with concern that human rights and peace education have not been incorporated into school curricula.

14. The Committee recommends that the State party take all necessary measures to include mandatory human rights and peace education in school curricula, and to encourage a culture of peace and tolerance within schools. The Committee recommends that, in so doing, the State party include human rights and peace education in the training of teachers and social workers.

V. Prohibition and related matters

Prohibition of recruitment

15. The Committee notes that the State party refers to the Children and Young Persons Act (Cap. 38) as the key legislation providing for the welfare, care and protection of children and young persons. However the Committee regrets that the Act still does not cover children between the ages 16 and 18, and lacks any provisions explicitly prohibiting the recruitment or use of children in conflict situations.

16. The Committee recommends that the State party explicitly include the prohibition of recruitment or use of children in conflict situations in the Children and Young Persons Act (Cap. 38). In so doing, the State party should also include explicit legal provisions providing for the protection of children who have been recruited or used in conflict situations, or have in any other way fallen victim to armed conflict. Furthermore, with reference to the Committee's observations under the Convention (CRC/C/SGP/CO/2-3, para. 28), the Committee recommends that the State party harmonize the definition of the child in its national laws, in line with the Convention, and extend the Children and Young Persons Act to cover all persons under the age of 18.

Criminal legislation and regulations in force

17. The Committee takes note of the State party's indication that recruiting persons below the age of 16 years and 6 months into regular service and permitting enlistees below 18 years of age to directly take part in hostilities constitute offences under regulation 40 of the Enlistment Regulations (Cap. 93, Reg. 1). However, the Committee is concerned that the punishment for such offences—a fine not exceeding S\$2,000 or imprisonment for a term not exceeding 12 months, or both—is very low. The Committee is also concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

18. The Committee recommends that the State party amend its legislation and increase both the fine and the length of the term of imprisonment for such offences to a reasonable level. Furthermore, the Committee recommends that the State party define and punish the recruitment of children under the age of 15 years as a war crime, and consider ratifying the Rome Statute establishing the International Criminal Court (2000).

Extraterritorial jurisdiction and extradition

19. The Committee notes the State party's exercise of extraterritorial jurisdiction. However, the Committee is concerned at the application of extraterritorial jurisdiction being limited to grave breaches of international humanitarian law under the four Geneva Conventions of 1949, which do not include all of the offences under the Optional Protocol. Furthermore, while noting the possibility of extradition, the Committee is concerned about that possibility being limited to the offences listed in the First Schedule of the Extradition Act (Cap. 103), meaning that many of the offences under the Optional Protocol are not covered.

20. The Committee recommends that the State party amend its legislation to ensure that:

(a) Extraterritorial jurisdiction is exercised regarding all offences under the Optional Protocol;

(b) The list of offences permitting extradition under the domestic extradition regime includes all crimes under the Optional Protocol.

VI. Protection, recovery and reintegration

Torture or other cruel, inhuman or degrading treatment or punishment

21. The Committee regrets the imposition of caning on members of the armed forces, including underage volunteers, for various offences under the Singapore Armed Forces Act.

22. With reference to the Committee's concluding observations under the Convention (CRC/C/SGP/CO/2-3, para. 40), and in view of the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to take prompt measures to amend its legislation in order to unequivocally prohibit by law all forms of corporal punishment, including caning, in all settings.

Measures adopted to protect the rights of child victims

23. The Committee notes the information provided by the State party that there are no child victims of offences under the Optional Protocol among refugee and asylum-seeking children. However, the Committee is concerned at:

(a) The lack of information in the State party report about any mechanisms in place to identify children who might have been recruited or used in armed conflict abroad;

(b) The fact that the State party is not a party to any treaties relating to the treatment of refugees; at the absence of a law on the treatment of refugees; and at the possibility that a case-by-case approach may lead to unequal treatment.

24. **The Committee, drawing the State party's attention to its obligations under article 7 of the Optional Protocol, and with reference to the Committee's previous recommendations under the Convention (CRC/C/SGP/CO/2-3, para. 61), urges the State party to put in place mechanisms to ensure the full protection of asylum-seeking and refugee children, particularly unaccompanied children, in line with international standards, and to identify at an early stage asylum-seeking, refugee or migrant children who may have been involved in armed conflict abroad. The Committee furthermore urges the State party, in so doing, to:**

(a) **Apply a child-specific refugee definition and child-sensitive asylum-claim procedures, and provide for procedural safeguards addressing the specific needs of unaccompanied and separated asylum-seeking and refugee children;**

(b) **Uphold the principle of non-refoulement in all circumstances;**

(c) **Make sure that personnel responsible for such identification are trained on child rights, child protection and child-sensitive interviewing skills;**

(d) **Ensure that no child is forcibly returned to his or her country of origin, if he or she may have been, or is at risk of becoming, a victim of any of the crimes under the Optional Protocol there;**

(e) **Develop specialized services to ensure that children who have been, or may have been, involved in armed conflict are provided with appropriate assistance for their physical and psychological recovery and their social reintegration.**

25. **The Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends that the State party take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.**

VII. International assistance and cooperation

Arms export and military assistance

26. While noting the State party's indication that the Regulation of Imports and Exports Regulations (Cap. 272A, Reg. 1) allow bans to be put in place to ensure compliance with United Nations Security Council resolutions, the Committee regrets the lack of any legislation prohibiting the trade and export of small and light arms or military assistance to countries where children are known to be, or may potentially be, recruited or used in armed conflict and/or hostilities. The Committee further notes with concern that the State party has not yet ratified the 2008 Convention on Cluster Munitions.

27. The Committee urges the State party to adopt and thoroughly implement legislation specifically prohibiting firearms exports, including of small arms and light weapons, and the provision of any kind of military assistance to countries where children are known to be, or may potentially be, recruited or used in armed conflict and/or hostilities. Furthermore, the Committee encourages the State party to ratify the Convention on Cluster Munitions, as well as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

VIII. Ratification of the Optional Protocol on a communications procedure

28. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

IX. Follow-up and dissemination

29. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, *inter alia*, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.

30. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

X. Next report

31. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
