

RESULTS



What does the law say about relatives or friends not reporting abuse and other crimes?: Explainer

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There is no obligation to flag offences in general, but the public is required by law to report serious ones such as abuse, legal experts said.

- Three recent court cases in Singapore involved parties who witnessed violent physical and sexual abuse but did not report them
- They included a mother who concealed the fatal abuse of her toddler and a woman who did not report the rape of her colleague
- There is no obligation to flag offences in general, but the public is required by law to report serious ones such as abuse, legal experts said
- They gave some possible reasons why some people are reluctant to report abuse, even when it happens to vulnerable loved ones

Three cases involving violent abuse in Singapore were recently heard in court, with one disconcerting, common thread running through them: The individuals witnessing the offences had chosen not to report them.

In January, a 45-year-old woman admitted to covering up her son's years-long sexual abuse and rape of his biological sister.

On Feb 1, a 21-year-old woman admitted to failing to report the rape of her friend who was unconscious during a hotel staycation.

And in a high-profile case a week later, a 35-year-old woman was jailed for burning the body of her toddler — who died due to abuse by her then-husband — and hiding the remains in a metal pot for years.

The actions of these three individuals raises some questions: Is it compulsory to report all offences that one witnesses, or only serious ones such as abuse?

If so, what are the punishments for not reporting such crimes?

TODAY spoke to lawyers to get their take on what one should or should not do after witnessing abuse.

Experts familiar with abuse cases also weighed in on why some people do not report abuse even if it happens to their vulnerable loved ones including young children.

DO ALL OFFENCES NEED TO BE REPORTED?

Legal experts said that there is no broad law mandating that a person must report all offences that they are aware of or witness.

Mr Chooi Jing Yen, partner at law firm Eugene Thuraisingam, said: "It is not in every situation where a person knows or believes an offence to have been committed that they are bound to make a police report.

"Otherwise the police would be overwhelmed by many trivial reports"

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However, certain laws do state that witnesses of specific offences must report them to the authorities.

For example, Section 424 of the Criminal Procedure Code lists a wide range of about 50 offences and categories of offences that must be reported to the police, unless there is "reasonable excuse" not to do so.

Mr Chooi noted that it is not realistic to expect the general public to know off-hand what are the exact offences covered by this section. However, it is enough to know that the crimes listed are generally "more serious in nature", he added.

Among the serious crimes listed in this section include a category dubbed "offences affecting the human body". These include murder, rape, molest and voluntarily causing hurt.

What if a person has knowledge of an offence that ought to be reported, but decides not to do it?

Section 202 of the Penal Code states that one can be jailed up to six months or fined if the person knows or has reason to believe a specific offence has been committed, and intentionally omits giving information on the offence.

WHAT ABOUT ABUSE OF CHILDREN, FAMILY MEMBERS?

Two of the recent cases involved mothers who covered up the abuse of their own children.

Lawyers said that there are no specific laws that make it compulsory for family members to report crimes committed against their loved ones or minors.

"Though, of course, it is an offence for a person who has custody, charge or care of a child to knowingly permit that child to be ill-treated," Mr Chooi said.

This can be found under the Children and Young Persons Act.

Lawyers said that persons who are deemed to have charge or care of a child can extend beyond parents, legal guardians or even family.

Mr Mohammed Shakirin Rashid, managing director of Adel Law, said: "The Children and Young Persons Act places a duty on certain professionals such as doctors, psychologists and social workers to report cases of child abuse or neglect to the relevant authorities."

Then what about the obligations to report cases, for people who may be in close proximity with the child yet do not have charge, care or custody over him or her – such as grandparents or neighbours?

"If they have reasonable grounds to believe that abuse is occurring and fail to report it, they could potentially be held accountable under Section 202 of the Penal Code," Mr Shakirin added.

Mr Chooi said that a mere suspicion of abuse, such as hearing a quarrel in a neighbour's house or seeing marks on the body of a vulnerable person, may not be enough to count as "knowing or having reasonable grounds to believe" that abuse was indeed committed.

Those who suspect abuse should ask some questions of the relevant parties and perhaps even the child, he suggested.

"Once they have done so, they might be able to say that they had a 'reasonable excuse' for not reporting even if the offence is identified under Section 424 (of the Criminal Procedure Code), especially if the child has denied anything untoward and there is no other reason to believe otherwise."

WHAT HAPPENS IF YOU DO NOT REPORT ABUSE?

Sentences for people who fail to report abuse may differ depending on the specific circumstances of the case, Mr Shakirin said.

"(These include) the severity of the abuse and the degree of culpability of the individual who failed to report it."

In the recent court cases, these were some of the charges faced by the three individuals and their respective maximum sentences:

- The 21-year-old woman who did not report her friend's rape pleaded guilty under Section 202 of the Penal Code to intentionally omitting to give information about an offence. If convicted, she can be jailed for up to six months and fined
- The 35-year-old mother, who together with her husband had burned their toddler's body to conceal the child's death, was convicted of obstructing the course of justice. This can attract a seven-year jail term, a fine or both.
- The 45-year-old mother who covered up her son's rape of his sister admitted to knowingly allowing the ill treatment of a child under the Children and Young Persons Act. For this, she could be jailed for up to four years and fined up to S\$4,000

More broadly speaking, Mr Shakirin said that a person covering up a crime could potentially be viewed as being complicit in the offence or even abetting it, depending on the circumstances.

Abetment falls under Section 107 of the Penal Code, and the abettor can be handed the same sentence as the person committing the main crime.

Mr Chooi said: "Abetment is quite a different offence because it requires a positive act on the part of the abettor before or at the time that the primary offender is committing the offence."

This is different from covering up or not reporting a crime after the offence has been committed, and therefore, would not be treated as seriously as abetting that crime, he added.

Overall, the lawyers said factors that the court would look at in sentencing someone who did not report or cover up offences include the level of knowledge or suspicion the person had, the seriousness of the crime witnessed and how long it was concealed.

WHY SOME PEOPLE ARE STILL RELUCTANT TO REPORT ABUSE

The court cases highlight how abuse still sometimes goes unreported, even if the victim is a vulnerable family member such as a child.

Assistant Professor Gerard Chung from the National University of Singapore said that based on research mostly with overseas studies, caregivers experience a range of distressing emotions after the disclosure of child abuse, especially sexual abuse.

"These include guilt, concerns about legal processes, and isolation from support networks," the assistant professor in social work added.

Experts familiar with abuse cases highlighted a few common factors that may affect a witness' decision to report the abuse or otherwise.

First is the fear of retaliation by the abuser.

Counselling therapist Varian Monteiro said "Disturbing the status quo may produce unwanted consequences — such as abuse — for the person reporting, especially if they are (a) dependent."

If the perpetrator is the sole breadwinner, family members might fear that reporting the person to the authorities would put them in a precarious financial position, the experts added.

A denial of abuse or lack of awareness of what constitutes abuse might also be one factor.

Mr Martin Chok, deputy director of Care Corner Project StArt, which provides integrated services for people affected by family violence, said that this may especially be the case for families where violence or abuse has a "historical precedent" or is normalised.

"They don't think it's abuse, or they don't think it as important to report it."

A sense of shame and stigma, and a misplaced desire to give the perpetrator another chance and resolve the conflict within the family, may also lead to a reluctance in reporting abuse.

Regardless of the reservations, it is important to encourage a victim or witness to report abuse cases, Mr Chok stressed.

"We firmly believe that nothing is done, the cycle of violence cannot be broken."

HELPING PEOPLE WHO ARE RELUCTANT TO REPORT ABUSE

Mr Martin Chok, deputy director of Care Corner Project StArt, which provides integrated services for people affected by family violence, gave the following advice to people who may be reluctant to report abuse cases:

1. **Keep calm:** Hearing about abuse can be traumatising, so it is important to take a moment to compose oneself to better help the victim or witness of the abuse
2. **Listen without judgement:** "It's important to create a safe and non-judgmental environment so that the affected person feels safe enough or trusted enough to tell you what has happened," he said.
3. **Support them in their preferred way:** Sometimes, victims may just need a listening ear because they are not yet ready to make a report
4. **Share resources, encourage them to seek help:** This can be done by providing information of relevant agencies that would tend to their needs or accompanying them for the appointment, for example
5. **Follow up:** It is important to regularly check with the victims. This would also go some way into building rapport and trust so that the person can feel safe to open up to you

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