

Update laws to cover abuse by non-family members

Andy Ho

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At a recent Institute of Policy Studies conference, Law Minister K. Shanmugam said he would give serious consideration to standalone legislation on harassment.

The Straits Times recently reported how Ms S. Selvi (not her real name), a single woman aged 34, was harassed and stalked in real life and online by an older man.

She had known him since her teens when her father died and had regarded him as a father figure. But now he would turn up outside her office or home and send phone messages even in the wee hours of the morning.

What recourse does such a woman have when harassed or abused by someone she knows?

Ironically, if the abuser were her husband or another family member, she would have more recourse. But if harassed or abused by people who are not family - such as a boyfriend, a roommate, a colleague or just a friend - she has less protection.

The difference is that the Women's Charter, which spells out remedies for women in abusive relationships, covers only family members. These are spouses, former spouses, biological children, stepchildren and adopted children, parents, parents-in-law, siblings, relatives or incapacitated persons a court considers to be relatives.

A woman can seek a Personal Protection Order (PPO) under the Women's Charter - but again, only if the violent person is a family member.

It is not easy to justify why other non-family relationships of a personal variety in which abuse can occur should not get the enhanced protection that victims of family abuse have under the law.

After all, some of the factors that characterise abusive family relationships exist in close relationships between non-family members. These are adult dating couples, cohabiting couples, roommates or housemates, colleagues or friends.

While non-familial in nature, these relationships may nonetheless be characterised by strong emotional bonds, whether sex is involved or not.

It's time for the Women's Charter to be updated to cover abuse in non-family relationships. This is important, given the dearth of remedies for victims of abuse and harassment under Singapore law. There is no specific anti-harassment and anti-stalking law here.

Instead, the victim would have to file a "magistrate's complaint" against a quasi-family intimate who has hurt her before, whom she fears may do so again.

Once a magistrate's complaint is on file, the police may prosecute the abuser for criminal intimidation or causing hurt. Without such a complaint, the police, even if called in during an altercation, can choose not to prosecute.

A quasi-family abuser could also be charged under the Miscellaneous Offences (Public Order and Nuisance) Act, if the harassment occurred in public view.

In contrast, a victim of family abuse may get a PPO to keep the abuser at bay even if there were no public witnesses to the act or acts of abuse or violence.

The main justification for extending the same protection to quasi-family relationships is that abusive relationships of this kind often share many of the characteristics that define family violence.

Like the husband who abuses his wife, the violent boyfriend, housemate or co-worker is familiar with the victim's habits, daily routines and favourite places. He knows where and when to corner her at her most vulnerable.

Parliament could consider standalone legislation to cover those who suffer harassment, abuse and violence at the hands of intimates who are not family. Such laws should apply to all relationships regardless of age, blood ties or gender.