



Australian Government

Refugee Review Tribunal

Country Advice

Singapore

Singapore – SGP37776 – National Service –
Penalties for defaulting – Legal provisions

17 November 2010

1. Please provide information on national service obligations in Singapore.

The Department of Foreign Affairs and Trade (DFAT) advised in June 2010 that “[m]ale citizens and permanent residents [of Singapore] between the ages of 16 and 50 are liable for two years of national service and further periods of training”.¹ Males over the age of 16 and a half are required to register for national service.² Upon reaching the age of 18, they are required to perform at least two years of national service.³ Men are unable to renounce Singaporean citizenship until they have completed at least two years of national service.⁴

Singapore’s *Enlistment Act 1970* stipulates that every person who is enlisted and fit for national service is required to complete two years full-time service. After completing full-time service, every person fit for national service is liable to be called up for ‘operationally ready national service’ every year until the age of 50 (for officers) or 40 (for others).⁵

Under Section 14 of the *Enlistment Act*, men called up for ‘operationally ready service’ are liable to serve “for one but not both, of the following sets of periods”:

- (i) for a period of 14 days and 8 hours per week during the first 6 months of service, and for a period of 7 days annually and 3 hours per week or 6 hours per fortnight or 12 hours per month after the first 6 months of service; or
- (ii) for periods not exceeding in the aggregate 40 days annually.

¹ Department of Foreign Affairs and Trade 2010, ‘Travel Advice: Singapore’, Smart Traveller website, 23 June <http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Singapore> – Accessed 11 November 2010 – Attachment 1

² ‘National Service’ (undated), Contact Singapore website http://www.contactsingapore.sg/investors/live/residency_and_citizenship/national_service/ – Accessed 13 November 2010 – Attachment 2

³ Immigration and Refugee Board of Canada 2003, *SGP42100.E – Singapore: Penalties for refusing military service; alternatives to military service (2001-2003)*, 20 October – Attachment 3

⁴ US Department of State 2010, ‘Singapore: Country Specific Information’, 19 March http://travel.state.gov/travel/cis_pa_tw/cis/cis_1017.html – Accessed 11 November 2010 – Attachment 4

⁵ Republic of Singapore 1970, *Enlistment Act 1970*, Singapore Statutes Online website, 1 August http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93&doctype=ENLISTMENT%20ACT%0a&date=latest&method=part&sl=1 – Accessed 11 November 2010 – Attachment 5; ‘National Service’ (undated), Contact Singapore website http://www.contactsingapore.sg/investors/live/residency_and_citizenship/national_service/ – Accessed 13 November 2010 – Attachment 2

(2) Nothing in subsection (1) shall preclude any person who is liable for operationally ready national service from serving for a period or periods longer than the period or periods specified in subsection (1) (b) (i) or (ii) if authorised by the proper authority.⁶

Section 27 of the *Enlistment Act* states that “a national serviceman or a regular serviceman shall be released by the proper authority at the end of the period which he is liable to serve”. In calculating this period of service, no account is taken of “any period during which he was serving... a term of imprisonment”.⁷ However, it is unclear whether serving a prison sentence either postpones or cancels a person’s national service obligations. A 2009 article in *The Straits Times* reports that one 22 year old man “is waiting... to see if he will be enlisted for national service” after being released from prison.⁸

A person enlisted for national service, known as an NSman, must notify the Ministry of Defence prior to overseas trips of more than 24 hours but less than six months. For overseas travel of more than six months, an NSman must apply for an exit permit.⁹ The US Department of State reports that “[p]ersons 13 years of age or older who have not completed national service obligations are required to obtain exit permits for international travel. To obtain the required permit, a prospective traveler must post a bond equal to S\$75,000... or 50 percent of the combined gross annual income of both parents for the preceding year, whichever is greater. The bond requirement applies to travelers aged 16 1/2 years and above for travel exceeding three months, and to travelers age 13 to 16 1/2 for travel lasting two years or more”.¹⁰

Disruption from national service can be approved if a person is “overseas for employment or studies for a period of one year or longer”. An exemption from national service can only be granted when a person is certified as medically and permanently unfit for service by the Singapore Armed Forces (SAF) Medical Board, or when Singaporean citizenship is renounced.¹¹

2. Please provide information on the penalties for breach of national service obligations.

⁶ Republic of Singapore 1970, *Enlistment Act 1970*, Singapore Statutes Online website, 1 August http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93&doctitle=ENLISTMENT%20ACT%0a&date=latest&method=part&sl=1 – Accessed 11 November 2010 – Attachment 5

⁷ Republic of Singapore 1970, *Enlistment Act 1970*, Singapore Statutes Online website, 1 August http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93&doctitle=ENLISTMENT%20ACT%0a&date=latest&method=part&sl=1 – Accessed 11 November 2010 – Attachment 5

⁸ Vijayan, K. C. 2009, ‘Victim felt betrayed by partner-in-crime’, World Corporal Punishment Research website, source: *The Straits Times*, 28 July <http://www.corpun.com/09archive/sgj00907.htm> – Accessed 13 November 2010 – Attachment 6

⁹ ‘National Service’ (undated), Contact Singapore website http://www.contactsingapore.sg/investors/live/residency_and_citizenship/national_service/ – Accessed 13 November 2010 – Attachment 2

¹⁰ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Singapore*, 11 March, Section 2d – Attachment 7

¹¹ ‘Disruption & Exemption from NS’ 2010, Singapore Ministry of Defence website, 24 April http://www.mindef.gov.sg/imindef/mindef_websites/topics/nsmen/admin/Disruption_and_Exemption.html – Accessed 11 November 2010 – Attachment 8

National service obligations are strictly enforced in Singapore.¹² The penalty for defaulting on national service was increased in 2006 from \$5,000 to \$10,000, and carries a gaol sentence of up to three years.¹³ In calling for the increase, Minister for Defence Teo Chee Hean stated that the Ministry (MINDEF) considers the following penalties appropriate:

Where the default period exceeds two years but the defaulter is young enough to serve his full-time and operationally ready NS duties in full, MINDEF will press for a short jail sentence.

Where the defaulter has reached an age when he cannot serve his full-time NS in a combat vocation or fulfil his operationally ready NS obligations in full, a longer jail sentence to reflect the period of NS he has evaded may be appropriate.

Where the defaulter has reached an age when he cannot be called up for NS at all, a jail sentence up to the maximum of three years may be appropriate.¹⁴

The Ministry of Defence website states that “[m]ales above 16½ years who travel and remain overseas without applying for an exit permit will be prosecuted under the Enlistment Act”. Initial offenders may receive “composition fines” while repeat offenders will be charged in a court and, upon conviction, liable for the same penalty as other national service defaulters, that is “a fine of up to \$10,000 or imprisonment for a term not exceeding 3 years or both”.¹⁵

It is unclear as to whether a penalty would be applied for any service missed whilst imprisoned either within or outside of Singapore.

3. Please provide information on the defences to charges of breach of national service obligations.

Limited information was found on defences to charges of defaulting on national service. In July 2010, a 48 year old national service defaulter who had been living in Malaysia since he was two years old was sentenced to 18 month’s imprisonment; however, he had his sentence reduced to a \$5,000 fine. His lawyers successfully argued that since he had left Singapore at the age of one and “had not enjoyed any benefits as a citizen”, the jail

¹² US Department of State 2010, ‘Singapore: Country Specific Information’, 19 March

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1017.html – Accessed 11 November 2010 – Attachment 4

¹³ ‘Second Reading of the Enlistment (Amendment) Bill – Speech by Second Minister for Defence Dr Ng Eng Hen at Parliament House’ 2006, Singapore Ministry of Defence website, 3 April

http://www.mindef.gov.sg/content/imindef/news_and_events/nr/2006/apr/03apr06_speech.print.html?Status=1 – Accessed 11 November 2010 – Attachment 9

¹⁴ ‘Ministerial Statement on National Service Defaulters by Minister for Defence Teo Chee Hean’ 2006, Singapore Ministry of Defence website, 16 January

http://www.mindef.gov.sg/content/imindef/news_and_events/nr/2006/jan/16jan06_nr.print.html?Status=1 – Accessed 13 November 2010 – Attachment 10

¹⁵ ‘FAQs on Revisions of Exit Control Measures Governing Pre-Enlistees’ 2006, Singapore Ministry of Defence website, July http://www.mindef.gov.sg/imindef/news_and_events/nr/2006/jul/25jul06_nr2/25jul06_fs.html – Accessed 11 November 2010 – Attachment 11; ‘Exit Permit (EP) & MINDEF Notification Centre (MNC)’, 2010, Singapore Ministry of Defence website, 7 May

http://www.mindef.gov.sg/imindef/mindef_websites/topics/nsmen/admin/Exit_Permit.html – Accessed 11 November 2010 – Attachment 12

term was excessive. Similar cases have also reportedly resulted in fines rather than jail sentences.¹⁶

Limited information was found on whether imprisonment either within or outside Singapore would be a valid defence against national service obligations. As mentioned in the response to question one, Section 27 of the *Enlistment Act* states that “a national serviceman or a regular serviceman shall be released by the proper authority at the end of the period which he is liable to serve”. In calculating this period of service, no account is taken of “any period during which he was serving... a term of imprisonment”.¹⁷ This may indicate that serving a prison sentence would postpone a person’s national service obligations.

Attachments

1. Department of Foreign Affairs and Trade 2010, ‘Travel Advice: Singapore’, Smart Traveller website, 23 June <http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Singapore> – Accessed 11 November 2010.
2. ‘National Service’ (undated), Contact Singapore website http://www.contactsingapore.sg/investors/live/residency_and_citizenship/national_service/ – Accessed 13 November 2010.
3. Immigration and Refugee Board of Canada 2003, *SGP42100.E – Singapore: Penalties for refusing military service; alternatives to military service (2001-2003)*, 20 October. (REFINFO)
4. US Department of State 2010, ‘Singapore: Country Specific Information’, 19 March http://travel.state.gov/travel/cis_pa_tw/cis/cis_1017.html – Accessed 11 November 2010.
5. Republic of Singapore 1970, *Enlistment Act 1970*, Singapore Statutes Online website, 1 August http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93&doctitle=ENLISTMENT%20ACT%0a&date=latest&method=part&sl=1 – Accessed 11 November 2010.
6. Vijayan, K. C. 2009, ‘Victim felt betrayed by partner-in-crime’, World Corporal Punishment Research website, source: *The Straits Times*, 28 July <http://www.corpun.com/09archive/sgj00907.htm> – Accessed 13 November 2010.
7. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Singapore*, 11 March.
8. ‘Disruption & Exemption from NS’ 2010, Singapore Ministry of Defence website, 24 April

¹⁶ ‘NS defaulter gets sentence reduced to a S\$5,000 fine’ 2010, *Channel NewsAsia*, 21 July <http://news.xin.msn.com/en/singapore/article.aspx?cp-documentid=4230642> – Accessed 13 November 2010 – Attachment 13

¹⁷ Republic of Singapore 1970, *Enlistment Act 1970*, Singapore Statutes Online website, 1 August http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93&doctitle=ENLISTMENT%20ACT%0a&date=latest&method=part&sl=1 – Accessed 11 November 2010 – Attachment 5

http://www.mindef.gov.sg/imindef/mindef_websites/topics/nsmen/admin/Disruption_and_Exemption.html – Accessed 11 November 2010.

9. ‘Second Reading of the Enlistment (Amendment) Bill – Speech by Second Minister for Defence Dr Ng Eng Hen at Parliament House’ 2006, Singapore Ministry of Defence website, 3 April
http://www.mindef.gov.sg/content/imindef/news_and_events/nr/2006/apr/03apr06_speech_print.html?Status=1 – Accessed 11 November 2010.
10. ‘Ministerial Statement on National Service Defaulters by Minister for Defence Teo Chee Hean’ 2006, Singapore Ministry of Defence website, 16 January
http://www.mindef.gov.sg/content/imindef/news_and_events/nr/2006/jan/16jan06_nr_print.html?Status=1 – Accessed 13 November 2010.
11. ‘FAQs on Revisions of Exit Control Measures Governing Pre-Enlistees’ 2006, Singapore Ministry of Defence website, July
http://www.mindef.gov.sg/imindef/news_and_events/nr/2006/jul/25jul06_nr2/25jul06_fs.html – Accessed 11 November 2010.
12. ‘Exit Permit (EP) & MINDEF Notification Centre (MNC)’, 2010, Singapore Ministry of Defence website, 7 May
http://www.mindef.gov.sg/imindef/mindef_websites/topics/nsmen/admin/Exit_Permit.html – Accessed 11 November 2010.
13. ‘NS defaulter gets sentence reduced to a S\$5,000 fine’ 2010, *Channel NewsAsia*, 21 July
<http://news.xin.msn.com/en/singapore/article.aspx?cp-documentid=4230642> – Accessed 13 November 2010.