

Lim, Shirley, Ministry of Home Affairs. Letter to Christopher de Souza, Liang Eng Hwa and No To Rape member. 11 Sep. 2008.

Excerpted -

Marital immunity has, for a long time, been part of our laws that defined the institution of marriage. In Oct 2007, we reviewed the Penal Code to narrow its scope of application. Forced intercourse between a husband and his wife under prescribed circumstances, such as during the divorce proceedings, will now be considered rape. We decided against abolishing marital immunity completely because there is a real possibility that a wife might hold a husband ransom for an act of intercourse which she had given consent initially.

I agree with you that marriage is not ownership and does not require a woman to meet the needs of her husband. With the latest amendments to the Penal Code, the woman may take pro-active steps to prevent sexual abuse by her husband by seeking a court injunction or a personal protection order. Any forced intercourse by the husband on her under these circumstances will not be covered by marital immunity. This gives a clearer indication of the quality of the marital relationship and assurance to the law enforcement agencies that the wife is clearly victimised and not merely using the law against her husband maliciously.

Rest assured that we will continue to monitor the situation and if necessary, enhance the measures to protect women.