



# Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

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**UPR SUBMISSION**

**SINGAPORE**

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1. This submission was prepared in October 2010 on the basis of the latest information available to CPTI.

## Executive summary:

2. This submission focusses on the situation regarding military service and conscientious objection to military service in Singapore. Among the human rights concerns it identifies are:

3. Conscientious objection to military service is not recognised in law or practice. Singapore has not ratified the International Covenant on Civil and Political Rights (ICCPR), under which this situation would be a clear breach of Article 18. It is however also contrary to Article 18 of the Universal Declaration on Human Rights (UDHR), which Singapore has endorsed.

4. Conscientious objectors who refuse to perform military service, although civilians, have been treated as though they had been enlisted in the armed forces and are put on trial before military courts under military law. They are routinely sentenced to detention in military penal facilities; this detention is arbitrary, as it results from the exercise of the right to freedom of thought, conscience and religion guaranteed under Article 18 of the UDHR.

5. On release from detention, conscientious objectors are subject to repeated call-up to perform military service. Continued refusal frequently results in repeated periods of detention. This is tantamount to repeated punishment for the same “offence”, in clear breach of the “*ne bis in idem*” principle. Moreover, in so far as the practice has the obvious purpose of persuading the objector to abandon his position of conscience and agree to perform military service, it constitutes a further interference with Article 18 freedoms.

6. As a result of their unwillingness to perform military service the Jehovah's Witness congregation in Singapore has been comprehensively denied its freedom of thought, conscience and religion. Since deregistration in 1972 it has been unable to perform public worship or missionary activities and its literature has also been banned.

**7. Persons may embark upon their obligatory military service from the age of sixteen-and-a-half. This is contrary to Article 2 of the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict, which Singapore has ratified. Moreover, there does not seem to be any minimum age in law for voluntary recruitment into the armed forces.**

**8. All male citizens and permanent residents aged between 13 years and 40 years (50 years in certain cases) require an exit permit issued by the Armed Forces Council to leave or remain outside Singapore. This is a severe interference with the freedom of movement guaranteed in Article 13 of the UDHR. It is reported that after ten years of unauthorised absence they may be deprived of their citizenship, which is contrary to Article 15 of the UDHR.**

Background: Military Service in Singapore

9. Singapore maintains a system of obligatory military service. Under the Enlistment Act<sup>1</sup> all citizens and permanent residents aged not less than 18 years and not more than 40 years (50 years in the case of those with specific skills or expertise) may be required under the authority of the Armed Forces Council to report for enlistment for national (ie. military) service.<sup>2</sup> Those enlisted are liable to full-time service of two years; the liability is extended by six months in the case of those who attain the equivalent of a certain rank, even if subsequently demoted.<sup>3</sup> Outside the period of full-time service there is a requirement of “operationally ready”, or reserve, service which (on the simpler of the alternative calculations) “will not in the aggregate exceed 40 days annually”.<sup>4</sup> In practice the national service obligation applies only to males, although the only hint of this in the legislation is the use of the male pronoun.

10. The obligation to perform military service is in fact imposed more systematically in Singapore than in other states. According to the latest information available<sup>5</sup> the armed forces of Singapore include 39,000 conscripts, and a further 8,200 conscripts are serving in the paramilitary Civil Defence Force, the Singapore Police Force, or the Coast Guard. The total of 48,200 serving conscripts is 1.76 times as large as the CIA's estimate of 27,430 males “reaching militarily significant age annually”<sup>6</sup> Such a ratio indeed implies that all males except some 12% deemed medically unfit (an unusually low proportion) do perform the statutory two years military service. It is by far the highest recorded – only for one other country (Cyprus) does the “Military Balance” quote a number of serving conscripts which exceeds the number of persons becoming newly liable to conscription each year. Singapore also has over 30,000 “regular” (non-conscript) members of the armed forces and some 85,000 “regulars” in the various paramilitary forces. In total over

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<sup>1</sup> Act 25 of 21<sup>st</sup> May 1970, amended on numerous occasions, most recently by Act 16 of 19<sup>th</sup> April 2001. (Text available on [http://statutes.agc.gov.sg/non\\_version/cgi-bin/cgi\\_retrieve.pl?actno=REVED-93](http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-93))

<sup>2</sup> Enlistment Act (see note 1). Para 10 read in conjunction with para 2.

<sup>3</sup> Ibid, para 12.

<sup>4</sup> Ibid, para 14.

<sup>5</sup> International Institute for Strategic Studies, London, The Military Balance 2010, pp424 - 9

<sup>6</sup> CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/sn.html> consulted 31 October, 2010.

13% of the male population of military age<sup>7</sup> is currently performing military or paramilitary service, a proportion which would appear to be exceeded only in the Democratic People's Republic of Korea.

11. Persons liable to military service may be summoned to register and to undergo fitness examination from the age of sixteen-and-a-half. Under the Voluntary Early Enlistment Scheme, and with parental consent, they may apply to commence their national service at any time at any time after registration.<sup>8</sup> Compulsory enlistment under the Enlistment Act may not however take place before the eighteenth birthday.<sup>9</sup>

12. Under Para 4(2) of the Enlistment Act, any person failing without lawful excuse to present himself for registration when summoned is liable on conviction to a fine of up to S\$10,000 (approximately US\$7,500 at 2010 exchange rates) or a term of imprisonment of up to three years, or both. Moreover, the court may order him to present himself for registration on or before a specific date, thereafter he may incur a further fine increasing at the rate of S\$50 (US\$35) per day. Para 33 specifies similar penalties for any person who fails to report for actual enlistment when summoned, or otherwise attempts to evade military service, and for any person found guilty of aiding or abetting such action.

#### Treatment of conscientious objectors to military service

13. There is no provision in Singapore's recruitment legislation for conscientious objection to military service, nor have the military authorities been prepared to entertain applications on grounds of conscience for transfer between various branches of national service, although it would appear that in the past some conscientious objectors have been offered postings which were in fact compatible with their objections.<sup>10</sup> In general, however, persons who have on grounds of conscience not been prepared to perform military service have been subject to prosecution under the terms of the Enlistment Act, as outlined in the previous section of this submission.

14. Under Para. 26 of the Enlistment Act, "Any person required (...) to report for enlistment (...) shall, from such date and time as may be specified, be subject to military law. (Acts) relating to the armed forces shall apply to the person (...) notwithstanding that he has not complied with the order." This means that in practice conscientious objectors who refuse enlistment are tried by military tribunals, and are subsequently incarcerated in the Singapore Armed Forces Detention Barracks.<sup>11</sup> As they have by definition not enlisted, they remain civilians and it is not appropriate that they should be subjected to military justice or detained in military prison – a principle stated in the study on "The issue of the administration of justice through military

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<sup>7</sup> "Male population aged 16-49" as estimated in CIA World Factbook, op.cit.

<sup>8</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008), p302

<sup>9</sup> Enlistment Act, op.cit. Para 10.

<sup>10</sup> General Counsel of Jehovah's Witnesses. Evidence submitted to the OHCHR in response to the questionnaire on "best practices concerning the right of everyone to have conscientious objections to military service", August 2003, replies to questions 1,4 and 5.

<sup>11</sup> Ibid, reply to question 6.

tribunals”, prepared for the UN Sub-Commission on the Promotion and Protection of Human Rights by Emmanuel Decaux.<sup>12</sup>

15. The serving of a sentence for refusing enlistment does not discharge the obligation to enlist. The Jehovah's Witnesses reported in 2003 that their members who “declined” military service were typically sentenced to 15 months in the first instance, and on again refusing were sentenced to a further 24 months. Failure to report for annual reserve service was usually punished by a 40-day sentence, but after three such convictions a 12 month sentence was normal.<sup>13</sup> In this respect it should be noted that, in the part of General Comment 32 concerning the principle *ne bis in idem*, the Human Rights Committee stated: “Repeated punishment of conscientious objectors for not having obeyed a renewed order to serve in the military may amount to punishment for the same crime if such subsequent refusal is based on the same constant resolve grounded in reasons of conscience.”<sup>14</sup>

16. All recorded instances of declared conscientious objectors in Singapore have been Jehovah's Witnesses. “In 1972 the Government deregistered and banned the Singapore Congregation of Jehovah's Witnesses on the grounds that its existence was prejudicial to public welfare and order because its members refuse to perform military service (obligatory for all male citizens), salute the flag, or swear oaths of allegiance to the state.”;<sup>15</sup> their publications were subsequently banned under the Undesirable Publications Act. Individual Jehovah's Witnesses have however subsequently continued to refuse military service. As of 1997, it was reported that over 100 had been imprisoned since 1972; 30 remained in detention of whom half were serving a second sentence.<sup>16</sup> In December 2002, 26 conscientious objectors were in military detention.<sup>17</sup> In December 2004 the number held in detention was 20.<sup>18</sup> In 2006, at least eight conscientious objectors were imprisoned for the first time, and a further 12 continued to perform their sentences.<sup>19</sup> A report from December 2007<sup>20</sup> indicated that during that year five conscientious objectors were released, having completed a second term of detention, but a further eight commenced fifteen-month sentences, and expected to face renewed charges on their release. The eight were named as: Cheong Xiang Ying Joseph, aged 22; Zou Xuncheng Jonathan and Seah Jeremy, aged 21; Chew Teck Meng Ivan, Goh Yi Wei Ethan, Yeo Wee Kiat Jason, and Ho Da Wei David, all aged 20, and Tam Kwan Chi, aged 19. The total number of conscientious objectors incarcerated at the end of 2007 was given as 22.

17. CPTI has not been able to obtain any more recent information on imprisonment of conscientious objectors in Singapore. There have certainly been no

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<sup>12</sup> E/CN.4/Sub.2/2005/9, para 19.

<sup>13</sup> General Counsel of the Jehovah's Witnesses, op. cit., reply to question 6.

<sup>14</sup> CCPR/C/GC.32, 23 August 2007, Section IX “NE BIS IN IDEM”, para. 55.

<sup>15</sup> United States Department of State, 2007 Report on International Religious Freedom

<sup>16</sup> Horeman, B. & Stolwijk, M., *Refusing to Bear Arms*, War Resisters International, London, 1998, available at [http://wri-irg.org/programmes/world\\_survey/country\\_report/en/Singapore](http://wri-irg.org/programmes/world_survey/country_report/en/Singapore)

<sup>17</sup> General Counsel of Jehovah's Witnesses, op cit, reply to question 6.

<sup>18</sup> General Counsel of Jehovah's Witnesses, Supplementary information provided in response to OHCHR questionnaire, February 2005.

<sup>19</sup> Amnesty International, Annual Report 2007, available at <http://www.amnesty.org/en/region/singapore/report-2007>

<sup>20</sup> <http://singabloodypore.rsfblog.org/archive/2007/12/10/singapore-jehovah-s-witnesses-imprisoned-for-conscientious-o.html> This reproduces what appears to be an Amnesty International press release, which cannot however be traced on the AI website.

changes in the legislative position, and if state practice on the treatment of conscientious objectors has changed, this has gone unreported. One must recognise that the precarious situation of the Jehovah's Witness congregation in Singapore might inhibit their ability to share information. It should however be noted that on past experience the eight conscientious objectors imprisoned for the first time in 2007 might expect release at the end of their second sentence in 2010 or early 2011.

### Recruitment ages

18. As indicated in paragraph 11 above, conscripts may opt to perform their obligatory military service at any time after registration at the age of sixteen-and-a-half, subject to parental consent and to medical and psychological screening. The fact that they may have chosen to perform obligatory military service early does not make their service voluntary, and it is not therefore in conformity with the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict.

19. Voluntary recruitment into the armed forces is provided for in Para 19.1 of the Enlistment Act, which simply states, without any age restriction. "Any person may apply (...) to be enlisted for regular service in the Singapore Armed Forces." Such recruitment must be distinguished from recruitment under the Voluntary Early Enlistment Scheme, as it is not governed by the time limits and conditions of national service. In its declaration on ratification of the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict, Singapore however indicated that the same minimum age limit applies to both forms of recruitment, stating that "The minimum age at which persons may be voluntarily recruited or enlisted into the Singapore Armed Forces is 16 years and 6 months". CPTI has no reason to suspect that this is not true in practice, but it would be reassuring to see a firm legal prohibition on any recruitment at a younger age.. Singapore should also be encouraged to move towards the position that no recruitment in any circumstances should take place before the eighteenth birthday.

### Restrictions on freedom of movement and other rights

20. Under Para 32 of the Enlistment Act, no (male) person between the ages of 13 and 40 (or 50 in certain cases) may leave Singapore or remain outside Singapore without an exit permit issued by the Armed Forces Council. Those who do not comply, or who remain abroad beyond the validity of the permit, become liable to a fine of S\$2000 (US\$1500). In the case of those below the registration age of sixteen-and-a-half, each parent, whether or not in Singapore, is in addition liable to a fine of the same amount. In fact, it is reported that a number of potential conscripts do attempt for various reasons to avoid conscription by leaving the country, but that after ten years' absence they risk being stripped of their citizenship<sup>21</sup>, which is not in accordance with Article 15 of the UDHR. There is also an indication that those who have not completed military service for any reason, including conscientious objection, are discriminated against in that they do not qualify for "higher starting salaries, tax incentives and other government-sponsored perks."<sup>22</sup>

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<sup>21</sup> General Counsel of Jehovah's Witnesses, op cit, reply to question 8.

<sup>22</sup> Ibid, reply to question 7..

