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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

And

**The Asian Forum for Human Rights and Development (FORUM-ASIA)
NGO in General Consultative Status with ECOSOC**

**CIVICUS: World Alliance for Citizen
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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 190 countries throughout the world.
- 1.2 The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 81 members in 21 countries that works to promote and protect human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond.
- 1.3 In this document, CIVICUS and FORUM-ASIA examine the Government of Singapore's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Singapore's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in April 2016. To this end, we assess Singapore's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 2nd UPR cycle, the Government of Singapore received 22 recommendations relating to the space for civil society (civic space). Of these recommendations, eight were accepted and 14 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Singapore has partially implemented only seven recommendations relating to civic space and has not implemented the other 15. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, specifically related to the rights to the freedoms of peaceful assembly and expression.
- 1.5 Singapore has yet to ratify the International Covenant on Civil and Political Rights (ICCPR), which imposes obligations on states to respect and protect the freedoms of association, peaceful assembly and expression. Further, numerous recommendations to establish a national human rights institution have been ignored.¹
- 1.6 We are deeply concerned by the ongoing use of restrictive laws, including defamation laws, to criminalise criticism of the authorities by HRDs, journalists and

¹ Recommendations 166.57, 166.100, 166.101, 166.102, 106.103 and 106.104. See 'Report of the Working Group on the Universal Periodic Review: Singapore', UN Human Rights Council, 15 April 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/078/42/PDF/G1607842.pdf?OpenElement>.

critics and the restrictions on peaceful assembly, including protests held by one person, under the 2009 Public Order Act (POA).

- 1.7** We are further alarmed by laws restricting media freedom and the use of the 2019 Protection from Online Falsehoods and Manipulation Act (POFMA) to harass the political opposition, HRDs, journalists and civil society.
- 1.8** As a result of these issues, civic space in Singapore is currently classified as 'obstructed' by the CIVICUS Monitor.²

- Section 2 of this submission examines Singapore's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Singapore's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Singapore's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines Singapore's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and to advance implementation of recommendations under the 2nd cycle.
- An annex assessing implementation of 2nd cycle UPR recommendations related to civic space can be found in Section 7.

2. Freedom of association

- 2.1** During Singapore's examination under the 2nd UPR cycle, the government received four recommendations on the right to the freedom of association and creating an enabling environment for CSOs.³ Among other recommendations, the government committed to "ensure freedom of association" and "consider the necessary legislations and policies to effectively guarantee the protection of freedom of association." Of the recommendations received, the government accepted two and noted two. However, as evidenced below, the government has partially implemented one and not implemented three other recommendations.

² CIVICUS Monitor: Singapore, <https://monitor.civicus.org/country/singapore>.

³ Recommendations 166.90 (noted), 166.91 (supported), 166.92 (noted), 166.201 (supported). See 'Report of the Working Group on the Universal Periodic Review: Singapore, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review', A/HRC/32/17/Add.1', UN Human Rights Council, 13 June 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/117/87/PDF/G1611787.pdf?OpenElement>.

- 2.2** Article 14 of the Singaporean Constitution states that “all citizens of Singapore have the right to form associations.”⁴ However, despite these commitments legal barriers persist to the effective realisation of this right for CSOs.
- 2.3** Under the Societies Act the authorities have extensive discretionary powers to limit the right to the freedom of association. Principally, the Societies Act requires all CSOs with more than 10 members to register with the government. According to article 4, the Registrar of Societies can deny a CSO’s application on a number of broad and subjective grounds, including that a CSO’s mandate is “contrary to the national interest for the specified society to be registered” or “is identical to that of any other existing society” or “is in the opinion of the Registrar undesirable.”⁵
- 2.4** The Societies Act further includes several vague provisions that can be invoked to dissolve a CSO or sanction its members and employees. According to article 24, the Registrar of Societies can deregister a CSO that engages in activities considered “prejudicial to public peace, welfare or good order in Singapore.” Moreover, people who support or are employed by an “unlawful” society face severe criminal penalties. Article 15 of the law states that “any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society to be held in any house” may be fined up to S\$5,000 (approx. US\$3,635), or imprisoned for a term not exceeding three years, or both. In addition, individuals who are members of an unlawful society, or attend a meeting of an unlawful society, can be subjected to the same penalties.
- 2.5** Constitutional guarantees protecting the right of workers to organise are further undermined by stringent and discriminatory legislative restrictions on trade unions. The government continues to place onerous constraints on the right to organise and collectively bargain. Of serious concern are requirements under the Trade Union Act obliging all unions to officially register with the Registrar of Trade Unions, which has wide-ranging powers to refuse or withdraw a union’s registration on various arbitrary grounds, including on the basis that a union of similar purpose already exists. In addition, under the Trade Unions Act, government employees must seek the explicit approval of the President of Singapore before joining a trade union.
- 2.6** Singapore has 1.4 million foreigners working in the country, out of a total workforce of 3.7 million. Of these, 981,000 are low-wage migrant workers on temporary visas.⁶ Foreign workers are allowed to join trade unions but are prevented from holding a number of positions within unions without the authorisation of the Ministry of

⁴ ‘Constitution of The Republic of Singapore’, <https://www.wipo.int/edocs/lexdocs/laws/en/sg/sg047en.pdf>.

⁵ ‘Societies Act’, Singapore Statutes Online, <https://sso.agc.gov.sg/Act/SA1966>.

⁶ ‘The Missing Link in Singapore’s COVID-19 Strategy’, The Diplomat, 14 April 2020, <https://thediplomat.com/2020/04/the-missing-link-in-singapores-covid-19-strategy>.

Manpower.⁷ In practice, foreign workers have little opportunity to organise to defend their rights or demand improvements in their conditions of work.

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1 Under Singapore's previous UPR examination, the government received no recommendations on the protection of HRDs, journalists and civil society representatives.
- 3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. However, in spite of these protections, the Singaporean authorities have used an array of restrictive laws to investigate and criminalise HRDs for their activism.
- 3.3 Among the laws often used to target HRDs is the POA, which has been used to curb peaceful gatherings or protests even when undertaken by one person (see section 5 for details on the law).
- 3.4 HRD Jolovan Wham has faced multiple investigations for his activism. In November 2016 he was charged under the POA for his involvement in an indoor public discussion on 'Civil Disobedience and Social Movements'. The event saw the participation via Skype of Joshua Wong, an HRD from Hong Kong. Nearly three years later, in January 2019, the High Court convicted Wham of "organising a public assembly without a permit," because he did not have a permit for a foreigner to speak at the event. In October 2019 the appeal against his conviction was dismissed by the courts. Wham was sentenced to a S\$2,000 (approx. US\$1,500) fine or 10 days in jail. He chose to serve the jail sentence in lieu of paying the fine.⁸ In May 2020, Wham was again summoned by the Singaporean authorities for posting a picture on social media of himself expressing support with two climate activists who were taken into police custody for posting photos of themselves with placards calling for climate action.⁹

⁷ 'Trade Unions Act', Singapore Statutes Online, <https://sso.agc.gov.sg/Act/TUA1940>.

⁸ 'Singapore Government Continues To Harass Its Critics As Share Of Popular Vote Falls', CIVICUS Monitor, 24 September 2020, <https://monitor.civicus.org/updates/2020/09/24/singapore-government-continues-harass-its-critics-share-popular-vote-falls>.

⁹ 'Netizens post smiley photos as a show of solidarity with activist Jolovan Wham', The Independent, 26 May 2020, <https://theindependent.sg/netizens-post-smiley-photos-as-a-show-of-solidarity-with-activist-jolovan-wham>.

- 3.5** In May 2018, the Attorney General's Chambers (AGC) charged HRD and local artist Seelan Palay over his involvement in an art performance on 1 October 2017.¹⁰ The one-man performance was to publicise the cause of “the illegal detention of Dr Chia Thye Poh,” a former elected Member of Parliament (MP) who was detained without trial. Palay obtained a permit for this protest and walked from Hong Lim Park to Parliament with his art, where the police sought to remove him. Police alleged that Palay did not specify in his permit request his intention to move from the park to Parliament. He was deemed to have committed an offence punishable under Section 16(2)(a) of the POA.¹¹ In October 2018 he was sentenced to a S\$2,500 fine (approx. US\$1,818) and served two weeks of imprisonment after he refused to pay the imposed fine.
- 3.6** The 2017 Administration of Justice (Protection) Act, a vaguely worded contempt of court law, has been used to prosecute HRDs for criticism of the courts, under the guise of protecting the judicial system. On 11 May 2018, Jolovan Wham was charged with contempt for a Facebook post, posted in April 2018, stating that “Malaysia’s judges are more independent than Singapore’s for cases with political implications.” On 29 April 2019, Wham was fined S\$5,000 (approx. US\$3,666) for contempt of court.¹²
- 3.7** On 13 March 2020, police raided the office of human rights lawyer M Ravi. He was being investigated for contempt of court under the Administration of Justice (Protection) Act following the publication of an article on independent media website The Online Citizen (TOC) relating to his client, Mohan Rajangam, a Singaporean who challenged the legality of his extradition from Malaysia in 2015.¹³ M Ravi has been targeted and harassed constantly by authorities for his work, notably through the abuse of legal mechanisms.¹⁴
- 3.8** In March 2018, HRD Han Hui Hui was forcibly removed from the public gallery of a hearing of the Select Committee that was deliberating a law to combat

¹⁰ ‘Singapore Public Order Act Used To Restrict Or Criminalise Expression And Peaceful Assembly’, CIVICUS Monitor, 26 July 2018, <https://monitor.civicus.org/updates/2018/07/26/singapore-public-order-act-used-restrict-or-criminalise-expression-and-peaceful-assembly>.

¹¹ ‘Artist Seelan Palay sentenced to 2 weeks imprisonment in lieu of \$2500 fine for conducting a “procession without permit”’, The Online Citizen, 4 October 2018, <https://www.onlinecitizenasia.com/2018/10/04/artist-seelan-palay-fined-2500-sentenced-to-2-weeks-imprisonment-for-performing-art-piece-that-led-to-procession-without-permit>.

¹² ‘Singapore Parliament Passes ‘Online Falsehoods Bill’ Despite Civil Society Concerns’, CIVICUS Monitor, 9 May 2019, <https://monitor.civicus.org/updates/2019/05/09/online-falsehoods-bill-being-pushed-through-singapore-parliament-despite-civil-society-concerns>.

¹³ ‘Civic Space Restrictions Continue Unabated In Singapore Despite Covid-19 Pandemic, As Election Looms’, CIVICUS Monitor, 24 June 2020, <https://monitor.civicus.org/updates/2020/06/24/civic-space-restrictions-continue-unabated-singapore-despite-covid-19-pandemic-election-looms>.

¹⁴ ‘Singapore: the ICJ and other groups call on authorities to drop investigations under abusive contempt of court law’, International Commission of Jurists, 26 March 2020, <https://www.icj.org/singapore-joint-statement-calls-on-authorities-to-drop-investigations-under-abusive-contempt-of-court-law>.

misinformation (see section 5), after peacefully holding up papers displaying the image of a book titled 'Authoritarian Rule of Law, Legislation, Discourse and Legitimacy in Singapore'. Han Hui Hui had previously been invited to participate in the hearings, but at short notice was disinvented.¹⁵

3.9 The authorities have also attempted to vilify HRDs and activists as 'advancing foreign interests'.¹⁶ In August 2018, after a group of Singaporean activists met the former Malaysian Prime Minister Mahathir Mohamed, Singapore ruling party MP Seah Kian Peng, publicly condemned the group on Facebook, accusing them of asking the Malaysian prime minister "to interfere in our affairs." Law and Home Affairs Minister K Shanmugam also issued a statement criticising them, saying "you cross a red line when you invite foreign powers or foreign leaders into Singapore politics." Following these attacks, the activists faced a torrent of accusations of being 'traitors' and said they faced death threats.¹⁷

3.10 Similarly, in September 2020, Singapore's Elections Department filed a police report against independent online news outlet, New Naratif, for "illegal conduct of election activity" over the alleged publication of five paid advertisements on Facebook during the July 2020 general election. New Naratif's founder and managing director PJ Thum was subjected to four and half hours of questioning by the police in relation to the complaint by the Elections Department.¹⁸ New Naratif has regularly faced harassment by the government and senior government officials. In October 2019, the Home Affairs and Law Minister wrongly accused PJ Thum and fellow New Naratif founder Kirstan Han of urging the Malaysian Prime Minister to bring democracy to Singapore.¹⁹ Such deliberate spread of such false information is often intended to legitimise harassment and attacks against HRDs journalists and dissidents.

4. Freedom of expression, independence of the media and access to information

¹⁵ 'Singapore: Freedom of expression undermined in hearings on 'fake news'', Amnesty International, 3 April 2018, <https://www.amnesty.org/download/Documents/ASA3681602018ENGLISH.pdf>.

¹⁶ 'Singapore Authorities Threaten Editor With Libel And Smear Critical Online News Sites', CIVICUS Monitor, 27 September 2019, <https://monitor.civicus.org/updates/2019/09/27/singapore-authorities-threaten-editor-libel-and-smear-online-news-sites>.

¹⁷ 'Fake News Law Proposal, Another Tool To Crackdown On Critics', CIVICUS Monitor, 25 September 2018, <https://monitor.civicus.org/updates/2018/09/24/fake-news-law-proposal-another-tool-crackdown-critics>.

¹⁸ [Joint Statement] Singapore: Drop police report against independent media outlet New Naratif', Forum Asia, 2 October 2020, <https://www.forum-asia.org/?p=33070>.

¹⁹ 'Singapore: End state-sanctioned disinformation campaign against Kirsten Han', Forum Asia, 10 October 2019, <https://www.forum-asia.org/?p=30064>.

- 4.1** Under the 2nd UPR cycle, the government received 11 recommendations related to the right to the freedom of expression and access to information.²⁰ Of the recommendations received, the government accepted four and noted seven. For example, the government pledged to “ensure that freedom of opinion and expression are encouraged and protected, including for individuals and organizations communicating via online public platforms” and “protect freedom of the press.” However, as discussed below, the government did not take effective measures to implement these recommendations. Of the 11 recommendations pertaining to these rights, the government partially implemented only three and did not implement eight.
- 4.2** Article 14 of the Singapore Constitution includes strong safeguards to promote and protect the right to the freedom of expression. However, in policy and practice this right is drastically subverted by a highly restrictive legal and regulatory regime.
- 4.3** Singapore’s Sedition Act is a broadly worded law that opens the door for arbitrary and abusive application of the law and imposes unacceptable restrictions on public discussions related to race and religion. It criminalises speech that has a tendency to “bring into hatred or contempt or to excite disaffection against” the government or the administration of justice in Singapore, to “raise discontent or disaffection” among the inhabitants of Singapore, or to “promote feelings of ill-will and hostility between different races or classes of the population of Singapore.”²¹
- 4.4** The authorities have used criminal defamation provisions under sections 499 to 502 of the Penal Code to prosecute critics. The penalty for criminal defamation is imprisonment for up to two years, a fine, or both. In December 2018, TOC editor Terry Xu and Daniel Augustin De Costa were taken to court for criminal defamation for publishing in September 2018 a letter condemning government corruption.²²
- 4.5** Further, civil defamation lawsuits have long been used by representatives of the ruling People’s Action Party (PAP) to sue and seek hefty financial compensation in terms of damages from individuals who express dissent.²³ In December 2018, Prime Minister Lee Hsien Loong lodged a civil defamation suit against blogger Leong Sze

²⁰ Recommendations 166.86 (noted), 166.87 (noted), 166.88 (noted), 166.90 (noted), 166.91 (supported), 166.92 (noted), 166.200 (noted), 166.201 (supported), 166.202(supported), 166.203 (supported), 166.204 (noted), 166.205 (noted), UN Human Rights Council, 13 June 2016, op. cit.

²¹ ‘Sedition Act’, Singapore Statutes Online, <https://sso.agc.gov.sg/Act/SA1948>.

²² ‘Increasing Use Of Judicial System In Singapore To Silence Critics’, CIVICUS Monitor, 4 February 2019, <https://monitor.civicus.org/updates/2019/02/04/increasing-use-judicial-system-singapore-silence-critics>.

²³ Sections 499 and 500 of Singapore’s Penal Code criminalise defamation with up to two years’ imprisonment or a fine or both. Civil actions for defamation are brought in line with the common law doctrine of torts and the Defamation Act. See ‘Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in Southeast Asia’, International Commission of Jurists, December 2019, <https://www.icj.org/wp-content/uploads/2019/12/Southeast-Asia-Dictating-the-Internet-Publications-Reports-Thematic-reports-2019-ENG.pdf>.

Hian for posting on his Facebook page a link to an article alleging that Lee was the target of a corruption investigation in neighbouring Malaysia.²⁴

- 4.6** All domestic newspapers, radio stations and television channels are owned by companies linked to the government, meaning that news coverage tends to support the government and state policies. The two main media organisations in Singapore are state investment-owned MediaCorp and Singapore Press Holdings (SPH), which has close relations with PAP. MediaCorp operates all local television stations, while SPH monopolises digital and print newspapers.²⁵ Further, due to an array of restrictive laws, self-censorship within the media is pervasive. Singapore's ranking in the 2020 World Press Freedom Index dropped seven spots to 158 out of 180 countries.²⁶
- 4.7** The Infocomm Media Development Authority (IMDA), which operates under the Ministry of Communications Information (MCI), is provided with excessive discretion to suppress independent reporting and broadly control all forms of media and journalism. Principally, provisions of the Newspaper and Printing Presses Act,²⁷ Broadcasting Act²⁸ and Undesirable Publications Act²⁹ provide the authorities with wide powers to impose sanctions on broadcasters of content deemed critical of the government, or offensive to public interest, order, national harmony, good taste and decency.³⁰
- 4.8** The IMDA also regulates online content and has powers to block news websites if they do not comply with takedown orders. In November 2018, the IMDA directed

²⁴ 'Increasing Use Of Judicial System In Singapore To Silence Critics', CIVICUS Monitor, op. cit.

²⁵ 'In Singapore, An Already Unfair Vote Undermined By Covid-19', ASEAN Parliamentarians for Human Rights, June 2020, https://aseanmp.org/wp-content/uploads/2020/06/APHR_Briefer_SingaporeElections_2020-06-16-1.pdf.

²⁶ 'Singapore', Reporters Without Borders, <https://rsf.org/en/singapore>.

²⁷ The Newspaper and Printing Presses Act (NPPA) requires yearly renewal of licenses and empowers the authorities to limit the circulation of foreign newspapers. Under the NPPA, newspapers must issue management shares to government nominees, opening the door to government intervention over editorial direction and senior editorial appointments. See 'Newspaper and Printing Presses Act', Singapore Statutes Online, 31 December 2002, <https://sso.agc.gov.sg/Act/NPPA1974>.

²⁸ The Singapore government restricts online media via the Broadcasting Act. Under the Broadcasting Act, no one can provide "licensable broadcasting services" without a license issued by the IMDA. The law defines "licensable broadcasting services" to include "computer online services that are provided by Internet Content Providers," thus bringing blogs and websites within the ambit of the act. Providing "licensable broadcasting services" without a license is punishable by with up to three years in prison or a fine of up to S\$200,000 (approx. US\$147,300). See 'Broadcasting Act', Singapore Statutes Online, 31 August 2012, <https://sso.agc.gov.sg/Act/BA1994>.

²⁹ The Undesirable Publications Act gives sweeping authority to government officials to ban any broadly defined publication, including electronic information, that the government deems "obscene" or "objectionable," yet provides vague definitions of what fall into categories such as being "injurious to the public good." See 'Undesirable Publications Act', Singapore Statutes Online, <https://sso.agc.gov.sg/Act/UPA1967>.

³⁰ "'Kill the Chicken to Scare the Monkeys" Suppression of Free Expression and Assembly in Singapore', Human Rights Watch, December 2017, https://www.hrw.org/sites/default/files/report_pdf/singapore1217_web.pdf.

internet service providers (ISPs) to restrict access to the States Times Review after it refused to comply with an order to take down an article claiming that Prime Minister Lee Hsien Loong was a key target of money laundering investigations. In December 2018, the IMDA temporarily blocked access to the Singapore Herald news site after it refused to comply with takedown orders on eight articles published about a maritime dispute between Singapore and Malaysia. The Broadcasting Act empowers the MCI minister to prohibit disclosure of any orders to censor content. This, together with the fact that most ISPs and large online media companies are close to the government, results in a lack of transparency and public accountability surrounding online content regulation.³¹

4.9 In 2019, the government increased its control over online content with the passage of the POFMA, a sweeping piece of legislation on misinformation that is being increasingly used to target and harass government critics.³² The law grants broad powers to the authorities to order the correction of online content when there is a “false statement of fact” that jeopardises the “public interest,” which is defined broadly and includes: protecting Singapore’s “friendly relations” with other countries, preventing the diminution of public confidence in the government, any statutory board or part of the government, or protecting “public tranquillity.” It authorises the minister to order ISPs to post statements indicating that content is false, or to disable access to certain content. It also forces ISPs, digital advertising intermediaries and companies to restrict access to funding to alleged ‘false news’ sites.

4.10 Human rights groups have highlighted how the POFMA contains vague and overly broad provisions, offers unfettered discretion to ministers and government authorities and lacks clear protection for the freedoms of expression, opinion and information. The POFMA stipulates severe criminal penalties, including up to 10 years’ imprisonment, for anyone found guilty of breaking the law. It also requires social media companies to remove content or display prominent corrections at the government’s direction on their platforms, or face fines of up to S\$1 million (approx. US\$730,000).³³ Since the law was passed “correction directions” have been issued against opposition politicians, government critics, civil society activists, independent news websites and journalists for their posts online, along with “targeted correction

³¹ ‘Singapore’, Freedom House, <https://freedomhouse.org/country/singapore/freedom-net/2019>.

³² ‘Republic of Singapore Government Gazette Acts Supplement, Singapore Statutes Online, 28 June 2019, <https://sso.agc.gov.sg/Act/POFMA2019?TransactionDate=20191001235959>.

³³ ‘Singapore Ramping Up Use Of ‘Fake News’ Law Against Critics Ahead Of Elections’, CIVICUS Monitor, 24 February 2020, <https://monitor.civicus.org/updates/2020/02/24/singapore-ramping-use-fake-news-law-against-critics-ahead-elections>.

directions” against social media platforms such as Facebook.³⁴

- 4.11** In January 2020, the government issued a POFMA Correction Notice against Lawyers for Liberty (LFL), a human rights and legal organisation based in Malaysia. The notice was issued in response to a statement by LFL alleging serious and disturbing practices used by the Singapore Prison Services during judicial executions.³⁵
- 4.12** In June 2020 Facebook was reported to have described the POFMA as “severe” and a law that risks stifling the freedom of speech, after it was ordered to geo-block a user’s page. This occurred after Law and Home Affairs Minister K Shanmugam issued a correction direction to blogger Alex Tan for criticising the use of the POFMA in a post that was published on the National Times Singapore Facebook page, which Tan runs. Tan had to put up a warning that his post contained falsehoods but refused to do so.³⁶
- 4.13** Civil society groups have continued to advocate for a freedom of information law in Singapore to allow better access to information. In February 2020, the Freedom of Information Singapore Working Group Committee submitted a policy proposal for the bill to the Minister for Communication and Information.³⁷

5. Freedom of peaceful assembly

- 5.1** During Singapore’s examination under the 2nd UPR cycle, the government received six recommendations on the right to the freedom of peaceful assembly.³⁸ Among other recommendations, the government committed to ensuring “the full enjoyment of the right to freedom of peaceful assembly.” Of the recommendations received, Singapore accepted two and noted four. However, as evidenced below, the government has failed to adequately realise many of these recommendations. Of the six, the government has partially implemented three and has not implemented the other three.

³⁴ “Correction directions” have been issued on posts by political activist Brad Bowyer from the opposition Progress Singapore Party (November 2019), Dr Paul Tambyah, a candidate for the opposition Singapore Democratic Party (July 2020), Facebook pages of political parties People’s Voice and Singapore Democratic Party (July 2020), Malaysian human rights group Lawyers for Liberty (January 2020), Facebook page of States Times Review, an alternative media site (Feb 2020), New Naratif news site (May 2020) and the online news website The Online Citizen (TOC) Asia (July 2020), among others.

³⁵ [Joint Statement] Singapore: Use of Anti-Fake News Law reveals institutional framework that undermines the promotion and protection of human rights’, Forum Asia, 11 February 2020, <https://www.forum-asia.org/?p=30931>.

³⁶ CIVICUS Monitor, 24 June 2020, op. cit.

³⁷ ‘Students advocate for introduction of Singapore’s own Freedom of Information Bill’, The Online Citizen, 6 February 2020, <https://www.onlinecitizenasia.com/2020/02/06/students-advocate-for-introduction-of-singapores-own-freedom-of-information-bill>.

³⁸ Recommendations 166.87 (noted), 166.90 (noted), 166.91 (supported), 166.92 (noted), 166.201 (supported), 166.206 (noted), UN Human Rights Council, 13 June 2016, op. cit.

- 5.2** Article 14 of the Singaporean Constitution states that “all citizens of Singapore have the right to assemble peaceably and without arms.” Nonetheless, despite these legal guarantees, the government has put in place a number of stringent limitations on this right. Such restrictions have had a chilling effect of the right to the freedom of peaceful assembly.
- 5.3** The POA,³⁹ which aims to regulate assemblies and processions in public places, has been systematically used to restrict peaceful assembly in Singapore. It has been used regularly to harass and investigate activists and critics for no other reason than expressing their views and organising peaceful gatherings, and even towards solo protests.
- 5.4** The POA requires a police permit for any gathering or meeting of one or more people intending to demonstrate for or against a group or government, publicise a cause or campaign, or mark or commemorate any event. The only outdoor venue in which an assembly may be held without a police permit is Speakers’ Corner in Hong Lim Park. The law covers not only outdoor gatherings, but also those held indoors if they are in a place open to the public, or if the public is invited.
- 5.5** Under the POA, the commissioner of police may refuse to grant a permit if he has “reasonable ground” for apprehending that the proposed assembly or procession creates a public nuisance, gives rise to an obstruction in any public road, places the safety of any person in jeopardy, or causes feelings of enmity, hatred, ill-will, or hostility between different groups in Singapore, among other grounds. Such provisions are overly broad and inconsistent with international human rights law.
- 5.6** The POA law was amended in 2017 to stipulate that organisers must apply for a permit at least 28 days in advance of an event and inform the police of the estimated size of the gathering. Punishments laid down for breaches of the regulations included a fine of up to S\$20,000 (approx. US\$14,544), imprisonment for up to a year, or both.⁴⁰ The amendments also provide the police commissioner with specific authority to reject any permit application for an assembly or procession “directed towards a political end” if any foreigner is found to be involved.⁴¹
- 5.7** In June 2017, nine activists were investigated under the POA for holding a silent protest inside a train to mark the detention of an activist under the draconian Internal Security Act (ISA) in 1987. The ISA allows for “preventive detention” of people for up to two years at a time without charge or trial. Detention orders are renewable indefinitely. In September 2017, 10 activists were investigated for holding a peaceful vigil with the family of a person facing the death penalty in July

³⁹ ‘Public Order Act’, Singapore Statutes Online, <https://sso.agc.gov.sg/Act/POA2009>.

⁴⁰ ‘Singapore: Authorities given broad new powers to police protests’, Amnesty International, 4 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/singapore-authorities-given-broad-new-powers-to-police-protests>.

⁴¹ Human Rights Watch, 12 December 2017, op. cit.

2017.⁴² In September 2019, two people were investigated by the police for an offence under the POA after they wore t-shirts bearing a message against the death penalty during a run.⁴³

- 5.8** Concerns have also been raised about The Public Order and Safety (Special Powers) Act 2018,⁴⁴ which replaced the Public Order (Preservation) Act. The law purports to be aimed at “serious violence and large scale public disorder” and it gives Singapore’s home affairs minister sweeping powers if a “serious incident” has been, is being, or is likely to be committed. The definition of a “serious incident” in the law is overly broad and includes “sit-down demonstrations” that occupy publicly accessible spaces and “interfere with normal trade or business activities in the area.” Once the minister has declared a serious incident, the minister can authorise the police to, among other actions, close roads, impose cordons or curfews, conduct arrests, searches, and seizures without warrants, restrict the freedom of movement of specified individuals and order the dispersal of an assembly or procession.⁴⁵
- 5.9** The law grants powers to the police to block various forms of communication, including recording and sending photos and video, during “serious incidents.” Such restrictions could impact on the ability of people to undertake critical human rights documentation work.⁴⁶

6. Recommendations to the Government of Singapore

CIVICUS and FORUM-ASIA call on the Government of Singapore to create and maintain, in law and in practice, an enabling environment for civil society, HRDs and media, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right of CSOs and media to operate free from unwarranted state interference, the right to communicate

⁴² In November 2017, Jolovan Wham was charged under the POA for his involvement in both the candlelight vigil in solidarity with the family of a person facing the death penalty and the silent protest to mark the detention of activist under the ISA in 1987. See ‘Amnesty International Report 2017/18 The State Of The World’s Human Rights, Amnesty International, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>; ‘Prosecution Of Activist Jolovan Wham Reinforces Climate Of Intimidation Against Dissent’, CIVICUS Monitor, 12 March 2018, <https://monitor.civicus.org/updates/2018/03/12/prosecution-activist-jolovan-wham-reinforces-climate-intimidation>.

⁴³ CIVICUS Monitor, 27 September 2019, op. cit.

⁴⁴ ‘Republic Of Singapore Government Gazette Acts Supplement’, Singapore Statutes Online, <https://sso.agc.gov.sg/Acts-Supp/26-2018/Published/20180420?DocDate=20180420>.

⁴⁵ ‘Singapore: Reject Sweeping Public Order Bill’, Human Rights Watch, 12 March 2018, <https://www.hrw.org/news/2018/03/12/singapore-reject-sweeping-public-order-bill>.

⁴⁶ ‘ASEAN parliamentarians concerned by Singapore’s new public order bill’, ASEAN Parliamentarians for Human Rights, 22 March 2018, <https://aseanmp.org/2018/03/22/singapores-new-public-order-bill>.

and cooperate, and the state's duty to protect these rights. In the light of this, the following specific recommendations are made:

16.1 Freedom of association

- Take measures to foster a safe and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Amend the Societies Act to remove undue restrictions on the freedom of association, in compliance with ICCPR articles 21 and 22. In particular, amend provisions of the Societies Act that require mandatory registration and provide the government with wide discretion to dissolve or sanction CSOs in favour of a simple notification procedure. A clear legal basis should be provided in the legislation for denying registration, with an explicit and limited number of justifiable grounds compatible with international human rights law and standards.
- Guarantee the effective and independent functioning of autonomous trade unions by removing undue limitations and restrictions in the Trade Unions Act to form, join and register unions and ensure an enabling environment for migrant workers to join and hold positions in trade unions.

16.2 Protection of human rights defenders

- Ensure a safe and enabling environment in which HRDs, civil society members and journalists can carry out their work. To this end, establish an independent national human rights institution in line with the Paris Principles to promote and protect human rights.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Repeal or amend legislation and decrees that impose unwarranted restrictions on the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders and other international human rights laws and standards.
- Repeal or amend the POA and the 2017 Administration of Justice (Protection) Act, in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.

- Drop charges or quash convictions against HRDs, journalists and bloggers for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs and activists, in accordance with Human Rights Council resolution 27/31.

16.3 Freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by aligning all national legislation with international human rights law and standards.
- Review and amend the Sedition Act, Newspaper and Printing Presses Act, Broadcasting Act and Undesirable Publications Act to ensure that these laws are in line with international human rights law and standards and good practices in the area of the freedom of expression.
- Reform defamation provisions in the Penal Code, in conformity with article 19 of the ICCPR, and refrain from abusing civil defamation provisions to curtail the freedoms protected under article 19.
- Ensure that journalists and writers are able to work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Lift restrictions on the freedom of expression and adopt a comprehensive framework for the protection of journalists.
- Develop a timebound action plan in consultation with civil society and other stakeholders to review and amend internet laws to comply with the government's commitment to guarantee the freedoms of expression and information, with a view to ensuring free access to electronic media and allowing journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights online.
- Allow unfettered access to online information resources by repealing the POFMA, which criminalises and imposes arbitrary restrictions on the right to the freedom of expression and the right to access information.

- Adopt a law on access to information in line with international standards in order to promote the full exercise of the rights to the freedoms of expression and opinion.

6.4 Regarding freedom of peaceful assembly

- Amend the Public Order Act 2009 and the Public Order and Safety (Special Powers) Act 2018 in order to guarantee fully the right to the freedom of peaceful assembly, in line with the ICCPR and other international human rights standards.
- Drop charges against all protesters, HRDs and journalists prosecuted for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Remove requirements for explicit prior permission for peaceful assemblies in favour of a simple notification regime, as recommended by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 report.

6.5 Regarding access to UN Special Procedures mandate holders

- Extend a standing invitations to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association.

6.6 Regarding state engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned in this submission and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.

- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.