



Country/Organisation: Republic of Singapore

What are the primary challenges your country faces in ensuring equal access to justice within your criminal justice system? How do these challenges impact groups in vulnerable situation in your society? Please provide a thorough and detailed response.

Singapore's approach to ensuring equal justice is guided by these four principles:

1. Taking a holistic view of justice

- The idea of “equal access” extends beyond the criminal justice system. Besides legal issues, accused persons may face other challenges including family, addiction, or financial problems. Singapore recognises that these underlying issues can compound the challenges facing accused persons. This requires additional support and assistance.

2. Protecting those in vulnerable situations

- It is important that those in vulnerable situations, such as victims of violence or harassment, are provided with equal access to justice. This is compounded by the challenges created by new social trends, especially over the internet. These include the ability to share people's personal information so as to harass them online, or the viral spread of falsehoods that could harm individuals.

3. Ensuring that providers of legal aid are adequately resourced

- UNGA resolution 78/227 recognises that “access to legal aid is an essential element of fair, humane and efficient criminal justice systems” (PP17). A key challenge lies in ensuring that our providers of legal aid are adequately resourced, and capable of handling their caseload.

4. Ensuring that aid is provided to the correct individuals

- A secondary challenge is ensuring that only deserving applicants receive aid, and that resources dedicated to our criminal defence aid schemes are not abused. For instance, in some jurisdictions, asset-rich individuals have devised ways to meet eligibility criteria by exploiting loopholes in the legislation.

Can you provide examples of initiatives or policies that have been successful in addressing access to justice issues in your country? What key lessons have been learned from these initiatives or policies? Please provide a thorough and detailed response.

1. Leveraging technology to enhance access to justice

- Singapore offers a range of online court services and tools designed to enhance access to justice. For instance, Motor Accident Claims Online (MACO) is a freely accessible online motor accident claims simulator which allows anyone to obtain a quick, non-binding assessment of who is liable and how much compensation is payable for personal injuries suffered in a motor accident.
- Remanded accused persons can meet their lawyers attending from State Courts via teleconferencing facilities set up within the Prisons premises, as opposed to only being able to meet their lawyers in person. This use of technology has facilitated the ease in which accused persons can have access to their lawyers.

2. Targeted initiatives to protect victims

- There are policies and legislation in place to provide victims with protections within the criminal justice system. For instance, there are multiple avenues for reporting criminal offences – victims have the option to do so in-person at a police post, via a call to a 24/7 hotline, or electronically via an online platform.
- There are provisions in the Criminal Procedure Code which seek to minimise the trauma faced by victims in vulnerable situations in the court process. For example, closed court proceedings are the default where the alleged victim of a sexual offence or child abuse offence gives evidence. The Prosecution may also apply to have the alleged victim testify remotely, and for there to be a shielding measure between the accused and the victim, when certain circumstances apply.

- In June 2021, Singapore established a dedicated “Protection from Harassment Court” (PHC) to deal with harassment matters, including criminal and civil cases under the Protection from Harassment Act (POHA). The PHC, which provides more accessible, effective and expedient recourse for victims of harassment, appears to have improved access to justice for victims. Following the establishment of the PHC, the number of applications for Protection Orders (PO) under POHA increased significantly. Out of the 404 PO applications that were filed in 2021, 346 PO applications were filed from the PHC’s establishment on 1 June 2021 to 31 December 2021. Lawyers have attributed the spike in POHA applications to amongst other things, changes to the application process with the opening of the PHC. Additionally, non-governmental organisations such as Association of Women for Action and Research, which runs support centres for survivors of harassment, have noted the PHC makes it a lot easier for harassment victims to seek recourse because of the online processes, lowered costs and expedited hearings.

3. Provision of criminal defence aid

- Singapore has developed a holistic “access to justice ecosystem” comprising various criminal defence aid schemes designed to meet the needs of lower income individuals. This is covered in further detail in our response to question 7 below.

4. Building awareness of legal rights

- Singapore takes a whole-of-society approach towards ensuring equal access to justice, which begins with ensuring that individuals are aware of their legal rights and the forms of legal aid available to them.
- To this end, we have developed an extensive network among the police force, community, grassroots organisations and social welfare organisations -- which are likely the first ports-of-call for those with legal issues – to raise awareness of available legal aid.

- Individuals in Singapore also have access to various self-help tools, such as the Community Justice Centre’s Automated Court Documents Assembly system, which can automatically generate draft mitigation pleas, and have it reviewed by a lawyer at a fixed fee.
- In partnership with Pro Bono SG, Singapore has introduced two community law centres to provide last-mile legal assistance to persons in need, including those who face mobility and technological challenges.

What are the best practices currently being implemented in your criminal justice system to enhance access to legal aid and fair trials? How do these best practices improve outcomes for individuals involved in the criminal justice system? Please provide a thorough and detailed response.

1. Access to legal aid

Singapore has developed a holistic “access to justice ecosystem” comprising various criminal defence aid schemes designed to meet the needs of lower income individuals.

- The Criminal Legal Aid Scheme (CLAS), now run by Pro Bono SG, was established in 1985 to provide criminal defence aid to vulnerable persons facing non-capital charges.
- In December 2022, the Government established a Public Defenders’ Office (PDO) to institutionalise public defence in our criminal justice system. To uphold accused persons’ right to a fair trial, the PDO operates independently from the Prosecution and makes its own decisions on hiring, promotion and remuneration.
- The Legal Assistance Scheme for Capital Offences (LASCO) consists of volunteer lawyers registered with the Supreme Court who are assigned to defend accused persons charged with capital offences. Unlike the above schemes, there is no means test to pass or eligibility criteria to satisfy for LASCO. Two practising defence lawyers are usually assigned to represent one accused person at trial and on appeal.
- To ensure that criminal defence aid is provided only to deserving applicants, the Singapore Government has introduced various safeguards including robust means and merit tests. As a form of deterrence, those who falsify their declarations or lie about their means to receive aid will be subject to criminal penalties.

Singapore continually reviews our legal aid schemes to meet the evolving needs of the community. Following a comprehensive review from 2019 to 2020, the Government extended the coverage of criminal defence aid from the bottom 25th percentile of resident households to the bottom 35th percentile by per capita household income. We also expanded the offence coverage to cover all non-capital offences with some exceptions.

- These schemes work in tandem with community, civil society and self-help initiatives (see above), to form Singapore’s holistic “access to justice ecosystem”.

2. Fair trials

- Some examples of recent reforms to our criminal justice system that aim to ensure fair trials include:

(a) In 2010, the Singapore Government introduced the statutory pre-trial criminal case disclosure (CCD) regime, which requires the Prosecution and Defence to sequentially disclose and exchange relevant information about their respective cases before trial. Legislative amendments in 2018 and 2024 expanded the scope of the CCD regime and have sought to further improve pre-trial disclosure.

(b) In 2018, legislative amendments were made to introduce video-recorded interviews (VRIs) of statements taken by law enforcement agencies. VRIs provide an objective account of the interview process, and allow the Court to take the interviewee’s demeanour into account. VRI is currently conducted for serious offences, such as rape, sexual assault by penetration and child abuse.

For capital cases, the Government has introduced additional safeguards to ensure that the death penalty is passed only after a very rigorous legal process. These include the following:

- All capital offences are heard at first instance in the General Division of the High Court.
- The High Court shall not record a plea of guilty in a capital case unless evidence is led by the prosecution to prove its case at the trial.
- All convicted persons sentenced to death by the High Court are entitled to appeal against both the conviction and sentence to the Court of Appeal – the apex court in Singapore. Even if there is no appeal, the law mandates that the case must be reviewed by the Court of Appeal.

What factors have been crucial in enabling successful reforms or improvements in your criminal justice system? How can these enabling factors be replicated or adapted in other contexts or regions to ensure equal access to justice for all? Please provide a thorough and detailed response.

1. An outcomes-based approach to the rule of law

- First, Singapore evaluates its legal system not by its adherence to legal concepts and ideologies in the abstract, but by whether it is in fact able to produce order and justice for people. Singapore closely monitors the effectiveness of its system, policies and measures, including through international rankings and domestic surveys.

2. Effective institutions within the criminal justice system

- Second, Singapore has focused on building up the institutions required for an effective criminal justice system, through continuously emphasising the rule of law and adopting a zero-tolerance approach towards corruption. Singapore makes it a priority to ensure we have competent and effective law enforcement agencies, a fair and independent prosecution service, a trusted judiciary, and a respected criminal bar.

3. Constant review and improvements of our criminal justice system

- Third, the Singapore Government constantly reviews and refines our criminal laws and procedures to ensure that they are up to date and serve our needs. Some examples of such reforms include:

(a) Major reviews and reforms to the Penal Code in 2007 and 2019, which introduced significant reforms to our substantive criminal laws, including new offences to better protect vulnerable victims, and to tackle new crimes facilitated by technology.

(b) Reforms to improve our criminal procedure laws, including through amendments to the Criminal Procedure Code in 2010, 2018 and 2024. Some of the more significant changes include:

(i) introducing the statutory criminal disclosure regime; (ii) introducing video recording of

interviews by law enforcement agencies; and (iii) enhancing procedural protections for victims of sexual offences and child abuse offences.

4. Government's close engagement of criminal justice stakeholders

- Fourth, the Government engages in close consultation with criminal justice stakeholders both within and external to the Government, and often refines its policies following feedback received. This has facilitated a robust policy-making process that takes on board multiple perspectives. For example:

(a) There was a sustained effort to obtain and consider feedback leading up to the 2018 amendments to the Criminal Procedure Code. Among other efforts, there was a public consultation and extensive dialogue with the Law Society and the criminal defence bar. A number of the Bar's suggestions were taken aboard.

(b) The 2019 amendments to the Penal Code were introduced after an extensive review by a committee comprising leading practitioners and thought leaders from academia and the private and public sectors. The Government considered the proposals by the committee and sought feedback from a wide range of stakeholders including the public. Dialogue sessions were also held with more than 700 stakeholders from the legal, social, religious, financial and education sectors.

(c) Most recently, in the lead-up to the 2024 amendments to the Criminal Procedure Code, the Government consulted extensively with stakeholders within and external to the Government. For example, in relation to the amendments on criminal disclosure, which have profound implications on the pre-trial and trial processes, the Government consulted and received feedback from the criminal defence bar, the Attorney-General's Chambers (AGC) and the Courts extensively for over two years, during which the Government's proposals were adjusted significantly.