



## SINGAPORE: A BRIEF ON THE IMPLEMENTATION OF CEDAW COMMITMENTS FROM ARTICLES 2 AND 11

*Information for the Committee on the Elimination of Discrimination Against Women  
85<sup>th</sup> Pre-Session Working Group, October 2022*

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## INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 85<sup>th</sup> Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following areas:

1. General Equality and Non-Discrimination (Article 2)
2. Non-discrimination in Work and Employment (Article 11)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask Singapore and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Singapore address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Singapore for having provisions in place, we hope the Committee will recommend that Singapore work with stakeholders to overcome any obstacles in implementing these provisions.



**SUMMARY OF FINDINGS AND RECOMMENDATIONS**

**1. General Equality and Non-Discrimination (Article 2)**

Based on our review, we did not identify any constitutional provisions that guarantee equality or non-discrimination based on sex or gender.

**RECOMMENDED CONCLUDING OBSERVATION**

We hope the Committee will:

- Recommend in its concluding observations that Singapore amend the constitution to add explicit guarantees of equality and non-discrimination based on sex or gender, consistent with CEDAW commitments. These guarantees could be added to Article 12(2) of the constitution, which already guarantees equality before the law based on other personal characteristics and statuses.

**2. Non-Discrimination in Work and Employment (Article 11)**

While we recognize there may be other policies governing discrimination at work, our systematic review of national legislation did not identify any national legislative provisions that specifically protect women from discrimination at work in Singapore. Paragraph 118 of the State Party Report describes the codification of Singapore’s Tripartite Guidelines on Fair Employment Practices (TGFEF) into law. While the scope of this codification remains unclear, the TGFEF in their current form only protect against sex discrimination in hiring, and not in any other aspect of work. **To the best of our knowledge, this codification has not yet happened as of submission of this brief,** thus this remains an active issue.



## RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

### We hope the Committee will:

- In its list of issues, ask Singapore: can Singapore provide the Committee with the specific steps it is taking, including providing more information on the status and timeline for the passage of a law to codify the TGFEF, to protect women against direct and indirect discrimination at work?
  - Recommend that Singapore amend its legislation in the near term to explicitly protect women from direct and indirect discrimination at work in:
    - employment opportunities or hiring
    - equal pay for work of equal value
    - promotions or demotions
    - job security or terminations
    - training
  - We also hope the Committee will recommend that this legislation includes effective enforcement mechanisms, such as protection from retaliation, and recognizes the discrimination women also face based on marital status, pregnancy, or family status.

## DETAIL OF CONSTITUTIONAL AND LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

### 1. General Equality and Non-Discrimination (Article 2)

While the entirety of the Convention aims to eliminate discrimination against women in all spheres of life, Article 2(a) of the Convention specifically requires States Parties “To embody the principle of the equality of men and women in their national constitutions”.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution explicitly guaranteed equality or non-discrimination on the basis of sex and/or gender by prohibiting discrimination, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

Constitutions state the values of a country, describe the rights of people living within the country, and profoundly influence norms and practice. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws as



well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

*SINGAPORE'S CONSTITUTIONAL PROVISIONS: No prohibition of discrimination on the basis of sex or gender*

Based on our review, we did not identify any constitutional provisions that guarantee equality or non-discrimination based on sex or gender. Singapore is one of less than 15% of countries globally that do not include an explicit guarantee of equality based on sex or gender in their constitution. Singapore states in paragraphs 40 and 41 of its State Party Report that the universal equality clause in Article 12(1) sufficiently protects women without naming them explicitly; however, article 12(2) goes on to name specific statuses, such as race or religion, that are protected against discrimination, and omits women.

*Constitution of Singapore, amended to 2020*

*Equal protection*

*12.—(1) All persons are equal before the law and entitled to the equal protection of the law.*

*(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.*

## 2. Non-Discrimination in Work and Employment (Article 11)

Article 11 of the Convention outlines specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment.

We systematically reviewed national labor codes, gender equality, and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited gender discrimination in employment. We examined legal protections across five areas covered by CEDAW:

- employment opportunities or hiring
- equal pay for work of equal value
- promotions or demotions
- job security or terminations
- training



We assessed whether women were explicitly protected from discrimination at work in each of these areas and whether the definition of discrimination included both direct and indirect discrimination. We further examined whether there were provisions that protected women from retaliatory action for reporting discrimination.

We also examined whether there were explicit protections from discrimination in terminations on the grounds of pregnancy and marital status, in line with Article 11.2.a) of the Convention which prohibits “dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status”. We further examined whether explicit protections from terminations on the basis of family status were in place, because of the intersection of family status with both marital status and pregnancy.

Finally, although the Convention focuses only on protecting from dismissal on these grounds, we nevertheless further examined whether discrimination on the grounds of pregnancy, marital status, or family status was prohibited in other stages of employment because of the centrality of these protections from preventing sex discrimination at work, which the convention protects against more broadly.

*SINGAPORE’S LEGISLATIVE PROVISIONS: No protections against workplace discrimination on the basis of sex*

While we recognize there may be other policies governing discrimination at work, our systematic review of national legislation did not identify any national legislative provisions that specifically protect women from discrimination at work in Singapore.

<b>Table 1: Does Singapore have legislative provisions in place explicitly guaranteeing non-discrimination for women in the following key areas of employment?</b>	
Employment opportunities and hiring	No provisions found
Equal pay for work of equal value	No provisions found
Training	No provisions found
Promotions and/or demotions	No provisions found
Terminations	No provisions found
Discrimination on the basis of marital status, family status, and pregnancy	No provisions found
Indirect discrimination	No provisions found
Retaliatory action	No provisions found



Singapore states in paragraph 118 of the State Party Report that its current Tripartite Guidelines on Fair Employment Practices (TGFEP) will be codified into law. **To the best of our knowledge, this codification has not yet happened as of submission of this brief, thus this remains an active issue.** Furthermore, while Singapore adds in its State Party Report that the scope of this new legislation is still being deliberated, the TGFEP in its current form appears to only protect against sex discrimination in hiring, and not in any other aspect of work.

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*BRIEFING PREPARED BY THE WORLD POLICY ANALYSIS CENTER, UNIVERSITY OF CALIFORNIA, LOS ANGELES*