

## CONSCIENCE AND PEACE TAX INTERNATIONAL

UPR SUBMISSION

SINGAPORE 38<sup>th</sup> SESSION (May 2021)

1. This submission was prepared in September/October 2020 on the basis of the latest information available.

### Executive summary:

2. The submission focusses on the situation regarding military service and conscientious objection in Singapore.

3. Conscientious objection is not recognised either in law or in practice. This is contrary to Article 18 of the Universal Declaration on Human Rights (UDHR), which Singapore has endorsed.

4. Conscientious objectors, although civilians, have been treated as though they had been enlisted in the armed forces; they have been put on trial before military courts under military law and 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. Singapore now imprisons more declared conscientious objectors than any other State.

6. Conscientious objectors are subject to repeated call-up to perform military service. Continued refusal results in repeated detention. This is tantamount to repeated punishment for the same “offence”, in clear breach of the “*ne bis in idem*” principle. Moreover, insofar 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 coercion to change his religion or belief, a further violation of Article 18.

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 the involvement of children in armed conflict (OPAC), which Singapore has ratified. Moreover, there is in law no minimum age for voluntary recruitment into the armed forces.

8. Male citizens and permanent residents aged between 13 years and 40 years require an exit permit from 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. After ten years of unauthorised absence objectors may be deprived of their citizenship, contrary to Article 15 of the UDHR.

## History in the UPR

9. Conscientious objection to military service was not mentioned in the review of Singapore in the first cycle of the UPR (May 2011). This was unsurprising, as the issue had not been mentioned in the documents on which the review was based. A submission by Conscience and Peace Tax International (CPTI), although duly acknowledged, had been unaccountably mislaid, and was not reflected in the original Summary of Stakeholder Information. A corrected edition<sup>1</sup> was circulated on 9<sup>th</sup> May 2011, three days *after* the review had taken place. (It should be stated that such an error was to our knowledge unique.)

10. In the Second Cycle, the issue was mentioned in one joint ngo submission, and featured in one 16-word paragraph in the compilation. Again no recommendations were made to Singapore on the subject. Two recommendations by Haiti,<sup>2</sup> however, raised the issue of juvenile recruitment. These were merely “noted” by Singapore, with the irrelevant comment that “National Service remains critical to Singapore's defence as it underpins our peace and prosperity and safeguards our independence and sovereignty.”<sup>3</sup>

## Background

11. Singapore maintains a system of obligatory military service. Under the Enlistment Act<sup>4</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>5</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>6</sup> Outside the period of full-time service there is a requirement of “operationally ready”, or reserve, service which “will not in the aggregate exceed 40 days annually”.<sup>7</sup> In practice national service applies only to men - in the legislation the male pronoun alone is used throughout.

12. Military service is imposed more universally in Singapore than in most other states. The armed forces include 30,000 conscripts. Further thousands of conscripts are serving in the the Singapore Police Force, including the Coast Guard, and the 5,600 strong paramilitary Civil Defence Force.<sup>8</sup> This represents just under 80% of the average number of males reaching 18 annually, a ratio known to be exceeded only in Armenia and Greece (numbers of conscripts are not universally available); higher than the 73% in Israel, controlling for the fact that both men and women are subject to conscription there.

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<sup>1</sup> A/HRC/WG.6/11/SGP/3/Corr.1, 9<sup>th</sup> May 2011.

<sup>2</sup> A/HRC/32/17, 15<sup>th</sup> April, 2016, paras 166.176 and 166.177.

<sup>3</sup> A/HRC/32/17/Add1, 13<sup>th</sup> June 2016, para 42.

<sup>4</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>5</sup> Enlistment Act (see note 1). Para 10 read in conjunction with para 2.

<sup>6</sup> Ibid, para 12.

<sup>7</sup> Ibid, para 14.

<sup>8</sup> International Institute for Strategic Studies, London, The Military Balance 2020, pp306-309.

13. At any one time some 0.83% of the entire population are serving in the military, a ratio exceeded in only a handful of States. Add in reserves, and the figure rises to just under 5%, second only to DPRK.

### Recruitment Ages

14. 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 (“VEES”), and with parental consent, they may apply to commence their national service at any time after registration.<sup>9</sup> *Compulsory* enlistment may not however take place before the eighteenth birthday,<sup>10</sup> It is questionable whether such an *option* regarding the *timing* of enlistment for obligatory military service is consistent with Article 3.3 of the OPAC (ratified by Singapore in 2008), which begins:

“States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum,  
a) Such recruitment is genuinely voluntary...”.

15. *Genuinely* voluntary recruitment is covered by Para 19.1 of the Enlistment Act, which states, without any age restriction. “Any person may apply (...) to be enlisted for regular service in the Singapore Armed Forces.” Such recruitment is distinct from recruitment under the VEES; it is not governed by the time limits and conditions of national service. In its declaration on ratification of the OPAC, Singapore however indicated that the same minimum age limit applies: “The minimum age at which persons may be voluntarily recruited or enlisted into the Singapore Armed Forces is 16 years and 6 months”. There is no reason to suspect that this is not true in practice.

16. As of 2011, Singapore was one of only eighteen States which legally permitted military recruitment below the age of seventeen years, three of which were actively reconsidering this policy<sup>11</sup>. Singapore, too, should be encouraged to move towards the position that no recruitment in any circumstances should take place before the eighteenth birthday.

17. It should also be noted that juvenile volunteers must give six months notice if they wish to apply for early release.

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<sup>9</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008), p302

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

<sup>11</sup> Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012, p53.

## Treatment of conscientious objectors to military service

18. There is no provision in Singapore's recruitment legislation for conscientious objection, nor has the military been prepared to entertain grounds of conscience for transfer between various branches of national service. Generally, conscientious objectors have been subject to prosecution under the Enlistment Act.

19. Under Para 4(2) of the 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) or to 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, whereafter he may incur a further fine increasing at the rate of S\$50 (US\$40) 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.

20. Under Para 26, "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 conscientious objectors are tried by military tribunals, and are incarcerated in the Singapore Armed Forces Detention Barracks.<sup>12</sup> As they have by definition not enlisted, they remain civilians and it is inappropriate that they should be subjected to military justice or be detained in military prison – a principle stated in the study on "The issue of the administration of justice through military tribunals", prepared for the UN Sub-Commission on the Promotion and Protection of Human Rights by Emmanuel Decaux,<sup>13</sup> and subsequently reaffirmed in a number of cases,<sup>14</sup> by the European Court of Human Rights, the decisions of which are of course not binding on Singapore but nevertheless contribute to customary international law.

21. Almost all recorded conscientious objectors in Singapore have been Jehovah's Witnesses. Their unwillingness to perform military service was probably the reason for the 1972 decision that "the group's existence was prejudicial to public welfare and public order",<sup>15</sup> leading to the deregistration of the church<sup>16</sup> and the subsequent banning of their publications.<sup>17</sup>

22. We have no details of the number of conscientious objectors other than Jehovah's Witnesses who have been imprisoned, but we are aware of one Singaporean Quaker family who are currently applying for asylum in the UK to escape military service.

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<sup>12</sup> Ibid, reply to question 6.

<sup>13</sup> E/CN.4/Sub.2/2005/9, para 19.

<sup>14</sup> European Court of Human Rights, Deuxième Section, *Affaire Ercep v Turquie (Requête n° 43965/04)*, Arrêt, 22 novembre 2011 (full text available in French only); European Court of Human Rights, Case of *Feti Demirtas v Turkey*, Application No. 5260/07, Chamber Judgment of 17 January, 2012; European Court of Human Rights, Case of *Savda v Turkey (application no. 42730/05)*, Chamber Judgment of 12<sup>th</sup> June, 2012; European Court of Human Rights, Deuxième Section, *Affaire Buldu et autres v Turquie (Requête n° 14017/08)*, Arrêt, 3 juin 2014 (text available in French only).

<sup>15</sup> Human Rights Without Frontiers International, Freedom of Religion or Belief Annual Report 2014 op.cit., p67.

<sup>16</sup> Order No. 179 of the Minister for Home Affairs pursuant to section 24.1 of the Societies Act.

<sup>17</sup> Order No. 123 of the Minister of Culture, pursuant to Section 3 of the Undesirable Publications Act.

23. A sentence for refusal does not discharge the obligation to enlist. Conscientious objectors are routinely sentenced to 15 months in the first instance, and on again refusing to a further 24 months. (Now seemingly reduced to 12 and 18 months, respectively.) Failure to report for annual reserve service is usually punished by a 40-day sentence, but after three such convictions a 12 month sentence is normal.<sup>18</sup> It is reported that “men who had refused to serve on religious grounds are generally not called up for reservist duties” although receiving no formal exemption.

**Table 1: Jehovah's Witness conscientious objectors, 1972 – 2020**

NB “-” means no data; figures in italics have been extrapolated, with a margin of error.

Year	In prison at year end of whom serving:			New convictions	Age at first conviction{			
	first sentence	second sentence			19	20	21	
<b>1972 – 97 (total)<sup>19</sup></b>				<b>&gt;100</b>				
1997	30	15	15	-	-	-	-	
1998 - 2001	-	-	-	-	-	-	-	
2002	28	-	-	-	-	-	-	
2003	-	-	-	-	-	-	-	
2004	20 <sup>20</sup>	-	-	-	-	-	-	
2005	-	-	-	-	-	-	-	
2006	20	-	-	-	-	-	-	
2007	22 <sup>21</sup>	-	-	8	-	-	-	
2008	-	8	-	-	-	-	-	
2009, 10	-	-	-	-	-	-	-	
2011	-	-	-	4	1	1	2	
2012	-	5	-	3	0	3	0	
2013	8	7	1	7	3	3	1	
2014	14	5	7	2*	2	0	0	
<b>(2011 – 2014, total)</b>				<b>16</b>	<b>6</b>	<b>7</b>	<b>3)</b> <sup>22</sup>	
2015	15	<i>13</i>	2	5	-	-	-	
2016	13	7	6	4	-	-	-	
2017	12	4	8	2	-	-	-	
2018	9	2	7	2	1	1	0	
2019	11	0	<i>11</i>	6	2	0	1	(+1 18, 1 24)
2020	11	0	0	3*	1	0	0	(+2 23)
<b>(2018 - 2020, total)</b>				<b>11</b>	<b>(18)</b>	<b>6</b>	<b>1 1</b>	<b>(23x2, 24))</b> <sup>23</sup>

<sup>18</sup> General Counsel of the Jehovah's Witnesses, op. cit., reply to question 6.

<sup>19</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>20</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>21</sup> Amnesty International, Annual Report 2007

<sup>22</sup> Human Rights Without Frontiers international, Freedom of Religion and Belief and Blasphemy: Prisoners List 2014

<sup>23</sup> [en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/](http://en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/), 15<sup>th</sup> October 2020

\* Courts-martial pending. Additional source: United States State Department, annual Religious Freedom Reports

25. With regard to all repeated sentences, the Human Rights Committee has 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>24</sup> In a subsequent decision regarding conscientious objection to military service,<sup>25</sup> the Committee found that repeated convictions for refusal to perform military service therefore constituted a breach of Article 14.7 of the International Covenant on Civil and Political Rights (which Singapore however has yet to ratify).

26. In debates of the Human Rights Council, and its predecessor the Commission on Human Rights, Singapore has consistently been the most vocal opponent of any recognition of a right to conscientious objection.

#### Restrictions on freedom of movement and other rights

27 Under Para 32 of the Enlistment Act, males between the ages of 13 and 40 (50 in certain cases) require an exit permit from the Armed Forces Council to leave or remain outside Singapore. Those who do not comply, or who remain abroad beyond the permit's validity, become liable to a fine of S\$2,000 (US\$1,500). In the case of those below the registration age of sixteen-and-a-half, each parent, whether or not in Singapore, is also liable to be fined the same amount. A number of young men do attempt to avoid conscription by leaving the country, but after ten years' absence they risk being stripped of their citizenship. As observed in Para 8 above, these constitute serious breaches of Articles 13 and 15 of the UDHR.

#### Committee on the Rights of the Child

28. Several of these issues were addressed by the Committee on the Rights of the Child in examining the Initial Report of Singapore under the OPAC, shortly after the UPR Second Cycle Review. The Committee recommended:

**“that the State party consider discontinuing voluntary recruitment under the age of 18, and that it take all necessary measures to:**

- a) Significantly reduce the notice required to be given by underage volunteers to request release;**
- b) Ensure that no underage volunteer is subject to military law or to trial by the Subordinate Military Court and that, if charges are brought against underage volunteers, trials are held in civilian courts and are consistent with the standards on juvenile justice set out in the Convention.”<sup>26</sup>**

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<sup>24</sup> CCPR/C/GC.32, 23 August 2007, Section IX “NE BIS IN IDEM”, para. 55.

<sup>25</sup> Views adopted by the Human Rights Committee at its 113th session (16 March–2 April 2015), Communication No.2218/2012, *Zafar Abdullayev v Turkmenistan* (CCPR/C/113/D/2218/2012) published on 19<sup>th</sup> May 2015.

<sup>26</sup> CRC/C/OPAC/SGP/CO/1, 13<sup>th</sup> October 2014, para 11.

**Suggested recommendations:**

29. Singapore, not being party to the ICCPR, does not have its Civil and Political Rights reviewed by any instance other than the UPR.

30. Therefore, although the Committee on the Rights of the Child monitors its juvenile recruitment practices, it is ESSENTIAL that it HERE be held to account for the other violations.

**31. CPTI suggests the following recommendations:**

**a) That the right of conscientious objection to military service be accepted immediately, and that a civilian alternative service be made available to conscientious objectors.**

**b) That all conscientious objectors serving terms of imprisonment be released forthwith.**

**c) That compensation be offered to those who have in the past been imprisoned for conscientious objection.**

**d) That 18 be clearly established in Law as the minimum age for military recruitment of any kind.**