

When Human Rights and Family Integrity are at Odds

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“The foundation of a strong nation is a strong family”—Confucius

The confidence placed in families as the fundamental unit of societies has been expressed in various literatures ranging from Confucius classics to the UN Declaration of Human Rights in 1948. However, matters take a curious turn when family integrity and human rights do not converge, such as, in the case of domestic violence. This is especially exemplified in Asia, where domestic violence is often still considered to be a private matter and women are considered to be the inferior sex.

Singapore is a country which depends heavily on human assets due to its lack of natural resources. Consequently, the importance placed on family leads to family (and thus national) interest dominance over individual's rights(1) . This balance jeopardizes none other than the domestic violence victims. In fact, it was not until 1997 that legal protection for domestic violence victims became more comprehensive.

(1) This is expressed in Singapore Shared Value, “Nation before community and *society before self*”.

Prior to 1997, the police could not arrest abusers not ‘classified’ as having voluntarily causing grievous hurt (VCGH) under Singapore Penal Code in domestic violence cases without a warrant. For a case to warrant an arrest without court order, the victims must suffer from

permanent privation of the sight of either eye or of the hearing of either ear, privation of any member/joint, destruction/permanent impairing of the powers of any member/joint, permanent disfiguration of the head/face, fracture/dislocation of a bone, emasculation, or any hurt which endangers life or which cause the sufferer to be, during the space of 20 days, in severely bodily pain, or unable to follow his ordinary pursuits. (Section 322 Singapore Penal Code)

In other words, only permanent incapacitation and/or severe injury could qualify the victim to be rescued from his/her abuser.

Letting an abuse go unchecked up to the point of such “grievous hurt” undoubtedly in fringes upon the human right for safety and security. In 1995, a Family Violence Bill

was tabled by Dr Kanwaljit Soin, the first female member of the parliament in Singapore. The bill, aiming to enhance protection for victims of family abuse, demands, among others, that even the slightest hurt in domestic violence be made a seizable offence. In practice, the bill empowers the police to arrest abusers as they deem fit, without warrant or court order.

The bill was rejected.

Fearing that family as the fundamental building block of society might disintegrate once domestic violence is rendered a criminal offence, the Singapore state prefers to mediate in a 'softer' way through mandatory family counseling. In response to the bill, the government cites cultural defenses—that Asians would feel “uncomfortable” should domestic problem be given such “harsh, high-handed, and detached” remedy. However, the biggest government concern is that the bill will posit the two sexes in opposing stances (of victim and aggressor), thus, the government worries that a negative picture of family life will be drawn, creating fatal implications on family integrity.

The Singapore government faces the challenge of ensuring a fine balance between the protection of women's rights and the integrity of the family. Although the bill was defeated, constructive steps were undertaken to modify the existing legislation to ensure greater provisions to victims of family violence. These steps resulted in the Women's Charter (1996) Amendment Bill⁽²⁾. Although family counseling is still preferred over legislative measures, the police now have greater power to arrest abusers. Legislative measures could also be undertaken if the victim reports any form of “intimidation, continual harassment, and restraint against the victim's will as well as actual physical violence”. The amendment also protects a greater spectrum of potential victims as it defines “family members” as anyone related by blood, marriage or adoption.

(2) This change is recorded in part VII, “Protection of Family” in the Women's Charter. For the full content of the Women's Charter, see: http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-353&doctitle=WOMEN%92S%20CHARTER%0a&date=latest&method=part (cited July 20, 2005)

This case might be a timely alert that there could possibly be a conflict of interest

between family togetherness and its members' rights to safety. More particularly, Asian values, such as, not washing one's own dirty linen in public as well as its patriarchal tradition could very well be the biggest hindrance to human rights maintenance, especially in the case of domestic violence in Asia.