

Background on Criminal Procedure Code (“CPC”) and Evidence Act

1. The CPC provides the framework for criminal investigations and the procedure for criminal hearings, including trials and appeals. The Evidence Act provides the framework for all matters concerning evidence in court, including in criminal cases.
2. The CPC was repealed and replaced in 2010, significantly modernising the criminal justice framework. Significant changes made at that time were:¹
 - (a) The introduction of community-based sentences, to recognise that better outcomes can result from giving certain offenders the opportunity to be rehabilitated and reintegrated into society;
 - (b) The introduction of pre-trial discovery in criminal cases (known as the Criminal Case Disclosure procedure), which requires the Prosecution and Defence to mutually disclose and exchange their cases before trial;
 - (c) Allowing costs orders to be made against Defence counsel barring them from recovering their fees from their clients where costs were incurred unreasonably or improperly in any proceedings, or had been wasted by counsel’s failure to conduct proceedings with reasonable competence and expedition; and
 - (d) Improving the compensation order system by requiring courts to actively consider whether or not to make victim compensation orders after every conviction.
3. The Evidence Act was amended in 2012, among other things, to delete a section allowing the Defence in a prosecution for rape to attack the complainant’s credibility on the basis that she was “of generally immoral character” (assumed to refer to sexual promiscuity). This section was abolished because it was based on the false assumptions that a woman who is sexually experienced is less credible as a witness, and is more likely to have consented to sexual activity.²

¹ Ministry of Law Press Release, 26 April 2010, “Proposed amendments to the Criminal Procedure Code Bill” <https://www.mlaw.gov.sg/news/press-releases/proposed-amendments-to-the-criminal-procedure-code-bill.html>

² Speech by Minister for Foreign Affairs and Law, Mr K Shanmugam, at the official launch of AWARE’s Sexual Assault Befrienders Service, 25 November 2011 <https://www.mlaw.gov.sg/content/minlaw/en/news/speeches/speech-by-minister-for-foreign-affairs-and-law-mr-k-shanmugam-at-the-official-launch-of-aware-s.html>