

HUMAN  
RIGHTS  
WATCH

**Submission to the Universal Periodic Review of Singapore**

Human Rights Watch

**October 2020**

## Introduction

1. Human Rights Watch submits the following information regarding Singapore's implementation of recommendations received and accepted following its second Universal Periodic Review (UPR) in 2016. The major human rights issues raised in this submission are a continuation of many of the concerns raised during the last review. While Singapore agreed to improve its legal instruments in the field of human rights and social protection<sup>1</sup> and to further include international human rights norms into its national legislation,<sup>2</sup> there has been very little progress in this regard. The government continues to use overly broad laws restricting freedom of speech to prosecute critical speech or to label it as false or "fake," and the right to peaceful assembly remains severely restricted.

2. Capital punishment remains mandatory for certain drug offenses and is still in effect for a wide range of other crimes. Use of corporal punishment, such as caning, continues to be standard practice within the criminal justice system, and in many instances is mandatory.

3. Lesbian, gay, bisexual and transgender (LGBT) rights remain under threat in Singapore due to criminal code section 377A, despite a growing trend globally to decriminalise consensual same-sex conduct.

## Freedom of Expression and Peaceful Assembly

4. At its 2016 review, Singapore accepted recommendations to "adopt legislative measures to permit the realization of peaceful demonstrations and promote freedom of expression" and "ensure that freedom of opinion and expression are encouraged and protected, including for individuals and organizations communicating via online public platforms."<sup>3</sup> It has clearly not done so. Not only has the government continued to use existing laws to imprison or fine those speaking critically of the government,<sup>4</sup> it has enacted new laws further restricting online speech.

5. In 2019, Singapore enacted the [Protection from Online Falsehoods and Manipulation Act \(POFMA\)](#), which allows a minister to declare that online content is "false" and order a "correction notice" be placed on the relevant pages.<sup>5</sup> Failure to comply can be punished with blocking the social media pages in Singapore, and up to 12 months in prison and a S\$14,000 fine (US\$10,192)<sup>6</sup> for the author of the falsehood. As of July 1, 2020, POFMA had been [invoked at least 50 times](#), primarily against content critical of the government and its policies. Correction notices have been issued to independent media outlets such as *The Online Citizen* and *New Naratif*, as well as opposition politicians and activists.

6. Those speaking critically of the judiciary face charges of contempt. A [lawyer who posted a critical poem](#) on his Facebook page after the execution of a client was fined S\$6000 (US \$4,368) for contempt and costs of S\$6000 (\$US 4,368). In August 2020, [Li Shengwu, a relative of Prime Minister Lee Hsien Loong](#), was ordered to pay a fine of S\$15,000 (US\$10,920) or serve a week in jail for a private Facebook post to the judiciary as "pliant."

7. The [Administration of Justice \(Protection\) Act](#), which came into force in October 2017, provides penalties of up to S\$100,000 (\$US72,800) and three years in prison for several forms of contempt of court, including the archaic offense of "scandalizing the court," a form of contempt that has been repeatedly used against those alleged to have criticized Singapore's judiciary. Moreover, contempt is made an "arrestable" offense – an offense that permits suspects to be subjected to warrantless searches and arrests. In March

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<sup>1</sup> Recommendation 166.58. All paragraph cites are to United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Singapore, A/HRC/32/7, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/078/42/PDF/G1607842.pdf> (April 2016).

<sup>2</sup> Recommendation 166.59

<sup>3</sup> Recommendations 166.89 and 166.202

<sup>4</sup> Human Rights Watch, "Kill the Chickens to Scare the Monkeys," report, Dec. 12, 2017, <https://www.hrw.org/report/2017/12/12/kill-chicken-scare-monkeys/suppression-free-expression-and-assembly-singapore>.

<sup>5</sup> See Human Rights Watch, "Reject Sweeping 'Fake News' Bill," news release, April 3, 2019, <https://www.hrw.org/news/2019/04/03/singapore-reject-sweeping-fake-news-bill>

<sup>6</sup> Using exchange rate .728, the average over the reporting period.

2020, the Court of Appeal upheld the conviction of activist Jolovan Wham<sup>7</sup> under that law for stating on Facebook that “Malaysia’s judges are more independent than Singapore’s for cases with political implications.” The court also upheld the conviction of John Tan, vice-chairman of the opposition Singapore Democratic Party, for posting on social media that Wham’s prosecution “only confirms that what [Wham] said is true.”

8. Government officials also use civil defamation law to sue their critics. Singapore defamation law, in contrast to defamation laws in many other countries, does not provide a qualified privilege for criticism of government officials and other public figures, and the damages plus legal costs awarded in cases involving public figures are often cripplingly high. In December 2018, Prime Minister Lee Hsien Loong filed [defamation charges against blogger Leong Sze Hian](#) after he shared an article on his Facebook page alleging that Prime Minister Lee had links to the Malaysian 1MDB financial scandal. In September 2019, Prime Minister Lee [sued editor Terry Xu for civil defamation](#) after *The Online Citizen* published claims made against Lee by his siblings about the disposition of the home of Lee Kwan Yew.

9. The government maintains strict restrictions on the right to peaceful assembly through the [Public Order Act](#), requiring a police permit for any “cause-related” assembly held in a public place, or in a private venue if members of the general public are invited. The definition of what is treated as an “assembly” is extremely broad. Persons who fail to obtain the required permits face criminal charges. On August 20, 2020, the Court of Appeal [upheld the constitutionality of the Public Order Act’s](#) licensing requirement for a permit to hold public assemblies. Under tightened restrictions put in place in October 2016, the government now considers the mere presence of a foreigner during an assembly to be unlawful participation that can result in criminal penalties for both the foreigner and the event organizer.

10. Activist Jolovan Wham was convicted of organizing a public assembly without a permit for allowing Hong Kong activist Joshua Wong speak at an indoor event without obtaining a permit for a foreigner to speak.<sup>8</sup> Wham is also facing charges under the Public Order Act for holding a vigil outside Changi Prison in July 2019 for a death row inmate, and for co-organizing a silent [protest](#) on the Singapore subway to commemorate the thirtieth anniversary of the arrest and detention of [22 activists](#) and volunteers [under the Internal Security Act in 1987](#).

11. Even solo protests are treated as assemblies under the Public Order Act. In October 2018, artist Seelan Palay was convicted of conducting an “illegal assembly” for standing alone outside Parliament in October 2017 with a piece of art commemorating former political prisoner Chia Thy Poh.<sup>9</sup>

12. *Singapore should:*

- Repeal the Protection from Online Falsehood and Manipulation Act (POFMA).
- Amend the Administration of Justice (Protection) Act to enable full discussion of matters of public interest as follows:
  - Repeal section 3(1)(a) of the Administration of Justice (Protection) Act to abolish the offense of “scandalizing the judiciary.”
  - Amend section 3(1)(b) of the act to narrow the restriction on statements that “prejudge” a pending proceeding to those that create a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced, and to make the rule equally applicable to the government and to private citizens.
  - Repeal section 3(4) of the act to eliminate the government’s discretion to make even prejudicial statements about ongoing proceedings when the government determines it is “in the public interest” to do so.
  - Amend section 13 of the act to give the author of allegedly contemptuous content notice and an opportunity to be heard before the court makes a determination whether such content must be removed.
- Revise Singapore’s civil defamation law to require public figures to prove that the defendant knew the allegedly defamatory information was false, give preference to the use of non-pecuniary

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<sup>7</sup> Human Rights Watch, “Singapore: Drop Charges for Criticizing the Judiciary,” news release, May 16, 2018, <https://www.hrw.org/news/2018/05/16/singapore-drop-charges-criticizing-judiciary>.

<sup>8</sup> Human Rights Watch, “Singapore: Quash Prominent Activist’s Conviction,” Aug. 26, 2020, <https://www.hrw.org/news/2020/08/26/singapore-quash-prominent-activists-conviction>.

<sup>9</sup> Human Rights Watch, “Joint Statement on the Sentencing of Human Rights Defender Jolovan Wham,” Feb. 22, 2019, <https://www.hrw.org/news/2019/02/22/singapore-joint-statement-sentencing-human-rights-defender-jolovan-wham>.

remedies such as apology, rectification, and clarification, and ensure that any pecuniary awards are strictly proportionate to the actual harm caused.

- Amend the Public Order Act to specifically recognize the government’s obligation to facilitate peaceful assemblies as follows:
  - Amend the definition of “public assembly” and “public place” to exclude gatherings held indoors.
  - Amend section 5 and repeal section 7 of the POA to eliminate the requirement for a permit for an assembly or procession.
  - Amend section 5 to require advance notice of an assembly only if it will involve, for instance, more than 50 people and of a procession only if it will involve, for instance, more than 10 people. The purpose of the notice requirement should be to allow the authorities to take steps to facilitate the assembly and should not function as a de facto request for authorization.
  - Amend section 5 of the act to provide an explicit exception to the notice requirement for spontaneous assemblies where it is not practicable to give advance notice.

### **Criminal Justice**

13. Singapore did not accept recommendations that it establish a moratorium on the use of the death penalty, end the use of mandatory death penalty sentences, or abolish the death penalty.<sup>10</sup> The death penalty remains mandated for many drug offenses and certain other crimes. There is little transparency on the timing of executions, which often take place with short notice.<sup>11</sup> Since 2016, Singapore [has executed at least 25 people](#), most for drug offenses. In 2017, Singapore executed Malaysian national S. Prabakaran for drug offenses despite a pending application to refer the case to the International Court of Justice. In May 2020, a court sentenced a man to the death penalty in a [proceeding using Zoom video conferencing](#).

14. At the 2016 UPR, Singapore further did not accept recommendations to abolish the punishment of caning, which amounts to torture under international law.<sup>12</sup> Corporal punishment remains common in Singapore, and for medically fit males ages 16 to 50, caning is mandatory as an additional punishment for a range of crimes, including drug trafficking, violent crimes (such as armed robbery), and even some immigration offenses.

15. *Singapore should:*

- Impose an immediate moratorium on implementation of the death penalty, with a view to complete abolition of the death penalty.
- Abolish the use of all forms of corporal punishment as a legal penalty.

### **Migrant Rights**

16. During its last UPR, Singapore accepted a number of recommendations to adopt comprehensive legislation protecting the rights of migrant workers.<sup>13</sup> However, foreign migrant workers remain subject to labor rights abuses and exploitation through debts owed to recruitment agents, non-payment of wages, restrictions on movement, confiscation of passports, and sometimes physical and sexual abuse. Foreign women employed as domestic workers are particularly vulnerable to abuse. In March 2019, a couple were [sentenced to three years in prison](#) and made to pay S\$10,000 (\$US7,280 in compensation to their former domestic worker for mentally and physically abusing her during her employment.

17. Work permits of migrant workers in Singapore are tied to a particular employer, leaving them extremely vulnerable to retaliation if they complain about wages or working conditions. Foreign domestic workers, which are covered by the Employment of Foreign Manpower Act rather than the Employment Act, are effectively excluded from many key labor law protections, such as limits on daily work hours and mandatory days off. In June 2019, Singapore was one of only [six governments voting to abstain](#) from new International Labour Organization (ILO) Convention No. 190 against violence and discrimination in the workplace.<sup>14</sup>

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<sup>10</sup> Recommendations 166.156-166.168.

<sup>11</sup> <https://www.hrw.org/news/2020/01/14/singapore-free-expression-restrictions-tighten>

<sup>12</sup> Recommendations 166.169-166.172.

<sup>13</sup> Recommendations 166.94, 166.79, 166.137.

<sup>14</sup> <https://www.hrw.org/news/2020/01/14/singapore-free-expression-restrictions-tighten>

18. Many migrant workers in Singapore are housed in crowded dormitories, with up to 20 people sharing a room and communal bathrooms. While Singapore had initial success in controlling Covid-19 infections in the country, a surge of cases among foreign migrant workers in early April led the government to [put all dormitories on lockdown](#), restricting the movements of almost 300,000 workers. While some “essential” workers were moved, the bulk of the migrants were confined to [hot, overcrowded rooms](#) with little ventilation, leaving them at risk of infection. As of August 13, [52,516 dormitory residents had tested positive for the coronavirus](#), making up more than 90 percent of all cases in Singapore.

19. *Singapore should:*

- Amend the Employment Act to include domestic workers to ensure that they have adequate legal protection.
- Ratify ILO Convention No. 190: Eliminating Violence and Harassment in the World of Work.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **Sexual Orientation and Gender Identity**

20. During its last UPR, many countries recommended that Singapore decriminalize consensual same-sex relations, but Singapore rejected them all<sup>15</sup> and continues to criminalize consensual sexual relations between men under criminal code section 377A. In March 2020, the Singapore High Court upheld the legality of section 377A, ruling that the law is “not so patently unreasonable” that it cannot stand. The criminalization of same-sex activity continues to have serious negative impact on the lives of Singapore’s LGBT population.

21. The Media Development Authority effectively prohibits all positive depictions of LGBT lives on television or radio. In June 2017, the Advertising Standards Agency asked a shopping center to remove the phrase “Supporting the Freedom to Love” from a promotional ad for the 2017 annual Pink Dot festival on the grounds it “may affect public sensitivities.”

22. Associations of more than 10 people are required to register with the government, and the Registrar of Societies has broad authority to deny registration if he determines the group could be “prejudicial to public peace, welfare or good order.” The [Societies Act makes express reference](#) to “gender,” “sexual orientation,” and “human rights” as grounds for denying the registration of a group. The Registrar of Societies has refused to allow any LGBT organization to register as a society on the ground that “it is contrary to the public interest to grant legitimacy to the promotion of homosexual activities or viewpoints.” The Accounting and Corporate Regulatory Authority has refused to allow T Project, which supports the transgender community in Singapore, to register as a not-for-profit company on grounds that doing so would be “against national security or interest.” The [group’s appeal against the Registrar of Companies’ rejection](#) of their application was turned down in November 2017.

23. *Singapore should:*

- Abolish section 377A of the Penal Code.
- Amend or repeal all rules and regulations that restrict positive depictions of LGBT lives, including section 11(d) of the film classification guidelines, which prohibits films that “promote or justify a homosexual lifestyle.”
- Amend or repeal all laws and regulations governing registration of societies, companies and charities to make clear that working for the rights of the LGBT community should not be considered against national security” or “contrary to the public interest.”

### **Acceptance of International Norms**

24. Singapore ratified the International Convention on the Elimination of All Forms of Racial Discrimination on November 27, 2017, which is only the fourth core human rights convention it has ratified. However, Singapore has not ratified other key human rights conventions.

25. *Singapore should:*

- Accede to all core human rights conventions. It should also ratify the Rome Statute of the International Criminal Court.

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<sup>15</sup> Recommendations 166.68-166.77.