

## **Rebuttal by Law Minister Shanmugam in Parliament on Monday**

Mr Hwang in his article in the Law Gazette asserts that:

- Detailed statistics on crime and punishment should be published. Not publishing such statistics has prevented social scientists from undertaking adequate research on the causes of crime and the effects of current penal policies on prisoners.
- This has resulted in our system being unprincipled.
- Rigorous research with full access to relevant information will help us decide on issues like the effectiveness of capital punishment.

I will deal with each of the three assertions.

### **Statistics not published?**

This assertion is questionable for two reasons:

One, Mr Hwang does not make clear what is the data – which would help in penal research – that he is referring to.

Two, law enforcement agencies such as the Singapore Police Force and Central Narcotics Bureau do publish crime and drug offence statistics regularly. Where there is public interest to be served, additional relevant information is collected and disseminated.

In addition, it should be noted that Home Team departments also undertake qualitative and quantitative research, often in collaboration with independent researchers, on topics relating to crime, punishment and criminal behaviour. Further, as a matter of practice, assistance is given to researchers (including students) who wish to do serious research and such research has been done. To suggest that there are inadequate published statistics and that that has prevented proper research is untenable.

### **The lack of statistics has led to our penal system being unprincipled?**

Since the basis of the assertion (that we do not publish statistics) is itself not clear, this further conclusion is equally questionable. Further, any objective analysis of our penal system will show that the system is based on sound practical philosophy and principles, which have been made clear several times. While we take a tough stand on crime, we also believe strongly in compassion and rehabilitation. These principles underpin our approach to prescribing punishment and sentencing, the treatment and rehabilitation of prisoners when they are in prison, and the reintegration of ex-offenders back into society.

The Government's approach to prescribing punishments is a matter of public record. During the Second Reading (in 2007) of the amendments to the Penal Code, our approach was again restated clearly.

In brief summary, these are as follows: First, the type and quantum of punishment should provide sufficient flexibility to the courts to mete out an appropriate sentence in a particular case; second, the prevalence of the offence; third, the proportionality of the penalty to an offence, taking into account its seriousness; and fourth, the relativity in punishment between related offences. On sentencing, our courts have set out the applicable principles. The approach is not based exclusively on either deterrence or retribution alone. Rather, the approach to sentencing an offender is to consider both these aspects, and also take into account other considerations such as: potential for rehabilitation; suitability of the punishment for each individual offender; and the nature of the offence committed.

Hence, both in prescribing punishments and sentencing offenders, much thought has been given to how justice can be best secured for each individual offender.

As for rehabilitating prisoners, we believe strongly in rehabilitation and we believe that the process of rehabilitation should start even while the sentences are being served. Thus, during incarceration, inmates who are genuinely willing to change are given education, training and rehabilitative opportunities that will better help them to reintegrate into society after their prison sentences.

Our focus on reintegration of ex-offenders back into society continues after the prisoners are released. The Yellow Ribbon Project (YRP), set up to create awareness on giving second chances to deserving ex-offenders and generate acceptance of ex-offenders into the community, has been widely lauded by international experts, and has received an honourable mention at the 2007 United Nations Grand Award. Coupled with the YRP was the setting up of a Yellow Ribbon Fund which contributes to the development and implementation of reintegration programmes for ex-offenders.

A key measure of the success of our rehabilitation and re-integration programmes is our recidivism rate, which is now one of the lowest in the world.

Another example of the successful rehabilitation and reintegration programmes for offenders is the Home Detention Scheme. Deserving inmates are released earlier, at the tail-end of their sentences, and placed on electronic monitoring to work or study. Prisoners on Home Detention have lower recidivism rates compared to the general population.

Thus far from being unprincipled, our penal philosophy has been carefully thought through and has been articulated publicly several times. Theoretical arguments on our penal policy, bereft of any reference to these key aspects in

our system, may make for good sound bites. But they do not have any real merit. In evolving our policies, we take into account the views of parties involved in the administration of justice, including the courts, law enforcement agencies, civic interest groups, the legal profession, academia and the Law Society.

### **A definitive answer to the debate on capital punishment?**

Mr Hwang's suggestion is that publication of detailed statistics will lead us to a possibly conclusive answer to the debate on capital punishment.

The debate on capital punishment is not going to be settled on the basis of statistics. Leaving aside the fact that it is not clear what statistics are said to be lacking, I should point out that all capital punishment cases are matters of public record in Singapore and the media usually widely covers capital punishment cases. Each criminal case heard before a court is also a matter of public record.

On the issue of capital punishment itself, the reality is that there is no universal consensus on such punishment, and there is unlikely to be such consensus any time soon. Serious and bitter debate on capital punishment has raged on in many countries. The philosophical and ideological chasms that separate the proponents and opponents of capital punishment are quite unbridgeable. Both sides marshal powerful arguments.

On an issue like this, the Government has to take a stand. And the Government believes that the death penalty should be retained. A Straits Times survey conducted a few years ago reported that 95 per cent of Singaporeans supported the retention of the death penalty.

Our firm position on crimes and the considerable benefits of such a stand to our society can be illustrated by reference to the drug situation. In a region where drugs are a very serious problem, Singapore has kept the problem very much under control and is in fact almost unique in battling it successfully so far.

Why have we succeeded so far, when so many others have not? It is because we took a practical, hard-headed approach to the problem and tackled it decisively. In this context, the introduction of the death penalty for drug trafficking has, we believe, had a deterrent effect. There are no widely prevalent syndicated drug activities linked to organised crime in Singapore, in contrast to the hierarchical and organised drug syndicates and cartels in various countries. As a result of our policies, thousands of young people have been saved from the drug menace.

Singaporeans appreciate the safe environment here. And the international community has taken note of our success in maintaining law and order. In 2008, the Institute for Management Development (IMD) World Competitiveness

Yearbook ranked Singapore first in personal security and private property.

In closing, let me assure Members that our approach to penal policy is both principled and transparent. And quite fundamentally, the approach has been shown to work, ensuring the safety and security of our citizens. We will continue to review our approach and ensure that it remains relevant and effective.