



**Singapore's Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women  
Suggested List of Issues Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**The World Coalition Against the Death Penalty**

for the

**85th Session of the Committee on the Elimination of Discrimination Against Women  
(Pre-Sessional Working Group)  
31 October–4 November 2022**

**Submitted 3 October 2022**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Anti-Death Penalty Asia Network** (ADPAN) is a regional network of organizations and individuals committed to working towards abolition of the death penalty in the Asia Pacific. Its

role is to create wider societal support for abolition of the death penalty in the Asia Pacific region through advocacy, education and network building.

**Capital Punishment Justice Project (CPJP)** stands for a world without the death penalty. Based in Australia, we work with our international and local partner organizations, volunteers, our board, the Australian public and key stakeholders to develop legal and policy solutions that help save lives.

## EXECUTIVE SUMMARY

1. Women at risk of being sentenced to death in Singapore face gender bias throughout the criminal legal process. The legal system fails to account for the context in which women commit crimes and often holds them to higher standards than their male codefendants. Courts fail to consider gender-specific mitigation, including but not limited to cases in which courts cannot consider any mitigating circumstances because the law calls for a mandatory death penalty. Women on death row are isolated from the general prison population and from civil society organizations that might otherwise advocate on their behalf. Lawyers and human rights defenders advocating on behalf of people sentenced to death or supporting abolition of the death penalty face harassment and intimidation.

### **Singapore fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women**

2. In Singapore, homicide with the intention of causing death carries a mandatory death penalty,<sup>1</sup> while the Penal Code authorizes but does not mandate the death penalty for homicide committed with the intention of causing bodily injury.<sup>2</sup> Singapore also authorizes—and in most circumstances mandates—the death penalty for drug possession / trafficking not resulting in death. The Penal Code also authorizes the death penalty for economic crimes not resulting in death, treason, and military offenses not resulting in death.<sup>3</sup> According to the Ministry of Home Affairs, a person may be sentenced to death for possessing 15 grams of pure heroin.<sup>4</sup> A person caught with more than 500 grams of cannabis faces a mandatory death sentence.<sup>5</sup>
3. For drug-related offenses, Singapore is a “high application” death penalty country.<sup>6</sup> A person may escape the mandatory death penalty for drug-related offenses only if (a) they are found to be a “mere courier” as defined by article 33(B)(2) of the Misuse of Drugs Act, and (b) they receive a certificate of substantive assistance from the Public Prosecutor, or were suffering from an “abnormality of mind” that “substantially impaired his or her mental responsibility for his or her acts and omissions in relation to the offence.”<sup>7</sup> The Public Prosecutor has the sole

---

<sup>1</sup> Penal Code 1871, §§ 300(a), 302(1); International Commission of Jurists, *Death Penalty Regime in Singapore*, <http://www.icj.org/wp-content/uploads/2016/02/Singapore-Death-penalty-laws-Advocacy-Analysis-brief-2016-ENG.pdf> (last visited Sept. 27, 2022).

<sup>2</sup> Penal Code 1871, §§ 300(b)-(c), 302(2).

<sup>3</sup> Death Penalty Worldwide Database, “Singapore,” accessed Sept. 21, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=66>

<sup>4</sup> Ministry of Home Affairs, *The Death Penalty in Singapore*, Nov. 5, 2021, <https://www.mha.gov.sg/home-team-real-deal/detail/detail/the-death-penalty-in-singapore> (last visited Sept. 26, 2022).

<sup>5</sup> Andrew Nachevson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

<sup>6</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 15 (Sept. 2021), <http://fileservr.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022); Harm Reduction International, “*The Death Penalty for Drug Offences: Global Overview 2021*” (March 2022), <https://www.hri.global/death-penalty-2021>.

<sup>7</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

discretion to issue a certificate.<sup>8</sup> The Public Prosecutor does not need to provide reasons for not issuing a certificate and often does not do so.<sup>9</sup>

4. As of the end of 2021, at least 60 people were under sentence of death in Singapore, and to date in 2022, Singapore has carried out ten executions, all for drug offenses.<sup>10</sup> In 2021, courts in Singapore pronounced at least ten death sentences, eight of which were for drug-related offenses.<sup>11</sup> According to the Cornell Center on the Death Penalty Worldwide, “[g]ender-disaggregated death row data is not available for . . . Singapore[.]”<sup>12</sup> The only official data the government provides about the death penalty is an annual report that includes the number of executions carried out in the previous year.<sup>13</sup>
5. Singapore’s Sixth Periodic Report states that the country’s Constitution “enshrines the principle of equality of all persons before the law,”<sup>14</sup> and asserts that “[t]he direct and indirect benefits of a sound, corruption-free and efficient judicial system are available to all Singaporeans, regardless of gender, age or ethnicity,”<sup>15</sup> but in capital cases, when the stakes are highest, women are most vulnerable to gender bias.
6. The Executive Director of Harm Reduction International has observed that “[p]eople on death row for drug offences tend to be involved at the lowest level of the drug trade, and are generally marginalized in society. Gender, socio-economic position, ethnicity and foreign status in a country add intersectional vulnerability to this context.”<sup>16</sup> She explains that although “some women engage in the drug trade through their own volition, for others, a narrower range of

---

<sup>8</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>9</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>10</sup> Death Penalty Worldwide Database, “Singapore,” accessed Sept. 21, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=66>; Amnesty International, *Death Sentences and Executions 2021* (2022), at 26.

<sup>11</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 12, 15.

<sup>12</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*: A Global Overview of Women Facing the Death Penalty for Drug Offenses,” at 15 (Sept. 2021), <http://files.server.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>13</sup> See Kirsten Han, *Things we don’t know about the Death Penalty in Singapore*, Popula, Dec. 20, 2019, <https://popula.com/2019/12/20/things-we-dont-know-about-the-death-penalty-in-singapore/> (last visited Sept. 26, 2022). See also Singapore Prison Service, *Celebrating our Corrections Journey: Annual Report 2021*, at 68 (reporting zero judicial executions in 2020 and 2021), <https://drive.google.com/file/d/1ZbslLXJr0Fb0gFTbgIuSAq3DnHIFM41E/view> (last visited Sept. 26, 2022). The Transformative Justice Collective has conducted research about the ethnicity of people sentenced to death. That research shows that between 2015 and 2020, the High Court sentenced 44 people to death for drug-related offenses. Of those individuals, 4 were Chinese, 3 were Indian, and 37 were Malay. Transformative Justice Collective, *Submission to the UN Committee on the Elimination of Racial Discrimination on Singapore’s Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination* (2021), ¶ 134.

<sup>14</sup> Committee on the Elimination of Discrimination Against Women, *Sixth Periodic Report Submitted by Singapore*, UN Doc. No. CEDAW/C/SGP/6 (29 Dec. 2021), ¶ 40.

<sup>15</sup> Committee on the Elimination of Discrimination Against Women, *Sixth Periodic Report Submitted by Singapore*, UN Doc. No. CEDAW/C/SGP/6 (29 Dec. 2021), ¶ 176f.

<sup>16</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*: A Global Overview of Women Facing the Death Penalty for Drug Offenses,” at 5 (Sept. 2021), <http://files.server.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

choices, along with poverty, coercion, violence, manipulation, and the survival needs of a family play a significant factor in their involvement.”<sup>17</sup> Research from the Cornell Center on the Death Penalty Worldwide illustrates “the alarming extent to which women sentenced to death for drug offences experienced gender bias in criminal proceedings and violations of their right to a fair trial.”<sup>18</sup> In jurisdictions such as Singapore, “the law provides courts with two major shortcuts to conviction: a defendant in possession of a drug is presumed to know what she is carrying; and if the quantity of drugs is above a statutory minimum, she is presumed to intend to traffic drugs. These legal rules dramatically increase the number of women who are sentenced to death while ignoring women’s position in the drug trade’s gender-stratified and predominantly masculine system. Women are disproportionately likely to be low-level drug couriers—and therefore ignorant of the type, quantity, and value of the drugs they are carrying.”<sup>19</sup>

7. In Southeast Asia, according to research by Carolyn Hoyle and Lucy Harry, most women are sentenced to death for crimes that arise out of “their relationships, be it with their dependents, intimate romantic partners, friends, or relatives.”<sup>20</sup> The Cornell Center observes that “manipulative or coercive intimate relationships” can have an effect on the lives of women charged with drug-related offenses.<sup>21</sup>
8. Although there is limited information about women on death row in Singapore, case studies of five women recently sentenced to death or at risk of being sentenced to death—all ethnic Malays—highlight issues relating to gender and the death penalty globally, and in Singapore specifically. Women are often sentenced to death while less culpable male codefendants are not. And in Singapore the Public Prosecutor may be less likely to issue a certificate of substantive assistance to women charged with drug-related offenses, precluding them from escaping a mandatory death penalty for presumptive trafficking. These case studies suggest that male codefendants may tend to implicate their female codefendants in order to secure a certificate of substantive assistance. Moreover, courts disregard the context of gender-based violence when considering whether to sentence women to death for killing a family member.

*Case studies: Women sentenced to death in Singapore for drug-related offenses*

9. One woman who had been known to be under sentence of death for a drug-related offense had her sentence commuted to life imprisonment in 2015.<sup>22</sup> She was a Malaysian national and in

---

<sup>17</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 5 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>18</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 5 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>19</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 7 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>20</sup> Carolyn Hoyle & Lucy Harry, *Compounded Vulnerability: Foreign National Women and the Death Penalty in Southeast Asia*, Amicus J., Mar. 6, 2020, at 2.

<sup>21</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 22 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>22</sup> Hoe Pei Shan, *2 death-row traffickers get life term instead*, Straits Times, Apr. 21, 2015, <https://www.straitstimes.com/singapore/courts-crime/2-death-row-traffickers-get-life-term-instead> (last visited Sept. 26, 2022).

2010 a court had sentenced her to death at the age of 54 for drug trafficking after she received a bag from her co-defendant in the carpark of Changi Airport.<sup>23</sup> The bag reportedly contained 2.7 kilograms of diamorphine (heroin), and police reportedly found two additional bags containing approximately 5 kilograms of the drug at her house.<sup>24</sup> She and her codefendant had been sentenced to death under Singapore’s then-mandatory death penalty for trafficking more than 15 grams of heroin.<sup>25</sup> The court subsequently commuted her codefendant’s death sentence to life imprisonment after the Public Prosecutor issued him a certificate of substantive assistance.<sup>26</sup> She did not receive such a certificate. But subsequent to 2013 amendments to the Misuse of Drugs Act, a court commuted her sentence to life imprisonment after “a psychiatric evaluation resulted in a clarification form an Institute of Mental Health consultant that she had a ‘major depressive disorder’ at the time of the offence, amounting to a ‘substantial impairment of her mental responsibilities.’”<sup>27</sup>

10. In 2017, the High Court imposed the mandatory death sentence on a Malaysian woman of Malay ethnicity convicted of drug trafficking.<sup>28</sup> The court sentenced her to the mandatory death penalty after finding that “[s]he had coordinated the supply of [26.29 grams of heroin] to [a male codefendant] through [another male codefendant] and another person and could not be said to have acted as a courier. Also, she was not issued a certificate of substantive assistance by the [public prosecutor].”<sup>29</sup> At trial, she alleged that her male codefendants “had falsely implicated her in drug dealings.”<sup>30</sup> She contended that she played no part in the transaction, and that her intimate partner “was the mastermind who was involved in the transaction, and that she had no knowledge of [his] involvement with drugs.”<sup>31</sup> The court rejected her claims.<sup>32</sup>

---

<sup>23</sup> *Death for two Malaysians caught trafficking drugs in Singapore*, Star, Feb. 5, 2010, <https://www.thestar.com.my/news/nation/2010/02/05/death-for-two-malaysians-caught-trafficking-drugs-in-singapore> (last visited Sept. 26, 2022).

<sup>24</sup> *Death for two Malaysians caught trafficking drugs in Singapore*, Star, Feb. 5, 2010, <https://www.thestar.com.my/news/nation/2010/02/05/death-for-two-malaysians-caught-trafficking-drugs-in-singapore> (last visited Sept. 26, 2022).

<sup>25</sup> Hoe Pei Shan, *2 death-row traffickers get life term instead*, Straits Times, Apr. 21, 2015, <https://www.straitstimes.com/singapore/courts-crime/2-death-row-traffickers-get-life-term-instead> (last visited Sept. 26, 2022).

<sup>26</sup> Hoe Pei Shan, *2 death-row traffickers get life term instead*, Straits Times, Apr. 21, 2015, <https://www.straitstimes.com/singapore/courts-crime/2-death-row-traffickers-get-life-term-instead> (last visited Sept. 26, 2022).

<sup>27</sup> Hoe Pei Shan, *2 death-row traffickers get life term instead*, Straits Times, Apr. 21, 2015, <https://www.straitstimes.com/singapore/courts-crime/2-death-row-traffickers-get-life-term-instead> (last visited Sept. 26, 2022).

<sup>28</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶¶ 2, 5(c), 24.

<sup>29</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶ 5(c).

<sup>30</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶ 18.

<sup>31</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶ 53.

<sup>32</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶ 62.

One of her male codefendants was sentenced to life imprisonment for substantially assisting the prosecutor, and the other was sentenced to death.<sup>33</sup>

11. The Cornell Center’s research has found that foreign nationals, such as the woman described in the preceding paragraph, are over-represented among women sentenced to death for drug-related offenses.<sup>34</sup> Rule 66 of the Bangkok Rules specifically addresses the need to take measures to avoid secondary victimization of many foreign-national women.<sup>35</sup> This case may also illustrate another finding in the Cornell Center’s research: in many cases, women become involved with the drug trade under the influence or pressure of a male partner, and that partner typically suffers fewer criminal consequences than the woman.<sup>36</sup>
12. In 2018, the High Court sentenced a 40-year-old Singaporean woman of Malay ethnicity to death for drug possession with intent to traffic.<sup>37</sup> She had been charged with trafficking one kilogram of drugs, including 30.72 grams of heroin.<sup>38</sup> In 2016, a Malaysian national had come to her apartment, passed her a plastic bag containing the drugs, and received in exchange two envelopes of cash.<sup>39</sup> She told authorities that she had intended to keep 19.01 grams of heroin for her own use, and sell the remaining 11.71 grams, noting that she would need as much as 12 grams per day while fasting during Ramadan.<sup>40</sup> She had been diagnosed with a long history of drug use but a psychiatrist from the Institute of Mental Health did not find that she had any disability.<sup>41</sup> Her codefendant, who sold her the drugs, was sentenced to life imprisonment.<sup>42</sup>

*Certification of substantive assistance*

13. The first and second case studies above illustrates some of the gender disparities in Singapore’s procedure to allow some defendants to avoid the mandatory death penalty for drug-related

---

<sup>33</sup> *Public Prosecutor v. Muhammad Farid bin Sudi, Hamzah bin Ibrahim, and Tika Pesik*, [2017] SGHC 228, Crim. Case. No. 2 of 2017, Grounds of Decision ¶¶ 87, 89-91.

<sup>34</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 6 (Sept. 2021), <http://fileservr.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>35</sup> Bangkok Rules, Rule 66, available at <https://cdn.penalreform.org/wp-content/uploads/2016/07/BangkokRules-Updated-2016-with-renumbering-SMR.pdf> (last visited Sept. 29, 2022).

<sup>36</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 6 (Sept. 2021), <http://fileservr.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>37</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Sept. 22, 2018 (updated Dec. 4, 2019), <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

<sup>38</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Dec. 4, 2019, <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

<sup>39</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Dec. 4, 2019, <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

<sup>40</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Dec. 4, 2019, <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

<sup>41</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Dec. 4, 2019, <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

<sup>42</sup> Bhaswati Guha Majumder, *Singapore: Woman, 40, faces death sentence for drug trafficking*, Int’l Business Times, Dec. 4, 2019, <https://www.ibtimes.sg/singapore-woman-40-faces-death-sentence-drug-trafficking-27499> (last visited Sept. 26, 2022).

offenses. As the Transformative Justice Collective explains, whether a defendant has provided substantive assistance and is therefore eligible for a certificate to escape the mandatory death penalty is a “multi-faceted inquiry,” and “most of these factors,” such as the information provided, the effects of that information, the value of the information to existing intelligence, and the veracity of the information, “are not within the control of the drug courier. A fully cooperative accused may indeed provide information to the [Central Narcotics Bureau], but the accused has no control over where or how CNB uses or chooses not to use the information provided. In making Certification decisions, the Public Prosecutor does not consider the truthfulness of the accused or whether the accused has provided information in good faith. From the point of view of the accused, whether or not they receive a certificate might as well be a lottery.”<sup>43</sup> The system thereby “creates potential for the arbitrary exercise of the death penalty” by leaving “the power to determine life and death in the hands of the Public Prosecutor instead of the courts.”<sup>44</sup> Low-level drug couriers are least likely to have information that could assist law enforcement, and therefore they are more likely than others convicted of drug-related offenses to face execution.<sup>45</sup>

14. The certificate of substantive cooperation system also creates incentives for an accused person to incriminate a co-accused, increasing the risk of wrongful convictions.<sup>46</sup> These incentives are magnified by the legal presumptions that possession of certain quantities of drugs includes the intent to traffic them.<sup>47</sup> Faced with these presumptions, a person accused of a drug-related offense might strategically admit to being a courier rather than face the uphill task of proving their innocence.<sup>48</sup>

#### *Failure to consider gender-specific mitigation*

15. The Cornell Center’s research also demonstrates that in practice, “many courts neglect gender-specific mitigation, and in states that impose a mandatory death penalty, courts may not consider any mitigating circumstances at all.”<sup>49</sup> Research “suggests that past trauma from abusive relationships affects the trajectories of many women who traffic drugs,” and that

---

<sup>43</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>44</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>45</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 86 n.512 (Sept. 2021), <http://files.server.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>46</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>47</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>48</sup> Transformative Justice Collective, *Explainer: What is the Certificate of Substantive Assistance?*, May 29, 2021, <https://transformativejusticecollective.org/2021/05/29/explainer-what-is-the-certificate-of-substantive-assistance/> (last visited Sept. 27, 2022).

<sup>49</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 6 (Sept. 2021), <http://files.server.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).



“women in prison for drug offenses are more likely than men to have endured adverse childhood experiences.”<sup>50</sup>

*Other gender-related fair trial concerns*

16. The Cornell Center has uncovered many cases (not specific to Singapore) in which judges “relied on gender stereotypes to interpret women’s circumstances and motivations before sentencing them to death. They offer troubling indications that gender bias affects outcomes in capital drug cases. Notably, courts are reluctant to accept that a female defendant was tricked or pressured into transporting drugs unless she matches the profile of a helpless female victim.”<sup>51</sup> The second case study above may illustrate this phenomenon.
17. The Cornell Center describes “what some criminologists call a ‘double deviance’ effect” that may be in play when women are charged with drug-related offenses.<sup>52</sup> As part of this phenomenon, “courts may issue a harsher sentence if a female defendant’s offense not only contravenes the law but *also* deviates from behavioral norms socially deemed to be ‘gender-appropriate.’ . . . [B]y participating in an activity which public policy decries as harmful to a society’s well-being, particularly that of its youth, female drug offenders may face the additional stigma of contravening their gender-determined role as ‘mothers, the anchors of their families and caretakers.’”<sup>53</sup>
18. The Cornell Center’s research shows that “[w]omen—including those charged with drug offenses—often struggle more than men to retain skilled counsel due to gender disparities in socioeconomic status and educational attainment.”<sup>54</sup> These disparities also increase the risk of manipulation when women are charged alongside a male codefendant. The Cornell Center report highlights numerous cases in which male codefendants have pressured women to sign papers attesting to their culpability and the innocence of the men—in many cases when the women are not literate.
19. All of the case studies above concern women who are members of an ethnic minority group. As such, their circumstances may suggest that they faced challenges in accessing an interpreter or obtaining legal counsel with whom they could easily communicate.<sup>55</sup>

---

<sup>50</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 6 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>51</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 7 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>52</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 29 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>53</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 29 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>54</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 32 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>55</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 7 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

### *Romance scams*

20. One gender dimension of the death penalty that may be relevant in Singapore is the prevalence of romance scams as a pathway to drug-related offenses.<sup>56</sup> According to the Cornell Center, “scammers work to maximize financial gain,” and therefore “they tend to manipulate women into transporting large amounts of drugs that result in drug trafficking charges rather than simple possession.”<sup>57</sup> The scammers typically “initiate a romantic relationship over the internet and groom victims over a period of time,” often claiming to live in a different country, and therefore requesting international travel on the premise that it will enable the victim and the scammer to be together.<sup>58</sup> These scammers “often engage in psychological coercion similar to non-physical forms of domestic violence,” such as accusing the victim of not loving the scammer if she fails to comply with his requests.<sup>59</sup>
21. According to analysis from the Cornell Center:
- [W]omen who fall prey to drug trafficking romance scams are likely to be poor. In the market of fake online relationship, scammers involved in drug trafficking are able to profit from victims who have no money, while financial scammers can only profit from victims who are able to send them money. For that reason, drug trafficking scammers are more likely than other scammers to pursue poor victims. In addition, scammers sell each other “sucker lists,” which compile details about people who have fallen prey to a scam in the past.<sup>60</sup>
22. In a study of victims from Singapore and three other Asian countries, 90% of victims of online financial romance scams were women.<sup>61</sup> In 2019, police investigated an international online romance scam organization that included 139 victims, all of whom were women, and some of whom were living in Singapore.<sup>62</sup> As the Cornell Center observes, “[r]esearch shows that individuals who become victims of romance scams are more likely than the average person to

---

<sup>56</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>57</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>58</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>59</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>60</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>61</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 26 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>62</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 27 (Sept. 2021), <http://filesserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

have ‘idealized’ views about love,” demonstrating that, “in the context of entrenched gender norms, women are more susceptible to romance scams than men.”<sup>63</sup>

*Case study: Inadequate consular assistance for Singaporean woman sentenced to death in China for transporting drugs*

23. In 2020, a court in Shenzhen, China, sentenced a Singapore native to death for drug trafficking.<sup>64</sup> The Cornell Center reports that although Singapore’s Ministry of Foreign Affairs recommended several defense lawyers, the woman’s family could not afford any of them and therefore she was represented by a legal aid attorney.<sup>65</sup> A prominent human rights lawyer in Singapore attempting to assist her reports his belief that her attorney in China was ineffective, and he notes that the Government of Singapore has not been active in assisting her.<sup>66</sup>
24. This case study illustrates another gender disparity highlighted in the Cornell Center’s study. “Because of disparities in socioeconomic status and educational attainment, women struggle more than men to access an interpreter or retain skilled legal counsel.”<sup>67</sup> Foreign nationals can face other disadvantages, such as not speaking the language of police or the courts, having “little local support in navigating the criminal system,” being far away from family members who might be able to assist with defense investigations, and often being denied their right to consular notification under the Vienna Convention.<sup>68</sup>

*Case study: Woman at risk of being sentenced to death for killing her child*

25. Singapore’s Sixth Periodic Report references a set of recommendations issued in 2021 “to improve immediate support for victims of family violence, enhance protection for them, prevent violence from recurring and raise awareness of early warning signs.”<sup>69</sup> The case study described below illustrates the dire need for full implementation of such policies. The Sixth Periodic Report further references training for judges and judicial officers “to deal sensitively and appropriately with cases involving violence against women,” but such training is apparently only for “Family Justice Courts,” not criminal courts.<sup>70</sup>

---

<sup>63</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 27 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>64</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 55 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>65</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 55 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>66</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 55 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>67</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 7 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>68</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 16 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>69</sup> Committee on the Elimination of Discrimination Against Women, *Sixth Periodic Report Submitted by Singapore*, UN Doc. No. CEDAW/C/SGP/6 (29 Dec. 2021), ¶ 7.

<sup>70</sup> Committee on the Elimination of Discrimination Against Women, *Sixth Periodic Report Submitted by Singapore*, UN Doc. No. CEDAW/C/SGP/6 (29 Dec. 2021), ¶ 77(a).

26. The Cornell Center has reported that the most common crime for which women are sentenced to death is murder—most commonly for murdering a family member, often, as in the case described below, in the context of gender-based violence.<sup>71</sup> Many women under sentence of death are victims of gender-based violence and harsh socio-economic deprivation.<sup>72</sup> In many countries that retain the death penalty, however, courts do not consider prior gender-based violence at sentencing.<sup>73</sup>
27. A 30-year-old woman is at imminent risk of being sentenced to death for killing her five-year-old son, while her abusive husband and codefendant faces only a life sentence.<sup>74</sup> In 2020, the trial court acquitted the woman and her husband of murder, but found them both guilty of voluntarily causing grievous hurt by dangerous means, and sentenced them both to 27 years in prison.<sup>75</sup> In 2022, prosecutors appealed the judgment to the Court of Appeal, seeking to amend the convictions by amending the woman’s charge to murder.<sup>76</sup> The prosecution contended “that it has always been the case that [the woman] was responsible for all four” incidents in which the child was scalded.<sup>77</sup> The court determined that the woman was responsible in two of the incidents even though she did not physically commit the act of scalding, because she had “instigated” her husband to act and had “failed to stop” her husband “at that point in time.”<sup>78</sup> The Court of Appeal agreed and convicted her of homicide committed with the intention of causing bodily injury.<sup>79</sup> The Court of Appeal has not yet decided whether to sentence her to

---

<sup>71</sup>*Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>72</sup>*Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>73</sup>*Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>74</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>75</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>76</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>77</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>78</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>79</sup> Fiona Tan, *S’pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

death or to life imprisonment.<sup>80</sup> On appeal the prosecution also successfully sought to increase the husband's sentence from 27 years to life imprisonment.<sup>81</sup>

28. In this case, judicial authorities and prosecutors appear to have disregarded the context of domestic violence and coercive control that contributed to the child's death. The mother had herself been abused by her own parents, including being scalded as a child.<sup>82</sup> In the months leading up to the murder, her husband had abandoned her and begun a relationship with another woman, and he had also "continuously" abused her throughout their relationship.<sup>83</sup> Her defense attorney presented evidence that her husband "would beat her with a hose, kick her, slap her, and once cut her on the elbow with a knife."<sup>84</sup> While she was pregnant with three of their four children, he "kicked her on multiple occasions in the stomach."<sup>85</sup> After he had been arrested on one occasion for these acts of domestic violence, his sister bailed him out, but he returned to the household "embittered."<sup>86</sup> The husband told the prosecution's psychiatrist that "he had frequently beat his wife over minor disagreements."<sup>87</sup> At trial, the court heard testimony that the husband repeatedly engaged in "aggressive and violent behaviour," including "beating his wife frequently, once so bad that she was sent to the hospital bleeding," "beating his son with a broomstick," "[p]unching his son in the face, breaking his nose and teeth," and "kicking a cat because it had urinated on the sofa."<sup>88</sup> He admitted that he was not able to control his violent temper.<sup>89</sup>

29. Research by the Cornell Center indicates that women are more likely to receive a death sentence when they are perceived to have violated entrenched gender norms. Women are often

---

<sup>80</sup> Fiona Tan, *S'pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>81</sup> Fiona Tan, *S'pore mum, 30, convicted of scalding son, 5, to death, faces life imprisonment or death penalty*, Mothership, July 13, 2022, <https://mothership.sg/2022/07/mother-murdered-scalded-child/> (last visited Sept. 28, 2022).

<sup>82</sup> Andrew Koay, *Scalded child murder: Mother accused of torturing son to death was splashed with hot water as a child*, Mothership, Nov. 19, 2019, <https://mothership.sg/2019/11/scalded-child-murder-details-mother-life/> (last visited Sept. 28, 2022).

<sup>83</sup> Andrew Koay, *Scalded child murder: Mother accused of torturing son to death was splashed with hot water as a child*, Mothership, Nov. 19, 2019, <https://mothership.sg/2019/11/scalded-child-murder-details-mother-life/> (last visited Sept. 28, 2022).

<sup>84</sup> Andrew Koay, *Scalded child murder: Mother accused of torturing son to death was splashed with hot water as a child*, Mothership, Nov. 19, 2019, <https://mothership.sg/2019/11/scalded-child-murder-details-mother-life/> (last visited Sept. 28, 2022).

<sup>85</sup> Andrew Koay, *Scalded child murder: Mother accused of torturing son to death was splashed with hot water as a child*, Mothership, Nov. 19, 2019, <https://mothership.sg/2019/11/scalded-child-murder-details-mother-life/> (last visited Sept. 28, 2022).

<sup>86</sup> Andrew Koay, *Scalded child murder: Mother accused of torturing son to death was splashed with hot water as a child*, Mothership, Nov. 19, 2019, <https://mothership.sg/2019/11/scalded-child-murder-details-mother-life/> (last visited Sept. 28, 2022).

<sup>87</sup> Syahindah Ishak, *S'porean couple sentenced to 27 years' jail each for abusing 5-year-old son who eventually died*, Mothership, July 13, 2020, <https://mothership.sg/2020/07/scalded-child-murder-27-years-jail/> (last visited Sept. 28, 2022).

<sup>88</sup> Andrew Koay, *Scalded child murder: Father would frequently beat wife, redirected anger at 5-year-old son*, Mothership, Nov. 18, 2019, <https://mothership.sg/2019/11/singapore-crime-scalded-child-to-death-father-beat-wife/> (last visited Sept. 28, 2022).

<sup>89</sup> Andrew Koay, *Scalded child murder: Father would frequently beat wife, redirected anger at 5-year-old son*, Mothership, Nov. 18, 2019, <https://mothership.sg/2019/11/singapore-crime-scalded-child-to-death-father-beat-wife/> (last visited Sept. 28, 2022).

put on trial not only for acts they performed but also for allegedly being “a bad wife, a bad mother, and a bad woman.”<sup>90</sup> In the case described above, judges and prosecutors seemed to find the woman more culpable than her husband in part because she did not do enough to stop his violent behavior. As the Cornell Center observes, “[w]omen defendants suffer from harsher sentences when there is no recognition of how gender and patriarchy affected their criminal conduct. Fundamental concepts in criminal law, such as intent and volition, often take for granted the actor’s agency in determining their conduct. But survivors of domestic violence, for example, do not enjoy such agency. Trauma and the threat of violence influence the defendant’s ability to escape the peril in which they find themselves.”<sup>91</sup> Moreover, lawyers representing such defendants often “lack the resources and training to document and explain gender-based violence to the court,” and, as appears to be the case here, even when advocates present such evidence, “courts may disregard it.”<sup>92</sup>

30. The Cornell Center also points out that international human rights standards prohibiting execution of pregnant women and women with young children serve to “signal that the quality for which women deserve clemency is their connection to motherhood. Such reasoning leaves women who do not conform to this role . . . , especially women whose offenses result in harm to children[,] with default narratives of deviance and place them at a heightened disadvantage in capital trials.”<sup>93</sup>

*Harassment of abolitionist human rights defenders and attorneys representing capital defendants*

31. Lawyers representing people on death row in Singapore face scrutiny from the government. For example, authorities accused lawyers for one man who was executed earlier in 2022 of “blatant and egregious abuse of the court process” after the lawyers filed a last-minute application to spare the life of their client.<sup>94</sup> According to one woman human rights defender in Singapore, this hostility from the government has “created an environment in which lawyers are extremely afraid and reluctant to take on late-stage cases.”<sup>95</sup> One prominent lawyer reports having paid the equivalent of \$29,000 in fines and being subject to another order demanding the equivalent of \$14,500 in fines after the court accused him of trying to prevent executions

---

<sup>90</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 4, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>91</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 8, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>92</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 8, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>93</sup> *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 7, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>94</sup> Andrew Nachemson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

<sup>95</sup> Andrew Nachemson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

after the judicial process had concluded.<sup>96</sup> He is also facing disciplinary proceedings.<sup>97</sup> At least four of the people who have been executed in 2022 had to represent themselves after their appeal process had concluded because they could not find lawyers to represent them.<sup>98</sup>

32. In June 2022, seven human rights organizations jointly called for Singaporean authorities to cease criminal investigations of abolitionist human rights defenders “Kirsten Han and Rocky Howe for potential offences under the Public Order Act 2009 in relation to their work advocating against the death penalty in Singapore.”<sup>99</sup> Han and Howe had been wearing t-shirts with anti-death penalty slogans when they met at a food court and walked to a police station for a police interview regarding a peaceful vigil held on 30 March.<sup>100</sup> Police told them “they could face an additional offence for an illegal procession in violation of the Public Order Act” on the grounds of having walked to the police interview wearing t-shirts with slogans, in addition to their participation in a four-person vigil outside Changi Prison the night that Abdul Kahar Othman was hanged.<sup>101</sup> Officers reportedly asked Han to surrender access to her social media accounts “for the duration of the investigation without any legitimate basis,” apparently in an effort to harass and intimidate her and restrict her rights to privacy and freedom of expression.<sup>102</sup> After she refused to hand over access, police informed her that “she may be further investigated under section 39(3) of the Criminal Procedure Code for obstructing the police’s exercise of its powers to access her computer.”<sup>103</sup>

*Conditions of detention for women under sentence of death*

33. In Singapore, individuals on death row are kept in strict isolation in cells that are about ten square feet, contain their toilets, and lack bedding.<sup>104</sup> Prison Regulations § 162(2)(a) specifies

---

<sup>96</sup> Andrew Nagemson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

<sup>97</sup> Andrew Nagemson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

<sup>98</sup> Andrew Nagemson, *Singapore executions under scrutiny as more hanged for drugs*, Al Jazeera, Aug. 5, 2022, <https://www.aljazeera.com/news/2022/8/5/singapore-executions-under-scrutiny-as-more-hanged-for-drugs> (last visited Sept. 26, 2022).

<sup>99</sup> Human Rights Watch, *Singapore: Drop investigations and cease harassment against human rights defenders*, June 28, 2022, <https://www.hrw.org/news/2022/06/28/singapore-drop-investigations-and-cess-harassment-against-human-rights-defenders> (last visited Sept. 29, 2022).

<sup>100</sup> Human Rights Watch, *Singapore: Drop investigations and cease harassment against human rights defenders*, June 28, 2022, <https://www.hrw.org/news/2022/06/28/singapore-drop-investigations-and-cess-harassment-against-human-rights-defenders> (last visited Sept. 29, 2022).

<sup>101</sup> Human Rights Watch, *Singapore: Drop investigations and cease harassment against human rights defenders*, June 28, 2022, <https://www.hrw.org/news/2022/06/28/singapore-drop-investigations-and-cess-harassment-against-human-rights-defenders> (last visited Sept. 29, 2022).

<sup>102</sup> Human Rights Watch, *Singapore: Drop investigations and cease harassment against human rights defenders*, June 28, 2022, <https://www.hrw.org/news/2022/06/28/singapore-drop-investigations-and-cess-harassment-against-human-rights-defenders> (last visited Sept. 29, 2022).

<sup>103</sup> Human Rights Watch, *Singapore: Drop investigations and cease harassment against human rights defenders*, June 28, 2022, <https://www.hrw.org/news/2022/06/28/singapore-drop-investigations-and-cess-harassment-against-human-rights-defenders> (last visited Sept. 29, 2022).

<sup>104</sup> Death Penalty Worldwide Database, “Singapore,” accessed Sept. 21, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=66>. For more information, see Transformative Justice Collective, *You Don’t See the Sky’: Life behind Bars in Singapore* (2022), available at

that every person “awaiting capital punishment . . . must be confined apart from all other prisoners.”<sup>105</sup> The Transformative Justice Collective explains that these regulations mean that people on death row are “kept in solitary confinement for years.”<sup>106</sup> They are “confined alone, with no meaningful contact with others, for at least 23 hours a day.”<sup>107</sup> Individuals on death row are generally not permitted to go outside for fresh air or exercise and have extremely limited visitation rights.<sup>108</sup> According to one Singapore-based NGO, “[b]ecause death row prisoners are separated from all other prisoners, we assume that the two women [currently on death row] are kept in solitary cells in a separate unit, meaning, they don’t have any interaction with anyone except each other, prison officers and family (if they have family visits).”<sup>109</sup>

34. According to a groundbreaking study by the Transformative Justice Collective, women detained in in Singapore’s prisons are subjected to degrading treatment. For example, one contractor who provides services in a women’s prison “was shocked at how harsh the officers were towards the prisoners,” yelling at them, “‘Who said you can look! Look away! Face the wall!’ . . . She was so fierce, I felt scared myself.”<sup>110</sup>
35. One non-governmental organization based in Singapore reports that it is challenging to get information about women on death row and to advocate for them.<sup>111</sup> That organization has attempted to reach out to the women described above and their families, but with no success.<sup>112</sup> Organizations know little about the conditions women face on death row or about the overall conditions in women’s prisons.<sup>113</sup> In the words of a representative of this NGO, “[i]t is glaring to us that women on death row have even less of a voice than men on death row. In some ways, because there are fewer of them, they do also become more invisible.”<sup>114</sup> While men on death

---

<https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/> (last visited Oct. 3, 2022).

<sup>105</sup> Singapore Prison Regulations Part X, § 162(2)(a), available at <https://sso.agc.gov.sg/SL/PA1933-RG2?DocDate=20020131&ProvIds=P1X-#pr164-XX-pr164-> (last visited Oct. 3, 2022).

<sup>106</sup> Transformative Justice Collective, “*You Don’t See The Sky*”: *Life Behind Bars in Singapore*, May 9, 2022, <https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/> (last visited Oct. 3, 2022).

<sup>107</sup> Transformative Justice Collective, “*You Don’t See the Sky*”: *Life behind Bars in Singapore* (2022), at 16, available at <https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/> (last visited Oct. 3, 2022).

<sup>108</sup> Death Penalty Worldwide Database, “Singapore,” accessed Sept. 21, 2022, <https://deathpenaltyworldwide.org/database/#/results/country?id=66>. See also Singapore Prison Regulations Part X, § 164, available at <https://sso.agc.gov.sg/SL/PA1933-RG2?DocDate=20020131&ProvIds=P1X-#pr164-XX-pr164-> (last visited Oct. 3, 2022).

<sup>109</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>110</sup> Transformative Justice Collective, “*You Don’t See the Sky*”: *Life behind Bars in Singapore* (2022), at 52, available at <https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/> (last visited Oct. 3, 2022).

<sup>111</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>112</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>113</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>114</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).



row can share information with one another via family members and support one another with recommendations for lawyers, for example, women have fewer opportunities to organize, engage in mutual support, seek support from abolitionist organizations, and engage in activism.<sup>115</sup>

36. Relevant to the third case study above, the Cornell Center reports that prisons are often ill-equipped to respond to the health care needs of women who use drugs, even though the Bangkok Rules require prison health services to provide specialized treatment programs for “women substance abusers.”<sup>116</sup> It is not clear whether such programs are available to women in Singapore’s prisons generally, or to women on Singapore’s death row.
37. In 2021, the High Court dismissed a suit brought by 22 people on death row against the Singapore Prison Service for forwarding the private correspondence of 13 people on death row, including correspondence to their lawyers and families, to the attorney general without their consent.<sup>117</sup> Officials disclosed the forwarding as part of pre-action discovery in an unsuccessful case. The thirteen affected individuals are now bringing a fresh case against the Attorney General. Neither of the two women under sentence of death joined the suit, and it is not clear whether authorities in the women’s prison follow similar practices, since there has been no disclosure as to whether their letters were forwarded.
38. In August 2022, 24 people on death row brought an application on their lack of access to justice, in which they represented themselves as litigants-in-person. The court timeline was rushed because one of the applicants had been issued a notice of execution a few days before the application was filed. The case was filed, heard, and dismissed over the course of a single week. Neither of the women under sentence of death could join the suit.<sup>118</sup>

*Women who have partners and other family members who are sentenced to death*

39. The death penalty can upend women’s lives even if they are not being charged and sentenced to death. In many cases, people sentenced to death were the main breadwinners in families facing extreme financial struggles.<sup>119</sup> Their incarceration leaves the women in their families in even more desperate circumstances and pushes them deeper into poverty.<sup>120</sup> Their circumstances worsen further as they spend their limited resources on lawyers, investigations, travel to visit their family member, lost income from days spent in court, and lost employment from needing to take time off to support their family member.<sup>121</sup> These protracted proceedings

---

<sup>115</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>116</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 31 (Sept. 2021), <http://fileserv.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022).

<sup>117</sup> *Court dismisses applications by 22 death-row inmates over forwarding of letters by prisons to AGC*, Channel News Asia, Mar. 16, 2021, <https://www.channelnewsasia.com/singapore/inmates-letters-prisons-forwarded-agc-applications-dismissed-258861> (last visited Sept. 29, 2022).

<sup>118</sup> Kirsten Han, *WTC Long Read: The death row prisoners’ Zoom meeting*, We, The Citizens, Aug. 6, 2022, <https://www.wethecitizens.net/wtc-long-read-the-death-row-prisoners-zoom-meeting/> (last visited Oct. 3, 2022).

<sup>119</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>120</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

<sup>121</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

can also have an emotional and psychological toll on women, who not only take on all of these economic and support roles, but often also take on campaigning and advocacy responsibilities.<sup>122</sup>

### **Suggested questions and recommendations for the Government of Singapore**

40. The coauthors of this report suggest the following questions for the Government of Singapore:

- How many women are currently under sentence of death? For each woman, please provide demographic data such as age, ethnicity, nationality, age of any dependent children, as well as their crimes of conviction. In what circumstances may these women be kept in solitary confinement? To what extent do their detention conditions differ from the general conditions of detention for women in their prison? Do they have access to specialized treatment programs for women substance abusers, in accordance with the Bangkok Rules?
- How does the prison service ensure compliance with the Bangkok Rules?
- How does the prison service ensure that people under sentence of death are not held in solitary confinement in violation of Rule 45(1) of the Nelson Mandela Rules?
- What efforts are underway to ensure that, consistent with international human rights standards, no person is sentenced to death except for in a case in which the person intended to kill and did in fact kill?
- What policies and procedures are in place to ensure that any person charged with a capital offense has access to qualified legal counsel with prior experience in capital cases, and to ensure that their legal counsel has adequate resources to conduct investigations and hire experts to mount an effective defense? What training is available to capital defense counsel representing women regarding gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities?
- Please provide an update on the investigations into Kirsten Han and Rocky Howe for their activities expressing opposition to the death penalty.
- What training is available to judges and other judicial officers presiding over criminal proceedings, particularly in capital cases, to educate them about the importance of considering gender-specific defenses and gender-specific mitigation in capital trials, including trauma, gender-based violence, economic pressures, and family caretaking responsibilities? What training is available for judges and other judicial officers presiding over criminal proceedings, particularly in capital cases, regarding gender-based discrimination, domestic violence, gender-based violence, and tactics of coercive control that can lead to women committing death-eligible offenses.
- What measures are being taken to facilitate the presence of women in the judiciary?

---

<sup>122</sup> Email communication with Transformative Justice Collective, Sept. 28, 2022 (on file with The Advocates for Human Rights).

- How can authorities ensure that the Public Prosecutor issues certificates of substantive assistance so that they are equally available to all defendants who cooperate with the police, including low-level drug couriers who may have less valuable information to share?
- To what extent does the criminal legal system accommodate the language needs of ethnic minorities and foreign nationals charged with capital offenses, including, for example, interpreters, reading materials in their first language, access to case documents in their first language, and the ability to make additional telephone calls with family members living in other countries?
- Describe the policies and procedures of Singaporean embassies tasked with providing consular assistance to Singaporeans charged with capital offenses abroad.
- Do authorities in women’s detention facilities have a practice of reading the private correspondence of women who are detained in those facilities?
- What efforts are underway to prevent online “romance scams” that target women with the aim to lure them into transporting drugs and what support and services are available to victims of such scams?
- What safeguards are in place to ensure that fines and cost orders imposed on attorneys representing people on death row do not interfere with the ability of people on death row to have access to the judiciary for violation of their rights or to seek clemency?
- What types of support do authorities provide to families of people charged with capital crimes and of people sentenced to death?

41. The coauthors of this report suggest the following recommendations<sup>123</sup> for the Government of Singapore:

- Abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards.
- Commute the sentences of every woman sentenced to death for an offense that does not involve an intentional killing committed by the woman.
- Take steps to provide fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation and safeguards prohibiting admissibility of evidence obtained through torture or ill-treatment.

---

<sup>123</sup> Many of these recommendations come from the Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses*, at 60-61 (Sept. 2021), <http://fileserver.idpc.net/library/No-One-Believed-Me.pdf> (last visited Sept. 26, 2022), and *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 35-36, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

- Remove the mandatory sentencing regime so that courts may properly consider mitigation evidence for every woman charged with a capital offense, and order resentencing of all women sentenced to death without full consideration of mitigating circumstances.
- Prohibit prosecutors from seeking conviction on appeal for crimes for which a defendant was acquitted in the trial court.
- Ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.
- Ensure that, as required under Rule 45(1) of the Nelson Mandela Rules, no person is kept in solitary confinement by virtue of being sentenced to death.
- Design prison infrastructure that accommodates women's specific needs, including their privacy.
- Regularly provide and publish transparent information on the number of women sentenced to death and on death row, disaggregated by age, age of dependent children (if any), nationality, ethnic group, crime(s) of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the demographics of women on death row.
- Implement policies based on principles of harm reduction to address the harms associated with drug use, in tandem with decriminalization of activities related to the personal use and possession of drugs.
- Immediately cease investigation of woman human rights defender Kirsten Han and her colleague Rocky Howe, and cease targeting and harassment of human rights defenders through the Public Order Act and other repressive laws.
- Repeal or amend the Protection Against Online Falsehoods and Manipulation Act and the Administration of Justice (Protection) Act to ensure the law aligns with international human rights standards regarding freedom of expression and privacy.
- Codify gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities.
- Require that the prosecution prove all the elements of drug-related offenses beyond a reasonable doubt, including, for drug trafficking, knowledge of the type and quantity of drugs and intent to traffic the drugs—without the use of legal presumptions.
- Ensure that certificates of substantive assistance are equally available to all defendants who cooperate with the police, including low-level drug couriers who may have less valuable information to share.
- Implement systems for defendants to have access to trained interpreters and ensure that they are available at all stages of a criminal case, including during

interrogations, private conversations with counsel, court hearings, and post-trial proceedings.

- Provide defendants who cannot afford to hire their own attorney with court-appointed lawyers who have the training, experience, and resources necessary to provide effective, gender-sensitive legal representation. Ensure that defense counsel is available at all stages of the criminal process, including during interrogations, pretrial investigations, appeals, and other post-trial proceedings, including up to the day of executions. Require that court-appointed attorneys in capital cases have prior experience in capital cases. Ensure that defense counsel has adequate resources to prepare for trial, including to conduct investigations and hire experts.
- Reconsider the sentences of persons who did not receive effective legal representation at trial.
- Provide support to citizens who are at risk of being sentenced to death, or who have been sentenced to death, abroad.
- Create mandatory trainings for judges on gender-based discrimination, domestic violence, gender-based violence, and tactics of coercive control that can lead to women committing death-eligible offenses.
- Implement legislative reforms to prevent application of the death penalty when women who experience gender-based violence act against their abusers.
- Ensure that judges accord mitigating weight to defendants' experiences of trauma, gender-based violence, economic pressures, duress, and family caretaking responsibilities at sentencing.
- Improve prison conditions for women and gender minorities by meaningfully implementing the Bangkok Rules.
- Ensure that conditions of detention for women on death row are not worse than conditions of the general prison population.
- Ensure that all people in detention have access to harm reduction and educational programs, regardless of their sentences.
- House women in detention facilities that are as geographically close to their homes as possible and encourage family contact.
- Forbid the use of solitary confinement for women on death row, except when in compliance with the Nelson Mandela Rules.
- Ensure women on death row have access to dependent children through visitation.
- Ensure careful adherence to the best interests of children whose mothers are detained. If a young child remains with their parent on death row, ensure the child receives health care, recreational opportunities, and appropriate educational services. If a child is not detained with their parent, place them in care consistent with the best interests of the child and ensure that they are able to regularly visit their parent who remains in detention.

