



Singapore

Amnesty International submission to the UN Universal Periodic Review 11th session of the UPR Working Group, May 2011

B. Normative and institutional framework of the State

The death penalty

The imposition of the death penalty, particularly the provision for the mandatory death sentence for offences such as drug trafficking, violates the right to life. Statistics based on available death penalty information show that many people sentenced to death were convicted of drug-related offences. The *Misuse of Drugs Act* provides that possession of specific amounts of drugs constitutes trafficking, which in turn carries a mandatory death sentence, leaving judges no discretion to consider issues such as mitigating circumstances and mete out alternative sentences. In 2006, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern about executions in Singapore and called for an end to death sentences for drug-related offences, arguing that the mandatory death sentence is a violation of international legal standards.¹

Arbitrary detention and unfair trials

The *Internal Security Act (ISA)*, initially intended to prevent subversion and suppress organized violence in Singapore, has recently been used to detain people suspected to have links to armed Islamist organizations. ISA allows for “preventive detention” of persons for up to two years each time without charge or trial. Detention orders are renewable indefinitely.

The *Criminal Law (Temporary Provisions) Act (CLTPA)* also allows for detention without trial for up to 12 months, extendable indefinitely. It was introduced as a temporary measure during the colonial era to suppress criminal activities of secret society gangs, but has been renewed periodically, most recently in February 2009. In 2010, the government said that they used this law to detain persons suspected of involvement in drug trafficking.²

Restrictions on freedom of expression, assembly and association

Despite constitutional guarantees of freedom of speech, expression and assembly, restrictive laws limit these rights. These include the Sedition Act, the Undesirable Publications Act, the Newspaper and Printing Presses Act, the Public Entertainment and Meetings Act, the Miscellaneous Offences (Public Order and Nuisance) Act, Films Act, Public Order Act, the Maintenance of Religious Harmony Act, the Trade Unions Act and Societies Act.

¹ HR/07/9, 25 January 2007, “UN Rights Expert Calls on Singapore not to Carry Out Execution”. Available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=1920&LangID=E>, accessed 29 October 2010.

² Speeches from the Ministry of Home Affairs, 15 September 2010. http://www.mha.gov.sg/news_details.aspx?nid=MTgxMg%3D%3D-gNepoVBykE0%3D

In April 2009, the authorities promulgated the *Public Order Act (POA)* which stipulates that cause-related assemblies and processions require a permit regardless of the number of persons involved, the type of activities, or the format that the activities.³ Amnesty International is concerned that a law which defines as few as two persons moving “substantially as a body of persons” in order to show opposition or support to somebody’s view, publicize a cause or commemorate an event,⁴ as “a procession” which requires a permit and which may be subject to further restrictions, may unduly limit the exercise of human rights.⁵

Under the POA, the police may arrest individuals without a warrant, including anyone who “assists or promotes [...] any assembly or procession”. It also empowers the police to stop people from filming and exhibiting films of law enforcement activities, to ban events and to stop and search anyone in the area of a planned event. Failure to comply may result in a fine or imprisonment.⁶ Amnesty International is concerned that these powers are excessive and open to abuse.

In 2009, Singapore amended the *Films Act*, easing the 11-year ban on films that promote a politician or a political party, but also introducing restrictions on political videos. The amended law allows only films that are deemed to be factual and objective and forbids anyone from making a political video that contains any form of animation, footage “wholly or substantially based on unscripted reality-type programmes”⁷ or footage with scenes of an illegal political event.

Co-operation with UN human rights mechanisms

Amnesty International welcomes the invitation extended by Singapore to the UN Special Rapporteur on racism who visited the country in April 2010. It is a cause of concern, however, that neither the Special Rapporteur on human rights defenders nor the Special Rapporteur on extrajudicial, summary or arbitrary executions has received an invitation, despite both having requested to visit the country.

Following his visit, the Special Rapporteur on racism said it was time to “review any legislative restrictions [...] to allow Singaporeans to share their views on matters of ethnicity, to identify potential issues of discomfort and above all, work together to find solutions”. He noted that “restrictions on public debate or discourse and the protection of racial harmony [should] not [be] implemented at the detriment of fundamental human rights, such as the freedom of expression and the freedom of assembly.”⁸ The Ministry of Foreign Affairs responded to “empathically disagree” with the Special Rapporteur that “greater openness in the public discussion of sensitive issues” was needed and added that the “a balance must be struck between free expression and preservation of racial and religious harmony” and this was “for the Singapore government to determine”, not the UN.⁹

³ Overview of the Public Order Act, 23 March 2009. Available at http://www.mha.gov.sg/news_details.aspx?nid=MTM5OQ%3D%3D-3BtUG%2B2xe3A%3D

⁴ See Section 2(1), Public Order Act.

⁵ Amnesty International public statement, *Further restrictions on rights in Singapore*, 23 April 2009. Available at <http://www.amnesty.org.au/news/comments/20851/>

⁶ Public Order Act Sections 12, 25 and 28.

⁷ The Films Act (1981). Available at http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-107&doctitle=FILMS%20ACT%0A&date=latest&method=part

⁸ UN press release, 28 April 2010., <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf>

⁹ Singapore MFA press release. Available at http://app.mfa.gov.sg/2006/press/view_press.asp?post_id=6002

C. Promotion and protection of human rights on the ground

The death penalty

Singapore continues to sentence people to death and to carry out executions. The death penalty is mandatory for crimes including murder,¹⁰ unlawful possession of firearms¹¹ and drug trafficking, which includes any possession of illegal drugs over a certain weight.¹² The government does not provide information on the number of death sentences, executions or details about those executed, and the actual number of death sentences and executions may be much higher than figures occasionally published in the media. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions remarked in his report to the UN in 2006 that government measures suggested an attempt to suppress public debate about the issue.¹³

In January 2009, Malaysian Yong Vui Kong, 21, was sentenced to death for drug trafficking. Four days before his scheduled hanging in December 2009, he was granted a stay of execution. In 2010, his lawyers pursued an appeal on the grounds that the mandatory death penalty was unconstitutional. In rejecting the appeal the Court of Appeal noted: “Art 9(1) of the Singapore Constitution cannot be interpreted as impliedly including a prohibition against inhuman punishment.”¹⁴ Later, Yong’s lawyer also filed a petition for judicial review of the clemency process.

According to statistics collected by Amnesty International, at least two death sentences were handed down, and two persons were executed in 2007; in 2008, at least five prisoners faced execution; and in 2009 at least six people were known to have been sentenced to death and one to have been executed.¹⁵ So far in 2010, at least nine people are known to have been sentenced to death, while no reports of executions have been made public.

Torture and other ill-treatment

Singapore’s laws provide for caning both as an additional punishment to imprisonment for over 30 offences and for other offences including drug use and overstaying. In 2010, a man from Cameroon was caned for overstaying and a Swiss national was also caned after being found guilty of vandalizing a train carriage.

Failure to respect the right to freedom of expression

Singapore has a history of imposing significant restrictions on the right to freedom of expression to stifle political opposition. Such actions, particularly defamation suits brought by current and former ministers against opposition politicians, journalists and other critics, place unreasonable restrictions on the right of people to peacefully express their opinions and participate fully in public life.

Freedom to express one’s views in public continues to be limited to the “Speaker’s Corner”. There, Singaporeans—only citizens and only after prior registration with the authorities—can talk about anything except language, race, religion and politically sensitive issues. In July 2009, the police installed five CCTV cameras in the vicinity to monitor activities. Public speaking in all other outdoor areas in Singapore requires a permit.

¹⁰ *Penal Code* (Cap. 224, 1985 Ed. § 302)

¹¹ *Internal Security Act*, Cap. 143, 1985 Rev. Ed. , § 58)

¹² *Misuse of Drugs Act* (Cap. 185, 2005 Rev. Ed.)

¹³ Extrajudicial, summary or arbitrary executions, Report of the Special Rapporteur, Philip Alston, UN Doc. E/CN.4/2006/53 (8 Mar. 2006)

¹⁴ Court of Appeal of the Republic of Singapore [2010] SGCA 20 Criminal Motion No. 7 of 2010/J between Yong Vui Kong and Public Prosecutor. A copy of the judgment can be found at: http://www.deathpenaltyproject.org/assets/13/original/10.05.14_judgment.pdf?1274870208

¹⁵ Amnesty International Annual Reports available at <http://www.amnesty.org/en/region/singapore/report-2008> and <http://report2009.amnesty.org/en/regions/asia-pacific/singapore>

In 2008, opposition leader Dr. Chee Soon Juan and activist Chee Siok Chin were ordered to pay around US\$414,000 in damages in a defamation action brought by Prime Minister Lee Hsien Loong and former Prime Minister Lee Kwan Yew. Dr. Chee was an undischarged bankrupt at that time as a result of an earlier defamation suit brought against him by the Lee family. Dr. Chee has been imprisoned approximately ten times for exercising his right to freedom of expression.

In 2008, Singapore's High Court ruled that the magazine *Far Eastern Economic Review* had defamed the former Prime Minister Lee Kuan Yew and Prime Minister Lee Hsien Loong for suggesting that the government used defamation charges to hide "real misdeeds", and ordered it to pay damages reportedly amounting to US\$290,000.¹⁶ In its ruling, the Court of Appeal held that "constitutional free speech in Singapore is conferred on Singapore citizens only". It further stated that Singapore does not recognize a special function for the press as "watchdog".¹⁷

The government monitors and censors the internet, movies, music and video games. In September 2008, blogger Gopalan Nair was jailed for three months after criticizing, in an email and a blog post, a judge's handling of a defamation case involving opposition leaders. In August 2010, police arrested and charged Singaporean Abdul Malik for inciting violence by posting comments on his page in the social networking site Facebook. He reportedly wrote that it was "time to burn" the sports minister and the People's Action Party and that people should "rally together and vote them out".¹⁸

Failure to respect the right to freedom of assembly

In August 2007, the government rejected a permit application by the opposition Worker's Party to celebrate its 50th anniversary with an outdoor event in a public park. In March 2008, on World Consumer Rights Day, the police arrested and charged 18 activists and members of the opposition Singapore Democratic Party with illegal assembly and procession against the rising cost of living. The organizers had earlier applied for a permit, which had been rejected. In March 2010, the 18 individuals were sentenced to varying fines and short-term imprisonment. Appeals are on-going.¹⁹

Migrants' rights

Over 1.8 million people or about one-third of Singapore's 5.08 million population are migrants according to government figures,²⁰ and almost 2 million or 40 percent of the population according to the UN.²¹ Amnesty International welcomes measures to offer better protection for migrants introduced by Singapore in recent years, including increased compulsory hospitalisation insurance coverage for all migrant workers and better protection of employment rights.²² However, many migrant workers still face difficulty in seeking redress, including due to an inflexible work pass system that allows employers to easily terminate workers' employment.²³ The government still does not provide basic protection for foreign domestic workers, including by stipulating working hours and rest days, minimum wage and access to employment benefits.

¹⁶ Freedom House, *Freedom of the Press 2010 - Singapore*, 8 October 2010., Available at <http://www.unhcr.org/refworld/docid/4caf1c1a28.html>

¹⁷ Amnesty International press release, *Singapore defamation threatens press freedom*, 19 November 2009. Available at <http://www.amnesty.org/en/news-and-updates/news/singapore-defamation-case-threatens-press-freedom-20091119>

¹⁸ AFP, *Singaporean arrested after facebook attack on government*, 25 August 2010. Available at <http://www.google.com/hostednews/afp/article/ALeqM5hfaUaplOdtkQJxjRU3hD8vXr5P8A>

¹⁹ Singapore Democrats, *TBT protesters hold heads high as they are found guilty*, 11 March 2010. Available at <http://www.yoursdp.org/index.php/news/singapore/3480-tbt-protesters-hold-heads-high-as-they-are-found-guilty>

²⁰ Key Population Indicators, Singapore. Available at <http://www.singstat.gov.sg/pubn/popn/c2010acr/key.pdf>

²¹ UN Country Profile for Singapore. Available at <http://data.un.org/CountryProfile.aspx?crName=SINGAPORE>

²² Employers stand to lose a security bond if they fail to pay the migrant worker promptly, illegally order the migrant worker to work in multiple sites, provide substandard accommodation or ignore safety regulations, see Transit Workers Count Too press release, *Justice Delayed Justice Denied*. Available at <http://www.twc2.org.sg/site/press-releases/justice-delayed-justice-denied.html>

²³ Ibid.

D. Recommendations for action by the State under review

Amnesty International calls on the government:

The death penalty

- To immediately impose a moratorium on executions, with a view to complete abolition;
- To make public information about past executions, and death sentences handed down by the courts;
- To review the Penal Code and the Misuse of Drugs Act, with a view to repealing all provisions on mandatory death sentencing and removing all presumption of guilt clauses.

Arbitrary detention

- To repeal or reform the ISA and the CLTPA to ensure compliance with international human rights law and standards, in particular ending all detentions without charge or trial.

Freedom of expression, association and assembly

- To abolish the criminal defamation law;
- To ensure the meaningful protection and promotion of the rights to freedom of expression, peaceful assembly and association through legislative reform and policy changes;
- To ensure, through legislative and other measures, protection of the right to freedom of expression to both citizens and non-citizens in Singapore
- To reform the ten laws that curtail the rights to freedom of expression, peaceful assembly and association: the Sedition Act, the Undesirable Publications Act, the Newspaper and Printing Presses Act, the Public Entertainment and Meetings Act, the Miscellaneous Offences (Public Order and Nuisance) Act, the Films Act, the Public Order Act, the Maintenance of Religious Harmony Act, the Trade Unions Act and the Societies Act to ensure that these rights are respected and protected in accordance with international law and standards. Reforms should ensure that clauses containing vague or ambiguous language can not be used to violate the said rights.

Torture and other ill-treatment

- To immediately put a stop to caning as a form of punishment, and to repeal all laws providing for this punishment.

Cooperation with the UN human rights mechanisms

- To extend invitations to the UN Special Rapporteur on human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions and other UN Special Procedures who wish to visit Singapore, and to ensure that their recommendations are seriously considered.

Migrant Worker rights

- To establish a system with adequate funding to assist migrant workers when seeking redress for their unlawful treatment, particularly in disputes with their employers over pay and working conditions;
- To amend the Employment of Foreign Workers Act to include domestic workers.