

HARASSMENT

RAISING LEGAL AWARENESS ON HARASSMENT

Brought to you by SMU Law Outreach Club

FORMS OF HARASSMENT

This brochure will cover 4 main forms of harassment:

1. General Harassment
2. Sexual Harassment
3. Online Harassment
4. Unlawful Stalking; Causing Fear / Provocation

1. GENERAL HARASSMENT

General harassment includes intentional and non-intentional acts of harassment, such as threatening and abusive behaviour, which cause one to feel harassed, alarmed or distressed.

Intentional Harassment

Section 3 of the Protection from Harassment Act

The wrongdoer will be liable if he/she intends to cause the victim to feel harassed, alarmed or distressed and:

- uses threatening, abusive or insulting words or behaviour
- makes threatening, abusive or insulting communication
- publishes information of the victim or someone related to the victim

and the victim feels harassment, alarm or distress.

The wrongdoer will be liable unless he/she can show his conduct was reasonable.

Punishment: Imprisonment of up to 6 months, fine, or both.

Non-Intentional Harassment

Section 4 of the Protection from Harassment Act

The wrongdoer will be liable if he/she :

- uses threatening, abusive or insulting words or behaviour
- makes threatening, abusive or insulting communication whereby the victim is likely to feel harassed, alarmed or distressed by hearing, perceiving or seeing such acts.

The wrongdoer will be liable unless he/she can show his conduct was reasonable.

Punishment: Fine up to \$5000.



2. SEXUAL HARASSMENT

TYPES: **A** Physical **B** Non-physical

TYPE A: PHYSICAL SEXUAL HARASSMENT

Physical sexual harassment includes rape, sexual assault and outrage of modesty.

Rape

Section 375 of the Penal Code
A **male** wrongdoer **penetrates the vagina, anus or mouth** of the victim **without consent**.

Punishment: Imprisonment of up to 20 years, and also fine or caning.

Sexual Assault

Section 376 of the Penal Code
The wrongdoer **sexually penetrates** or causes anyone to penetrate a victim ("**B**") **without B's consent OR** causes B to sexually penetrate another without B's consent. Sexual penetration here includes penetration by a penis, finger, bottle, an object, etc.

Punishment: Imprisonment of up to 20 years, and also fine or caning.

Outrage of Modesty

Section 354 of the Penal Code
The wrongdoer **intentionally assaults** or uses **criminal force** to **outrage the modesty** of the victim.

Punishment: Imprisonment of up to 2 years, fine, caning, or any combination of such punishments.



Example of outrage of modesty

A girl is on the MRT when she feels someone touch her thighs and buttocks over her shorts. Her modesty has been outraged by the person who touched her without her consent.

TYPE B: NON-PHYSICAL SEXUAL HARASSMENT

Simply put, non-physical harassment includes acts that intend to insult the victim's modesty, and also voyeurism. If such acts are committed, the wrongdoer may face criminal liability.

Acts intending to insult modesty

Section 377BA of the Penal Code

If the wrongdoer says any **word**, makes any **sound** or **gesture**, or shows any object, **intending** that action to be **heard** or **seen** or **intrude on the victim's privacy**, with the **intention to insult the victim's modesty**, he/she will be punished.

Punishment: Imprisonment of up to 1 year, fine, or both.

Voyeurism

Section 377BB of the Penal Code

If the wrongdoer **intentionally observes or records** another person's **private parts** without their consent and knows or has reason to believe that the victim does not consent to being observed, he/she will be punished.

This includes filming/recording another person doing a private act or another person's private parts. Lack of consent is presumed unless consent is proven.

Punishment: Imprisonment of up to 2 years, fine, caning, or any combination of such punishments.



Example of voyeurism

A girl is showering in her campus shower and turns around to grab her towel when she notices an iPhone filming her. This constitutes voyeurism by the person filming her and that person might be punished with imprisonment, caning, etc.



3. ONLINE HARASSMENT

Online sexual harassment is unwanted sexual conduct on any digital platform and it is a form of sexual violence. It encompasses a wide range of behaviours that use digital content (images, videos, posts, messages, pages) on a variety of different platforms (private or public). Such harassment can make a person feel threatened, exploited, coerced, humiliated, upset, sexualised or discriminated against.

Conduct 1: Sexual Images/ Recordings Being Taken and Distributed

Section 377BE of the Penal Code

A wrongdoer will be punished if he/she intentionally or knowingly distributes an intimate image or recording of another person without that person's consent to the distribution, and knows or has reason to believe that the distribution will or is likely to cause that person humiliation, alarm or distress. He/she would also be liable if he/she threatens to distribute the image.

Punishment: Imprisonment of up to 5 years, or with a fine, or with caning, or any combination of such punishments.

Conduct 2: Exploitation, Coercion and Threats

Section 503 of the Penal Code

A wrongdoer will be punished if he/she causes the victim to receive sexual threats, be coerced to participate in sexual behaviour online, or be blackmailed with sexual content, and intends to cause alarm to the victim or cause the victim to do something. This includes a range behaviours, such as:

- Harassing or pressuring someone online to share sexual images of themselves or engage in sexual behaviour
- Using the threat of publishing sexual content (images, videos, rumours) to threaten, coerce or blackmail someone
- Online threats of a sexual nature.

Punishment: Imprisonment up to 2 years, or with fine, or with both.

Conduct 3: Gossip about Sexual Behaviour Online, Impersonating Someone and Damaging their Reputation by Sharing Sexual Content

Section 499 of the Penal Code

A wrongdoer will be punished if he/she uses words or signs to harm the reputation of the victim, and intends / knows / has reason to believe that the victim's reputation will be harmed.

Punishment: Imprisonment up to 2 years, or with fine, or with both.

These acts may also be considered as doxxing or harassment under the Protection from Harassment Act.

4. UNLAWFUL STALKING; CAUSING FEAR/PROVOCATION

Unlawful Stalking

Section 7 of the Protection from Harassment Act

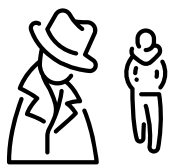
The wrongdoer will be punished if he/she (1) engages in a course of conduct (2) involving any act/ omission associated with stalking (3) that causes harassment, alarm or distress to the victim and (4) intends/ knows/ ought reasonably to know is likely to cause harassment, alarm or distress.

Acts of stalking includes: following the victim, communicating with the victim, loitering near the victim, sending things to the victim and use of surveillance on the victim.

It will be considered harassment if the act of stalking occurs frequently and for a prolonged period of time.

However, it is not unlawful stalking if the wrongdoer's act was reasonable, pursued under law or done lawfully.

Punishment: Imprisonment up to 12 months, fine, or both.



Wrongdoer causing fear, provocation or facilitates violence against the victim

Section 5 of the Protection from Harassment Act

The wrongdoer will be punished if he/she uses any threatening, abusive or insulting words, behaviour or communication on the victim. The wrongdoer must have intention to cause or provoke the victim to believe that unlawful violence will be used against him/her or another person.

Additionally, acts such as publishing the victim's identity information with the intention, knowledge or having reasonable casue to believe that the victim will believe that unlawful violence will be used against them, or to facilitate the use of unlawful violence against them, is also an offence. This is commonly refereed to as doxxing.

The above are offences unless the wrongdoer can show he/she had no reason to believe the actions would be heard, seen by the victim, or his/her conduct was reasonable.

Punishment: Imprisonment up to 12 months, fine, or both.

Example of unlawful stalking

A man in a lorry follows two NEA officers, who are travelling in a van to various places for over three hours. The man can be found guilty of unlawful stalking because he had followed the NEA officers over an extended period of time and intended / knew / ought reasonably to know that this would cause alarm to the NEA officers. (Alarm does not need to be fear of immediate consequences but could also be apprehension as to what could potentially follow. Alarm can also be fear of the unknown where the stalker makes his presence felt but does not communicate or hint at his intention.).

FOLLOW UP STEPS

Emergency Contacts

- **Police**
Report cases to the police immediately if you feel that you are a victim of sexual harassment or assault/violence, or are in a dangerous situation.
Tel: 999
- **Campus Security**
Tel: 68280343

Non-Emergency Contacts

- **Voices@SMU**
Voices@SMU acts as a central point of contact for students who have encountered harassment, bullying or discrimination - including cases of sexual harassment or sexual assault.
Email: voices@smu.edu.sg; Telegram channel: QR code/ <https://t.me/joinchat/7-yy12yFsnlzOTg9>
- **Mrs Wong Kwok Leong Student Wellness Centre**
The centre puts students in touch with professionals offering counselling and other support services that promote intellectual and emotional wellbeing
Email: counselling@smu.edu.sg
- **SMU Pro Bono Centre Legal Clinic**
The pro bono (free of charge) legal consultation sessions with volunteer lawyers are available by prior appointment.
Tel/ Email: 6828 1951/probonocentre@smu.edu.sg
- **AWARE**
AWARE's trained staff provide advice to those who have faced sexual assault or feel unsure about a sexual encounter.
Tel: 6779 7317



As part of SMU Law Outreach Club's initiative, "Project Spark", we hope to reach out to the wider community through raising awareness of the law. With more and more cases of sexual harassment on campus and beyond, this e-brochure seeks to promote understanding about what constitutes harassment and where to seek help if one experiences it.



ADDITIONAL INFORMATION

Information from this brochure is retrieved from:

Singapore Legal Advice website
<https://singaporelegaladvice.com/>



DISCLAIMER

The information provided in this e-brochure does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available on this site are for general informational purposes only. Information in this e-brochure may not constitute the most up-to-date legal or other information.

This e-brochure contains links to other third-party websites. Such links are only for the convenience of the reader, user or browser. SMU Law Outreach Club makes no representation or warranty of any kind, express or implied, regarding the accuracy, reliability, validity, adequacy or completeness of any information on our e-brochure or the links provided.