

UNIVERSAL PERIODIC REVIEW ON SINGAPORE

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This document is a joint submission by

**Think Centre (TC),
Singaporeans for Democracy (SFD),
Singapore Anti Death Penalty Campaign (SADPC),
Humanitarian Organisation for Migration Economics (HOME),
& other independent civil society members.**

1. Introduction

2. This document is the product of collaboration between several representatives of independent civil society groups (NGOs) from Singapore through consultations. The consultation provided the space for concerned individuals and NGOs to share their recommendations. The NGOs shared their experiences and recommendations on different thematic issues, the contents of which were garnered from a wide variety of sources including, first hand information, past submissions, news reports, information collated from websites of Government bodies as well as the United Nations human rights related websites.
3. This independent report (“Joint Submission”) provides a partial scenario of Singapore’s current human rights reality focusing on human rights thematics that require urgent remedies. The “Joint Submission” tries to explore opportunities to move forward in promoting fundamental human rights and to open more democratic space as follows below. This Joint Submission to the first Singapore Universal Periodic Review (UPR) is written under challenging circumstances and aims to enhance the protections and enjoyment of human rights and democracy, and presented hitherto without fear or favour.

4. Current Normative and Institutional Framework for the Promotion and Protection of Human Rights

5. The Republic of Singapore is a member of the United Nations since 1965 and therefore is bound to observe her obligations to respect human rights as ascribed in the *United Nations Charter* as well as the *Universal Declaration of Human Rights* (UDHR) of which is accepted globally as customary international law.
6. With regard to ratifications of international Human Rights treaties and conventions, the Singapore Government has consistently adopted the position that they do not “value form for its own sake and will accede to these conventions if there is substantive value in doing so and [...] are prepared to implement all their provisions.”
7. After 45 years of independence, Singapore therefore remains on record with some of the least number of ratifications of international human rights conventions and till date have only ratified (through ascension) in 1995, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and *Convention on the Rights of the Child* (CRC). Singapore has only most recently ratified the *Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflict* in 2008. It should be recalled that Singapore had placed many reservations on key principles of both conventions upon their ascension. Singapore adopts a strong cultural relativist stance when referencing its internal laws as justification for its reservations.

8. Constitutional and legislative framework

9. The Constitution of Singapore is the supreme law of the Republic of Singapore. Fundamental freedoms (of the citizens) are guaranteed under Part IV of the Constitution and comprise the following: Liberty of a person i.e. of life and liberty (Article 9), Prohibition of slavery and forced labour (Article 10), Protection against retrospective criminal laws and repeated trials (Article 11), Equal protection (Article 12), Prohibition of banishment and freedom of movement (Article 13), Freedom of speech, assembly and association (Article 14), Freedom of religion (Article 15), Rights in respect of education (Article 16).
10. These liberties however are guaranteed with restraints due to the fact that Article 149 of the Constitution confers power on the Parliament to enact laws that are contrary to the liberties enshrined in Part IV. This is compounded by the fact that Singapore have a unicameral legislature dominated by the current ruling People’s Action Party (PAP) since 1965 which enables the Government to amend any part of the constitution at will as well as enacting statutory laws that effectively encroaches and severely weakens the constitutional freedoms beyond the limits of reasonable and legitimate grounds for restrictions.

11. Institutional framework

12. The Government of Singapore does not, as matter of practice, publicly announce any concrete action plans with regard to the implementation of its human rights obligation at the national level. There is currently no national human rights institution and there are no plans on record by the government to consider establishing one.

13. PROMOTION AND PROTECTION OF HUMAN RIGHTS

14. *Freedom of expression, association and peaceful assembly, and the right to participate in public and political life*

15. The right to freedom of speech and expression has been most severely curtailed in the Singapore context. The Government controls all avenues of speech and expression through a multitude of legislative and institutional means at its disposal and this includes: statutory laws (inherited or enacted by the parliament), government bodies that draws up and implement administrative rules, regulations and policies that governs the expression and reproduction of any speech, writing (including online) and even artistic/cultural performances in all forms of medium.

16. In particular political expressions by domestic residents and citizens, in whatever form or medium, are subjected to constraints under the force of law. The key laws that restricts the freedom of speech and expression are the Internal Security Act, Newspaper and Printing Presses Act, Broadcasting Act, Sedition Act, Public Entertainment and Meetings Act, Public Order Act - this law replaced the Miscellaneous Offences (Public Order and Nuisance) (Assemblies and Procession Act), Films Act (in particular, section 14, 33 and 35).

17. Due to the wide array of laws governing speech and expression, censorship has therefore become a chronic feature in everyday life occurring in all forms of public expression; the authorities consistently tries to normalise and institutionalise the censorship discourse and this is expressed by the convening of a Censorship Review Committee (CRC), every 10 years since 1981, by the Ministry for Information, Communication and the Arts.

18. Many arts and cultural groups experience various forms of censorship through the control in access to public funding of arts/performance projects or issuance of permits, which is the purview of the National Arts Council (funding) and the Media Development Authority (permits), both of which are under the Ministry of Information, Communications and the Arts. The lack of clear defined boundaries hampers development of local artists especially when their works are related or perceived to contain political commentary/criticism. Cuts in funding or administrative denial of performance/exhibition spaces have occurred when the governing authorities believed that they have also, such as through performances, promoted ‘socially deviant’ values/norms (e.g., homosexual lifestyle).

19. Defamation is considered both a criminal offence and a civil action in Singapore. Singapore’s Defamation Act (1957) covers defamation from a civil perspective with a broad definition of defamation and it also covers libel and slander. Section 499 of Singapore’s Penal Code makes defamation a criminal offence. Defamation suits have been used successfully by both the Government and members of the ruling party against local political opponents as well as a good number of foreign news organisations that published articles or commentaries criticising the political system. As the Defamation Act provides for very substantial damages to be awarded to ‘vindicate the reputation of the plaintiff’, some opposition politicians had been made bankrupt as a result of defamation suits and foreign news publications which lost their cases had to make substantive reparations either due to court rulings or out of court settlements. The usage of defamation suits has effectively established a climate of fear amongst the general populace with regard to exercising critical expression on domestic politics.

20. The combination of legislations (including subsidiary legislations), the cultivated climate of political fear

as well as the perceived presence of State surveillance due to absence of explicated right to privacy, has inevitably created a culture of self-censorship amongst ordinary citizens, even on the internet.

21. The right to **freedom of association and assembly** has similarly come under serious curtailment especially with regards to political activities and expression by parties/groups not aligned or associated with the ruling party. For instance, charges under the Miscellaneous Offences (Public and Nuisance) Act had been brought against political party activists that held a gathering outside the Parliament House in 2008 to protest against the accelerated rise in living costs. However, no such charges were brought against organisers of a consumers' association that staged, in 2007 and 2008, similar protests also outside the Parliament House.
22. Permits have also been denied to an opposition political party to conduct social activities in the public for their members (in 2007) on grounds that outdoor events organised by political parties have "greater potential for law and order problem". This is in contrast to an event of a similar nature that were successfully organised with the Prime Minister present as Guest-of-Honour, by a charitable body set up by the ruling party, one year after the aforementioned denial of permit.
23. New laws were also introduced to constrain **freedom of assembly**. The Public Order Act (POA) were introduced by the Ministry of Home Affairs (MHA) in March 2009 to consolidate and tighten administrative controls, such as issuance of permits, over any form of public expressions, especially political and human rights related. From previously where a gathering of four or less persons to demonstrate or propagate a certain cause were not proscribed, currently even a single person who wish to carry out such activities are now required to apply for a permit under the new law. It is currently unknown if there have been any applicants who have been successful in applying for this new particular permit.
24. The Societies Act and Trade Unions Act govern the formation of associations, societies and trade unions. The Societies Act restricts **freedom of association** by requiring organizations of more than ten people to register with the government, and only registered parties and associations may engage in organized political activity. Whereas the formation of trade unions is subjected to the approval of the Registrar of Trade Unions who has wide-ranging powers to refuse or cancel registration, particularly where a union already exists for workers in a particular occupation or industry. Migrant workers including domestic workers are restricted from forming trade unions.
25. **Recommendations:** The Singapore Constitution and domestic laws must uphold the right to freedom of expression, association, and assembly. We urge the Government to repeal such outdated legislations listed above and similarly review clauses contained within other contemporaneous legislations that curtail fundamental freedoms viz Newspaper and Printing Presses Act, Broadcasting Act, Public Entertainment and Meetings Act, Public Order Act, Defamation Act, the Films Act (in particular, sections 14, 33 and 35), **Societies Act and Trade Unions Act**. In this regard, we also call on the Government to abolish the institution and processes of the state-appointed Censorship Review Committee.
26. ***Right to liberty and security of the person***
27. Laws impacting on the **right to liberty and security of the person** were inherited from the colonial era and during the brief membership in the Malaysia Federation (1963-1965). These include the Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act ("CLTPA"). The two Acts provide broad powers of preventive detention of persons who are deemed to be a threat to the security of the nation as definable by the Executive.
28. The Government of Singapore continues to subscribe to legislations that were made more appropriately for exigent times and context of societal strife especially those inherited from the colonial era, from the temporary merger with Malaysia and the immediate period after separation. In today's globalised world, such outdated legislations are no longer appropriate and only served to deny Singaporeans the right to participate in all aspects of society as a full citizen. Such laws include the Internal Security Act, Criminal

Law (Temporary Provisions) Act, Sedition Act, and Defamation Act.

29. The ISA was used against political opponents as well as social activists by the ruling PAP in the past (Operation Cold Store [1963], Operation Spectrum [1987]). Till present day, with regard to the 22 political detainees who were detained in 1987 on the alleged grounds of being Marxist conspirators attempting to overthrow the State, no concrete evidence was produced in a court of law that is able to conclusively prove the allegation and no form of reconciliation has been attempted by the Government. The recourse of Habeas Corpus (i.e. judicial review of detention orders) has been rendered ineffectual under both ISA and CLTPA through a series of past Court of Appeals judgements and subsequent amendments (passed by parliament) in Article 149 of the Constitution and the two Acts. The amendments also have the impact of shifting the burden of proof to the detainee to prove that his/her detention is unlawful.
30. **Recommendations:** We urge the Government of Singapore to abolish both the Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act.
31. ***Right to freedom from torture and cruel, inhuman, degrading treatment or punishment***
32. International customs and legal principles prohibit cruel, inhuman, or degrading punishment. The Universal Declaration of Human Rights, adopted in 1948, which protects individuals from torture and cruel, inhuman, or degrading punishment. The International Convention on Civil and Political Rights of 1966 and 1984 the United Nations General Assembly adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under this convention, the definition of an act of torture is any act which causes "severe pain or suffering," excluding pain and suffering which result from "lawful sanctions". Similarly, the death penalty causes severe pain and suffering, and is considered cruel and unusual by the European Court on Human Rights. In 2002, the UN adopted the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Protocol establish a system of regular visits by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
33. The Singapore Constitution and domestic criminal laws continue to uphold caning as a form of corporal punishment. In Singapore, caning is mandatory for over 40 different offences including non-violent crimes. These range from crimes such as rape, robbery, drug-trafficking, possession of offensive weapons (such as a knife, dagger or sword), vandalism (including spray painting or a second offence of affixing a poster to a wall), or the sale, transport, delivery, and import of fireworks. Caning is optional for offences such as rioting, extortion, living off the earnings of prostitution, manslaughter and causing hurt. The Immigration Act provides for mandatory caning of Foreign Workers who overstay 90 days or more, at least three strokes of the cane and/or jail sentence.
34. The **death penalty** is retained in five Acts of Parliament, namely: Penal Code, Misuse of Drugs Act, Internal Security Act, Arms Offences Act and the Kidnapping Act. In Singapore, official statistics regarding the number of executions are seldom released and all information related to the death penalty is considered to be State secrets under the Official Secrets Act.
35. The death sentence is currently mandatory for the following class of crimes: murder, drug trafficking, firearms offences and sedition. The word 'mandatory' in the section of law means that judges have no discretion to apply a lighter sentence on the offender, even if the offender has considerable mitigating factors. This applies to offenders over the age of 18. The Government has ignored the 1996 recommendation from the U.N Special Rapporteur on extrajudicial, summary or arbitrary executions to change its Drug Act so as to bring it into line with international standards since "the Misuse of Drug Act, which partially shifts the burden of proof to the accused, does not provide sufficient guarantees for the presumption of innocence and may lead to violations of the right to life when the crime of drug trafficking carries a mandatory death sentence".

36. The Government as a whole is very sensitive to criticism of its use of the death penalty and have most recently arrested British author Alan Shadrake on contempt of court charges, a day after he launched a book alleging double standards in the use of the death penalty. The Executive branch adopts a utilitarian position regarding the **right to life** in arguing for their right to impose the death penalty especially for non-violent crimes in the case of drug trafficking. The current Law Minister had stated in a public dialogue session in 2010 that “*the mandatory death penalty for serious drug offences here is a “trade-off” the government makes to protect “thousands of lives” that may be ruined if illegal drugs were freely available*”. Internationally, the Government of Singapore is the leading retentionist proponent on the application of death penalty as capital punishment as evidenced by its very active role in lobbying against the UN General Assembly’s reaffirmation to the resolution on death penalty moratorium in 2008.
37. The Singapore criminal justice system is often criticized for not fully conforming to internationally accepted standards. The Judiciary, with regard to the protection of human rights, do not perform the function as a check on the Executive branch and it generally affirms the principles espoused by the Government. For instance in a most recent ruling (in 2010) by the Court of Appeal chaired by the current Chief Justice alongside two other High Court justices, regarding the appeal of a Malaysian, Yong Vui Kong, against his mandatory death penalty sentence on drug trafficking charges, it was of the view that “there presently does not exist a rule of Customary International Law prohibiting the Mandatory Death Penalty as an inhuman punishment”. In the same judgement, the court declared that no further arguments against the mandatory death penalty shall be made in a court of law. Currently the final recourse for clemency lies with the President of Singapore, however, his decision is subjected to the advice of the Cabinet.
38. **Recommendations:** We urge the Government of Singapore to stop practising and abolish cruel, inhuman, or degrading punishment such as mandatory caning and death penalty. The Government should adopt a more rational and humane approach to drug-related problem, impose an immediate moratorium on executions, and take serious consideration to implement the abolition of the death penalty. We also recommend that with regards to the issuance of clemency for cases involving the death penalty, an independent Pardons Board should be established so that clemency appeals can be reviewed on a case by case basis. **We urge the government to respect the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

39. *Equality and non-discrimination*

40. There are inherent contradictions in the Government's position regarding the **principle of equality** as expressed in the National Pledge that is reinforced in all state education and military institutions. In 2009, a motion moved by a Nominated Member of Parliament for equal treatment of all races was rebuffed by the Minister Mentor. The said Minister cited Article 152 of the Constitution which spells out the Government's responsibility to “constantly care for the interests of the racial and religious minorities in Singapore”, in particular the Malays as “the indigenous people of Singapore”, to state the unequivocal position that the assumption of equal treatment for all races is “false and flawed”, and “completely untrue”. The implication was that the ‘special position’ accorded to Malays in Singapore is an obstacle to racial equality.
41. The implementation of equality in Singapore is further coloured and complicated by the Government's adoption of the concept and practice of multi-racialism. An approach that emphasises one's ethnic identity whereby the concept of “race” as a summary of one's inborn and unchanging ethnic characteristics, is expressed implicitly and perpetuated in the CMIO – Chinese, Malay, Indian, Others (including particularly Eurasians) – quadrotomy of Singapore's nationhood discourse. The CMIO categorisation reinforced with the recognition of four official languages – English, Chinese, Malay and Tamil – contributed to an illusion that ethnic cultures can be classified simplistically according to language and even religion.

42. The fixity of racial categories has discounted **multiple identity crossings** that are realities in Singapore, for example Indians who are Christian, Muslim or Sikh, Indians with a mother tongue other than Tamil, Chinese of Peranakan heritage etc. Thus, the practice of multi-racialism has considerable impact on the implementation of many social policies as well as social practices. Workplaces routinely ask prospective employees for their race during application process and the need for race classification in children birth-certificates and on the identity card still persists.
43. The Senior Minister of State for Home Affairs had admitted during a parliament session in early 2010 that the Singapore Government implemented policies tied to ethnicity and quotes - as an example the Housing Development Board's Ethnic Integration Policy which sets ratios for ethnic groups in a public housing estate to ensure a balanced mix of ethnicity reflecting the nation's population makeup. This policy effectively restricts the movement of minorities to choose where they wish to live thus leaving the Chinese, who forms the majority with de facto preferential treatment.
44. The principle of non-discrimination is specified in Article 12 of the Constitution, it is however limited to citizens only. As such, the Government is notably resistant to enact any form of anti-discrimination legislations with regards to addressing discriminatory practices in society and often prefers to adopt an educational and promotional approach. This approach is problematic as persons encountering discrimination have little to no administrative recourse on grounds of discrimination except for specified categories listed in certain legislations such as the Employment Act. Specific categories of persons can be excluded from the protection of the law such as domestic workers (a majority being migrant workers) being excluded from the Employment Act, which specifies the minimum terms and conditions of employment for matters such as rest days, hours of work, overtime entitlements, annual leave and medical leave. By extension, they are excluded from the Work Injury Compensation Act, which provides for compensation for workplace injuries and occupational illnesses.
45. **Recommendations:** We recommend that the Government of Singapore establish an independent Commission on Equal Opportunity to review and abolish all forms of statutory guidelines (like those outlined above) that contribute to discrimination and inequality of races.
46. ***Right to privacy, marriage and family life***
47. **Privacy** is generally respected as a social norm but there is no general data protection or privacy laws that exist in Singapore. Instead there are laws such as the Computer Misuse (Amendment) Act and Electronics Transactions Act which instil broad powers to law enforcement agencies to conduct searches on any computer without warrant. Monitoring of employee phone calls, e-mails, and internet usage in the workplace is permissible as under Singapore (property) law, workplace e-mail, telephone and computer contents are considered the property of the employer. Therefore there is no recourse on grounds of invasion of privacy for a person who loses his/her job due to the contents of the communications technology. Recommend establishment of a new privacy law.
48. Singapore Citizens and Permanent Residents (PRs) are unable to enter into any form of civil, religious or customary marriage, with migrant workers who are on work permits below the classes of 'S Pass' and 'Employment Pass'. This rule applies retrospectively to migrant workers who had worked in Singapore in the past on a work permit. Although approval may be given at the discretion of the Ministry of Manpower (MOM), this was subjected to a list of undisclosed criteria.
49. **Recommendations:** We call on the Government of Singapore to review this discriminatory policy to be removed and allow marriage between citizens and migrant workers.
50. ***Right to social security and adequate standard of living***
51. Singapore ranks as one of the most unequal country amongst developed economies in terms of income distribution (GINI score = 42.5) with the poorest 10% of her population receiving the lowest share of income. For decades, there has been no systematic social safety net in the form of a minimum wage or

unemployment benefits, whatever form of aid that exists are rendered through a 'targeted aid' approach. The Government rejected on a pro-business basis, the implementation of minimum wage or unemployment benefits. Its stance is strongly supported by employers and even the labour union. Notably, the current Secretary-General of the National Trades Union Congress, the only national trade union federation in Singapore, exhorted strongly against the idea of a minimum wage even for specific sectors with traditionally low wages.

52. The Government has often stated that Singapore should build and work towards an inclusive society. However, persons with disabilities in this regard, face challenges fitting into society for work, recreation and social interaction due to a lack of access to affordable modes of transportation, especially public transportation such as buses and train services. It remains a fact that for many years there are limited official provisions for public transport concessions instituted for persons with disabilities, many of whom due to low earning capacity are not able to afford other modes of transportation such as cars or even taxis. A large majority of persons with disabilities are not employed and of those who are able to find employment, they are likely to earn only a few hundred dollars per month, with many of them spending up to a third of their income solely on travel expenses.

53. **Recommendations:** We urge the Government of Singapore to review its position regarding its responsibilities to fulfil the Economic, Social and Cultural rights of the people in Singapore especially with regards to providing adequate social security (Minimum standards) as in ILO Convention 102, implementable on a system wide basis as opposed to targeted aid. The Government should also review its current stance on the non provision of public transport concession for persons with disabilities.

54. *Rights of Minorities and indigenous people*

55. Article 152 of the Singapore Constitution recognises the special position of Malays as the indigenous people of Singapore, as well as the government's responsibility 'to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language'. However, reality falls far short of this commitment and often, the Government has chosen to interpret the clause in narrow terms. For instance the Government had via the Public Service Commission, provided full tertiary fee subsidy for all Malay students studying in any tertiary institutions. This provision was however changed in 1991 to offload the administration of this scheme to a Malay community based organisation (MENDAKI) and also restrict the scheme to less economically well off Malay students.

56. In other past instances, the Government has acted, through policies or practice, that are arguably in violation of Article 152, such as the expropriation of Istana Kampong Glam in 2000 which traditionally is a symbol of Malay religiosity, the widely-publicized banning of wearing the 'tudung' or Malay headscarves in national schools in 2002 resulted in three primary school Muslim girls being suspended from school. In addition, 'madrasahs' or Muslim religious schools do not receive from the Ministry of Education, adequate funding nor staffing support with teachers unlike mainstream national schools.

57. **Recommendations:** We urge the Government of Singapore to reaffirm its commitment to the Malays, rightfully recognized as the indigenous people of Singapore, by way of implementing the United Nations Declaration on the Rights of Indigenous Peoples. With regard to the institutions of ethnic self help groups such as MENDAKI among others, the Government should leave the leadership of such self-help associations to the people sector - parliamentarians and government officials should not crowd the leadership as this goes against the spirit of self-help. State control of intra-community groups also work against the freedom of choice within the ethnic groups.

58. *Right to education and to participate in the cultural life of the community*

59. In education, government policies have not been fair towards the disadvantaged communities. Special education schools catering to children with disabilities currently do not come under the full purview and hence resource support of the Ministry of Education (MOE). There are instead over 20 such schools run

by non-state welfare service providers, also known as Voluntary Welfare Organisations (VWOs), with only partial funding from MOE.

60. In cultural life, individuals and groups do not have the right to freely express cultures and performing rights and access are curtailed by the state. The state should recognise culture as a social good in its own right and not an appendage to the economy. Access to and expression of cultures should be recognised as a social right for all with the freedom to explore and examine their heritage through dialogue and public discussion without fear of reprisal from the enforcement agencies.
61. **Recommendations:** We urge the Government of Singapore to implement the Universal Declaration of Cultural Diversity, in light of the fact that Singapore has re-joined UNESCO in October 2007. Singapore should fulfill its obligations as part of the United Nations family. The Government should take a more active and less censorial role in supporting the arts as well incorporating more cultural content in the education curriculum.
62. ***Labour Rights and Migrant Workers: ILO Fundamental principles and rights at work***
63. Singapore as a member of the International Labour Organizations (ILO) is expected to respect and fulfill the core conventions that substantiate the fundamental principles and rights at work. The ILO Core labour standard applies to all workers including migrant workers in Singapore.
64. Over 30% of the Singapore workforce consists of foreigners/migrants, of which 856,000 of them are engaged in low- or semi-skilled manual jobs including 196,000 women employed as live-in domestic workers. All migrant workers coming into Singapore on Work Permits or S Passes are subjected to a whole list of conditions prescribed in the Employment of Foreign Manpower Act (First – Sixth Schedule). Migrant workers working as domestic workers are excluded from the Employment Act.
65. The prevailing stance of the Government is that when migrant workers enter Singapore for the purpose of employment, they are willing to subject themselves to the terms and conditions even if such conditions may contravene or violate fundamental liberties and rights. For instance, migrant workers on work permits are subjected to conditions that effectively breach their right to family life and reproductive rights - they are not permitted to bring family members and they require the approval to enter into marriage with Singaporeans or PRs; for female migrant workers they are prohibited from becoming pregnant or to give birth in Singapore (related to reservation placed on CEDAW Article 16).
66. The majority of the workers who seek assistance from NGOs were found to have no weekly day off and many only have 1 day off per month. Many employers withhold their passports and limit opportunities for them to rest days and/or associate freely with fellow migrant workers. A large majority of employers and employment agents continue to withhold the passports or original work permits of migrant workers even though it is expressly prohibited in the Employment of Foreign Manpower Act and Passports Act. Employers, upon cancelling the work permits of migrant workers, are responsible for repatriating the workers often engage the services of 'repatriation companies'. Many migrant workers reported that these companies had resorted to intimidation, extrajudicial violence and wrongful confinement in order to extract compliance. Even though wrongful confinement is listed as an offence under the Penal Code, local reports state the police do not classify wrongful confinement of migrant workers as a criminal offence.
67. **Recommendations:** In recognition of the contributions and sacrifices many migrant workers have made to the growth of Singapore, we strongly urge the Government to review and amend all applicable legislations governing the conditions of work, living and welfare for migrant workers, to standards that more properly respect and protect the fundamental freedoms and rights, they too rightly possess. These include: Employment of Foreign Manpower Act, Employment Agencies Act, and the Employment Act. We call on the Government of Singapore to fully respect and fulfil the ILO Core Labour, Migrant Workers, and Governance Standards.

68. *Freedom of religion*

69. Article 15 of the 1963 Constitution for the Republic of Singapore recognizes the right of individuals to practice their religion and the rights of religious groups to manage their own affairs, establish religious and charitable institutions, and acquire and hold property. The Maintenance of Religious Harmony Act prohibits involvement of religious groups and officials in political activity which the government deems to be inappropriate. New religious movements and other religious groups, such as the Jehovah's Witnesses in particular, have suffered from religious discrimination by the authorities.
70. Employers are not obliged to provide time off for religious practice especially for migrant domestic workers. Domestic workers have also reported being forbidden from attending their place of worship, or from praying or fasting; workers who are confined and are not provided a day off, are unable to attend worship. Employment agencies may insist that Muslim workers cook with pork products, stop praying, and have been known to confiscate their holy books, prayer shawls, and prayer rugs to make them more "employable".
71. **Recommendations:** We urge the Government of Singapore to promote more interfaith dialogue to accommodate religious communities and protect each individual's right to believe and practice their religion. The Government should also educate all employers and support VWOs in their work to encourage employers respect the rights of migrant workers to believe and practice their religions.

72. *Commitments: National, Regional and International*

73. The Government of Singapore does not make explicit human rights commitment at the national level, however it does affirm some forms of commitments via the myriad of collective declarations made at the regional level i.e. as a member state of the Association of South East Asian Nations (ASEAN). The earliest Joint Communiqué of the Twenty-Sixth ASEAN Ministerial Meeting "reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration of 25 June 1993". Other human rights related declarations at the ASEAN level includes: Declaration against Trafficking in Persons Particularly Women and Children, Declaration on the Elimination of Violence against Women in the ASEAN Region, and the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The most significant commitment Singapore made at the regional level is the ASEAN Charter which specifies the principles that all member states, including Singapore, has agreed to on human rights, and set-up the ASEAN Inter-governmental Commission on Human rights (AICHR).
74. **Recommendations:** We call on the Government of Singapore to take a more resolute stand and strengthen its commitments at international, regional and national levels on all human rights related declarations and commitments.

75. *Cooperation with human rights mechanisms and obligations*

76. Singapore does not have an independent National Human Rights Institution. The Government of Singapore in general does not conduct much meaningful interaction with most human rights stakeholders. With regards to NGOs, the Government holds sporadic consultations. With regards to rights holders especially those from marginalised or disadvantaged groups (e.g., single parents, persons with disabilities etc.), the Government holds consultation with proxy organisations and seldom engages directly with the groups in need. With regards to human rights defenders, especially for those who engaged in public political expressions outside of the gazetted free speech zone, the Government does not dialogue with them, but often the use of laws such as the Public Order Act is used to detain them.
77. With regards to regional human rights mechanisms, the Government has appointed Commissioners to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). The appointed Commissioners are not empowered to freely hold consultations with civil society. With regards to international human

rights mechanisms, it is noteworthy that the Government of Singapore has invited in April 2010, the UN Special Rapporteur on Racism, Xenophobia and Related Intolerance. The Government however openly made immediate strong rebuttals and rejections to preliminary recommendations made by the Rapporteur. An Independent Expert on the Right to Development was once invited in 2001; however the visit appeared to be inconclusive as there was no official report available to date.

78. **Recommendations:** We encourage the Government of Singapore to have more meaningful engagement with civil society organisations and concerned individuals to promote and protect human rights; and recognise the role of civil society to participate, monitor and report, and offer recommendations to national and regional human rights mechanism and process. We call on the Government of Singapore to convene an independent National Human Rights Institution that includes independent thematic experts and commissioners and to accept the invitation requests from and receive the evaluation of other key UN special procedures mandate holders namely, Special Rapporteur on the situation of human rights defenders, Special Rapporteur on extrajudicial, summary or arbitrary executions.
79. We urge the Government to ratify international core Human Rights conventions and optional protocols namely: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), **the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**, International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (MWC), Convention on the Rights of Persons with Disabilities (CRPD), Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

- End -