

I. EXECUTIVE SUMMARY

1. This submission focuses on several key areas surrounding use of force by law enforcement officials and security personnel in Singapore. This particular focus arises from the specific knowledge and expertise of the Omega Research Foundation.
2. Legislation in Singapore governing use of force by law enforcement and security officers is of particular concern to Omega. This legislation is not in-line with international human rights standards such as the UN Basic Principles on the Use of Force and Firearmsⁱ and the Nelson Mandela Rules.ⁱⁱ

II. LEGISLATION GOVERNING USE OF FORCE IN PLACES OF DETENTION

3. Singapore's Prison Act outlines the situations in which a prison officer may use weapons. It stipulates that a prison officer may use any weapon against a detainee if the detainee is attempting to escape or if behaving violently in such a way that may threaten "life or limb".ⁱⁱⁱ In contrast to international human rights standards such as the Nelson Mandela Rules,^{iv} the Act does not state that prison officers should use no more force than is strictly necessary, nor does it stipulate what training prison staff should receive.

III. LEGISLATION GOVERNING USE OF FORCE BY LAW ENFORCEMENT OFFICERS

4. The Police Forces Act states that "Every police officer shall be provided with such arms, ammunition and other accoutrements as may be necessary for the effectual discharge of his duties."^v There is no information, however, on the weapons or equipment available or any stipulations on the training required to permit officers to carry such equipment.
5. The Criminal Procedure Code states that if an individual resists or tries to evade arrest "the police officer...may use all reasonable means necessary to make the arrest".^{vi} There is no requirement in the Code that officers should exercise restraint in the use of force or ensure that any use of force is in proportion to the seriousness of the offence and the legitimate objective to be achieved. These provisions are stipulated in the BPUFF,^{vii} and should be included in the Criminal Procedure Code.
6. The Public Order Act severely limits the right to freedom of assembly in Singapore, stipulating that organisers of an event obtain a permit, which is only issued under a very strict criterion. The Commissioner may deem an event a 'special event', which permits law enforcement officers to "use such force as is reasonable and necessary to arrest and detain" a person who contravenes any order given by a law enforcement officer or in order to remove a person from a special event area (or prevent them from entering).^{viii}
7. The Public Order and Safety (Special Powers Act) gives law enforcement officers additional powers to deal with 'serious incidents'. The list of 'serious incidents' encompasses a range of events, including terrorist incidents, but also actions that cause "large-scale public disorder" (illustrations of this include large sit-down demonstrations).^{ix} The Act allows for areas surrounding serious incidents to be deemed areas of 'special authorisation'.^x This then permits law enforcement officers to use "use such force as is reasonably necessary... including the use of lethal weapons", to disperse an assembly or procession from an area of 'special authorisation',^{xi} to arrest an individual or prevent escape,^{xii} or to prevent an individual or vehicle from entering or attempting to enter a cordoned area.^{xiii}
8. Under international human rights standards, law enforcement personnel are only permitted to use lethal force in specific circumstances, where it is necessary to prevent an imminent threat to life or serious injury.^{xiv}

IV. HUMAN RIGHTS MONITORING

9. During the second UPR cycle, Indonesia encouraged Singapore to develop a “comprehensive human rights national action plan”.^{xv} Several other States also recommended Singapore introduce or, at least, consider introducing a national human rights institution (NHRI) in-line with the Paris Principles.^{xvi} At the time of writing, Singapore has not established an NHRI. An independent NHRI is essential to monitor and protect human rights.

V. INTERNATIONAL STANDARDS

10. Singapore has not ratified the International Covenant on Civil and Political Rights and its Optional Protocols, nor has it ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, as recommended in the previous two UPRs.^{xvii}
11. In July 2019, the UN General Assembly Resolution ‘Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards’ was adopted^{xviii}. Various UN Special Procedures have stated that the duty to prevent torture and other human rights violations requires States to establish effective controls to prohibit the trade of inherently abusive goods and regulate the trade of other law enforcement equipment that can be readily misused.^{xix}
12. Although Singapore voted against the June 2019 Resolution, Omega encourages Singapore to engage with the ongoing process to explore possible options for international standards.

VI. RECOMMENDATIONS

13. Ensure that the use of force is strictly regulated in accordance with international human rights standards in all situations, including in places of detention and during public gatherings. Specifically, the use of lethal force when policing assemblies must be restricted.
14. Strictly control the design, transfer, selection, and testing of all law enforcement equipment, and ensure a thorough independent review, based on international human rights law and standards, is undertaken by independent medical, legal, police, and other experts to ascertain whether the equipment is fit for use in law enforcement.
15. Ensure that all law enforcement personnel, including prison staff, receive regular training on the use of equipment. This training should be human rights- and scenario-based, prioritising the use of peaceful means to resolve situations where possible, and requiring officials to attain a minimum level of competency before being issued with equipment.
16. Establish an independent, fully funded NHRI at the earliest opportunity.
17. Ratify international human rights treaties at the earliest opportunity.

ⁱ United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN BPUFF), Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

ⁱⁱ UN Standard Minimum Rules for the Treatment of Prisoners (the ‘Nelson Mandela Rules’), adopted by the UNGA on 17 December 2015, UN Doc. A/Res/70/175.

ⁱⁱⁱ S. 247, Prison Act, 30 December 2000, Section 31 (2) <https://sso.agc.gov.sg/Act/PA1933?ProviDs=P1IV->.

^{iv} Nelson Mandela Rules, Rule 82.

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- ^v S. 24, Police Force Act (as amended), 31 January 2006, <https://sso.agc.gov.sg/Act/PFA2004#legis>.
- ^{vi} S. 76, Criminal Procedure Code, 1955 (as amended), Section 75(2).
- ^{vii} BPUFF, Article 5(a).
- ^{viii} S. 15 Public Order Act (as amended), 9 October 2009, Section 29 (3), <https://sso.agc.gov.sg/Act/PFA2004#legis>.
- ^{ix} S. 20, *Public Order and Safety (Special Powers) Act 2018*, 20 April 2018, Section 20 (4), <https://sso.agc.gov.sg/Acts-Supp/26-2018/Published/20180420?DocDate=20180420>.
- ^x *Ibid*, Section 3 (c).
- ^{xi} *Ibid*, Section 20 (4).
- ^{xii} *Ibid*, Section 48 (2).
- ^{xiii} *Ibid*, Section 18 (8).
- ^{xiv} BPUFF, Article 9.
- ^{xv} A/HRC/32/17, para 137.
- ^{xvi} A/HRC/32/17, recommendations 166.100 (Nepal), 166.101 (Poland, Timor-Leste, Malaysia), 166.104 (Costa Rica), 167.57 (Greece), 166.102 (Republic of Korea).
- ^{xvii} Human Rights Council, Report of the Working Group on the Universal Periodic Review – Singapore, A/HRC/18/11, recommendations 96.8 (Slovenia), 96.9 (Egypt), 96.10 (Czech Republic), 96.11 (Poland), 96.13 (United Kingdom), 96.14 (Japan), 96.15 (Ghana), 96.16 (France), 96.17 (Kazakhstan); Human Rights Council, Report of the Working Group on the Universal Periodic Review – Singapore, A/HRC/32/17, 15 April 2016, recommendations 166.12 (Republic of Korea), 166.19 (Kazakhstan), 166.3 (Costa Rica, Japan, Mauritius), 166.4 (Israel), 166.4 (France), 166.5 (Finland), 166.24 (Namibia), 166.18 (Portugal), 166.32 (Czech Republic), 166.26 (New Zealand, South Africa), 166.26 (Switzerland), 166.27 (Ghana), 166.29 (Denmark), 166.30 (Chile), 166.31 (Cyprus, Lebanon). .
- ^{xviii} A/RES73/304, adopted by the UNGA on 1 July 2019.
- ^{xix} See, for example, UN Special Rapporteur on torture, Nils Melzer. 2017. *Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment*. UN doc. A/72/178. UN General Assembly. See also, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns. 2016. *Joint report of UN Special Rapporteurs on freedom of peaceful assembly and association, and extrajudicial, summary or arbitrary executions*. UN doc. A/HRC/31/66. Human Rights Council.