



# **Universal Periodic Review (UPR) 24<sup>th</sup> Session**

(2<sup>nd</sup> to 13<sup>th</sup> November 2015)

## **Human Rights Situation in Singapore**

**Submission of :  
Franciscans International**

Geneva, June 2015

## INTRODUCTION

1. Franciscans International (FI) presents this submission concerning the human rights situation in Singapore for consideration by the UPR Working Group at its 24th session, January / February 2016. The human rights issues addressed are the rights trafficking in persons. FI is a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the Economic and Social Council of the United Nations. It was founded in 1982 to bring to the UN the concerns of the most vulnerable.

### Issue of Trafficking in Persons

#### *First-Cycle UPR Recommendations*

2. In its review in 2011, the Government of Singapore expressed its commitment to combatting trafficking in persons, and highlighted the use of effective prevention, active prosecution, victim protection and proactive problem-solving with foreign counterparts and NGOs (four P approach). Singapore accepted several recommendations relevant to the issue of trafficking including “Continue its positive engagement, participation and coordination with neighboring countries in combating trafficking in persons; ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime”.<sup>1</sup> Singapore considered that the recommendation to “step up efforts in fighting trafficking of human beings” was already implemented or in the process of implementation.<sup>2</sup>

#### *Legal and Institutional Framework*

3. Singapore is a state party to the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; the UN Convention against Transnational Organized Crime, but not a state party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime.
4. The Government of Singapore established the Inter-agency Task Force on Trafficking in Persons in March 2011, co-chaired by the Ministry of Manpower and Ministry of Home Affairs. Singapore also adopted the National Plan of Action against Trafficking in Persons 2012 – 2015, which explains the government’s strategy to combat human trafficking in Singapore through Prevention, Prosecution, Protection and Partnership.
5. On November 3<sup>rd</sup>, 2014 the Parliament of Singapore adopted the Prevention of Human Trafficking Act. It is the first body of law of its kind in Singapore and outlines what qualifies as Trafficking in Persons (TIP), how the government intends to prosecute those found guilty of the offense, and the assistance that will be given to individuals who have been victims of trafficking. The Act pays significant attention to the enforcement capabilities of police and public officers acting under this set of law. It also acknowledges the transnational dimension of TIP, stating that only part of the offense needs to occur within Singapore for it to be prosecutable. Those assisting in or profiting from TIP in any manner can also be charged under this law.<sup>3</sup>

#### *Promotion and Protection of Human Rights on the Ground*

6. Since the adoption of the UPR recommendations in 2011, the government of Singapore has

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<sup>1</sup> See the Report of the UN Working Group on Universal Periodic Review for Singapore, A/HRC/18/11, para 94.18-19.

<sup>2</sup> Idem, para 95.4

<sup>3</sup> See full text of the Republic of Singapore-Government Gazette, *Prevention of Human Trafficking Act 2014*.

adopted several policies to address the issue of trafficking in persons, notably the adoption of the National Plan of Action against Trafficking in Persons 2012 – 2015, and the Prevention of Human Trafficking Act 2014. The government recognizes that given the large amount of tourists that frequent Singapore each year, and a per capita GDP that is more than triple that of the next closest performing ASEAN nation, Singapore presents an attractive arena for human trafficking syndicates. The most frequent victims of trafficking are involved in sex trafficking, labor trafficking, or the peddling of human organs, and include men, women, and children.<sup>4</sup>

7. The issue of sex trafficking into Singapore is of particular concern. Women from around South and Southeast Asia are frequently induced or tricked into traveling to Singapore at the prospect of job offerings and higher wages. Some women enter the country aware that they will be employed in the sex industry, while others believe they will be employed in another sector. The victims of TIP are misled about the conditions they will face, which include low or withheld wages, physical or verbal abuse, the restriction of movement, lack of access to medical care, and dietary restrictions. They often enter the country on falsified passports provided by traffickers and/or are typically granted either an entertainment visa or a “social visit pass”, which is the equivalent to a tourist visa.<sup>5</sup>
8. In the findings of a 2012 study on Indonesian and Filipina migrant sex workers in Singapore, all participants reported being deceived as to either the nature of the work, the working and living conditions, or both.<sup>6</sup> While the exact circumstances of their cases varied, most of the women had initially chosen to migrate either internally, as for many from Indonesia, or abroad, as for all from the Philippines, in order to seek higher wages and higher living standards. In many of the cases of Indonesians, women had first worked in the entertainment or manufacturing sectors on Batam Island, Indonesia, where they were later invited or deceived into migrating to Singapore. For example, one woman was offered a restaurant job in Singapore that would have earned her more than 10 times her salary in Batam. Upon her arrival she discovered that she was actually hired to work in the sex industry.<sup>7</sup>
9. This report also examines the impact of debt and financial exploitation, which pimps and traffickers use to force women to service extreme numbers of men and prevents them from earning a living wage. Such was the case with a Filipina woman who was charged a fee of PP 10,000 (USD \$225) and faced subsequent salary reductions whenever a coworker ran away or if she did not reach certain quotas. She stated that they received “no food allowance, no transportation to work; no fixed salary, we know already we need to pay rent and it will be deducted, no day off...”.<sup>8</sup>
10. Labor trafficking has proven more difficult to track and prevent as the greatest volume of cases involve the fishing industry. In many cases workers who are trafficked through Singapore infrequently return to the country, remaining offshore for extended periods of time or docking in ports in neighboring countries. In addition, trafficked laborers often do not have access to communication devices and may be restrained from leaving their boats when docked at a port.<sup>9</sup> This makes it exceedingly hard for those being un-willfully held, unfairly paid, physically abused, or otherwise mistreated to report labor violations to the government or other assistance agencies. Furthermore, workers are often wary of reporting labor violations, as they fear deportation and a

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<sup>4</sup> Singapore Inter-agency Task Force on Trafficking in Person, *National Plan of Action 2012 – 2015* p.3

<sup>5</sup> For testimony from victims see Yea, Sally. *Social Visits and Special Passes: A Situational Analysis of Migrant Women Exploited in Singapore's Sex & Entertainment Industry*. (2012).

<sup>6</sup> *Idem*, p. 25.

<sup>7</sup> *Idem*, p. 20, 21

<sup>8</sup> *Idem*, p. 38.

<sup>9</sup> See U.S. Department of State. *2014 Trafficking in Persons Report-Singapore*. Office to Monitor and Combat Trafficking in Persons. para 1.

lack of future job prospects within the industry.<sup>10</sup>

11. While encouraged by the increased attention paid to the issue of TIP by the government, several human rights organizations and NGOs representing the rights and interests of trafficked persons have expressed discontent with the lack of input they were given in the creation of the Prevention of Human Trafficking Act 2014. We also believe that victims of trafficking should have been included in the decision-making processes. Their participation might have led to the creation of a more comprehensive and holistic approach to victim assistance.
12. The government of Singapore helps to fund shelters and NGOs that support victims of labor and sex trafficking. These organizations bear the brunt of the responsibility in providing shelter, medical care, and other basic amenities to these marginalized populations. Several of these groups have complained of inadequate government support and funding for their activities. The implementation of more rigorous anti-trafficking legislation will necessitate a greater commitment to funding these support structures.
13. While the most recent bill has a subsection on victim assistance, it is significantly lacking in specification and depth. Currently, the only direct provisions are for (a) temporary shelter and (b) counseling services,<sup>11</sup> neither of which are adequately explained or classified in the text. Provisions should be made to include healthcare, physical security, amenities like food and water, skills development programs, and work opportunities for those remaining in Singapore for the duration of his or her court case. There should also be greater specifications on the extent and amount of time for which these provisions will be made available, and if the government will be a direct provider or if it intends to increase the resources made available to third party NGOs and other organizations.
14. Concern also extends to the visa status of victims prior to returning to their home countries, relocating elsewhere, or awaiting trial. The bill does not include information on the legal status of those formerly trafficked and there has been some confusion as to what rights or freedoms they are granted while remaining in Singapore.<sup>12</sup> The “special pass” status that has been granted in the past is vague in its provisions for employment and freedom of movement within Singapore. There have been reports of victims being restrained from leaving the temporary shelters or detention centers they are placed. Some have also been forced to face fines for violating visa regulations regarding their entrance and subsequent length and nature of stay in Singapore.<sup>13</sup>
15. The recent commitment to the apprehension and prosecution of those involved in TIP indicates an important step towards curbing the prevalence of this issue in Singapore. However, the Prevention of Human Trafficking Act 2014 focuses an inordinate amount of its text to the role of enforcement and the powers granted to police or enforcement officers. Under the Act, individuals suspected of a crime involving TIP can be arrested or have their premises searched without a warrant.<sup>14</sup> In addition, if assigned to investigate TIP, public service officers can be granted the same enforcement capabilities as police officers. Advocacy groups have voiced concerns that the principles outlined under this law may be misused or manipulated and that the provisions in this section may result in the further traumatization of victims.<sup>15</sup>

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<sup>10</sup> *Idem*, para 2.

<sup>11</sup> *Prevention of Human Trafficking Act 2014*, 19 (1).

<sup>12</sup> U.S. Dept. of State. *2014 Trafficking Report*. para 10.

<sup>13</sup> Yea, Sally. *Social Visits and Special Passes*. p. 10, 35-36.

<sup>14</sup> See the Enforcement section of the *Prevention of Human Trafficking Act 2014*.

<sup>15</sup> StopTraffickingSG, *The full story of our recommendations for the Prevention of Human Trafficking bill*, (2014) Recommendations subsection 4.

16. *Recommendations to the Government of Singapore to:*

1. *Ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;*
2. *Adapt legislation to combat TIP to include the definition of human trafficking according to international human rights norms and which incorporates input from concerned parties outside the government;*
3. *Ensure the prosecution and punishment of individuals involved in trafficking and provide further protection and rehabilitation mechanisms for victims.*
4. *Clarify and disseminate information on the proper visa status and corresponding rights given to victims of TIP;*
5. *Improve the transparency of the hiring process for foreign workers, with particular attention paid to the entertainment and labor sectors;*
6. *Redefine enforcement regulations to coincide with the provisions of the Criminal Procedures Code of Singapore.*