

Singapore

Mid-term

Implementation

Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate index is described at the end of this document.

Geneva, 24 March 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/singapore>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

19 stakeholders' reports were submitted for the UPR. 20 NGOs were contacted. UN agencies were not contacted. The Permanent Mission to the UN was contacted. A National Human Rights Institution (NHRI) does not exist.

7 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **NGOs:** (1) Function 8 Limited (F8L) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) Humanitarian Organisation for Migration Economics (HOME) (4) Singapore Anti-death Penalty Campaign (SADPC) (5) Think Centre (TC) (6) Transient Workers Count Too (TWC2) (7) Working Group for an Asean Human Rights Mechanism (MARUAH)

IRI: 48 recommendations are not implemented, 51 recommendations are partially implemented, and 22 recommendations are fully implemented. No answer was received for 17 out of 143 recommendations and voluntary pledges (the full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Rec. State	Issue	IRI	page
13	Afghanistan	Disabilities	fully impl.	page 21
32	Afghanistan	General	partially impl.	page 72
42	Afghanistan	International instruments	partially impl.	page 40
47	Afghanistan	Right to health	-	page 18
77	Afghanistan	International instruments, Racial discrimination	not impl.	page 43
82	Afghanistan	International instruments, Rights of the Child	not impl.	page 44
31	Algeria	Women's rights	fully impl.	page 68
57	Algeria	Women's rights	partially impl.	page 68
22	Belarus	International instruments, Trafficking	fully impl.	page 35
50	Belarus	Trafficking	fully impl.	page 55
51	Belarus	Freedom of religion and belief, Minorities	partially impl.	page 10
40	Bhutan	International instruments	-	page 40
48	Bhutan	Disabilities	partially impl.	page 32
78	Bhutan	Disabilities, International instruments	fully impl.	page 44
12	Botswana	Disabilities, HIV - Aids, Right to education, Right to health	not impl.	page 18
74	Botswana	International instruments, Racial discrimination	partially impl.	page 42
1	Brunei Darussalam	Right to education, Right to health, Right to housing	partially impl.	page 12
15	Brunei Darussalam	Disabilities, Labour, Migrants, Rights of the Child, Women's rights	partially impl.	page 23
101	Canada	NHRI	not impl.	page 76
104	Canada	Elections	not impl.	page 10
108	Canada	Labour, Migrants	not impl.	page 33
123	Canada	Death penalty	partially impl.	page 61
132	Canada	Detention conditions, Justice	not impl.	page 66
135	Canada	Rights of the Child, Women's rights	not impl.	page 71
138	Canada	Civil society, Freedom of association and peaceful assembly, Freedom of opinion and expression	not impl.	page 11
3	Cuba	Right to education, Right to health	partially impl.	page 14
10	Cuba	Development	not impl.	page 17
85	Czech Republic	International instruments	partially impl.	page 45
115	Czech Republic	Extrajudicial executions, Human rights defenders, Special procedures	-	page 47
122	Czech Republic	Death penalty, Justice	partially impl.	page 61
127	Czech Republic	Torture and other CID treatment	not impl.	page 63
139	Czech Republic	Freedom of association and peaceful assembly, Freedom of opinion and expression	not impl.	page 11
107	Djibouti	Labour	not impl.	page 19
129	Djibouti	Detention conditions, Right to education, Torture and other CID treatment	not impl.	page 64
2	DPR Korea	Disabilities, Right to education, Right to health	partially impl.	page 14

11	DPR Korea	ESC rights - general	not impl.	page 18
59	Egypt	International instruments, Rights of the Child	partially impl.	page 41
100	Egypt	NHRI	not impl.	page 76
38	Ethiopia	International instruments	fully impl.	page 36
63	Finland	Death penalty	partially impl.	page 56
67	Finland	International instruments	partially impl.	page 42
95	Finland	International instruments	partially impl.	page 46
119	Finland	Death penalty	partially impl.	page 58
62	France	Death penalty, Justice	not impl.	page 56
91	France	CP rights - general, International instruments, Justice	not impl.	page 45
120	France	Death penalty	not impl.	page 61
125	France	Death penalty	partially impl.	page 62
128	France	Torture and other CID treatment	not impl.	page 63
90	Ghana	CP rights - general, International instruments, Racial discrimination	not impl.	page 44
16	India	Migrants	fully impl.	page 24
72	India	Disabilities, International instruments, Racial discrimination, Rights of the Child	partially impl.	page 42
20	Indonesia	Trafficking	fully impl.	page 52
28	Indonesia	Freedom of religion and belief	partially impl.	page 8
39	Indonesia	International instruments	partially impl.	page 36
53	Indonesia	Human rights education and training, Women's rights	partially impl.	page 68
93	Indonesia	International instruments, Labour, Migrants	not impl.	page 45
80	Iraq	International instruments, Rights of the Child	not impl.	page 44
89	Japan	CP rights - general, ESC rights - general, International instruments	not impl.	page 44
34	Jordan	General	partially impl.	page 75
61	Jordan	Human rights education and training	not impl.	page 56
92	Kazakhstan	CP rights - general, ESC rights - general, International instruments, Labour, Migrants, Racial discrimination	partially impl.	page 45
37	Laos	Technical assistance	not impl.	page 75
36	Lesotho	General	partially impl.	page 75
66	Lesotho	International instruments	partially impl.	page 42
9	Malaysia	Right to housing	partially impl.	page 16
19	Malaysia	Labour, Migrants	fully impl.	page 29
33	Malaysia	General	partially impl.	page 75
58	Moldova	Women's rights	partially impl.	page 69
94	Moldova	International instruments, Trafficking	fully impl.	page 46
102	Moldova	NHRI	not impl.	page 76
116	Moldova	International instruments, Rights of the Child	not impl.	page 47
70	Morocco	Disabilities, International instruments, Racial discrimination, Rights of the Child	partially impl.	page 42
105	Myanmar	Labour, Migrants	fully impl.	page 32
17	Nepal	Labour, Migrants	fully impl.	page 26
35	Nepal	NHRI	partially impl.	page 75
4	Oman	Right to education, Right to health, Rights of the Child	partially impl.	page 14
14	Oman	Disabilities	partially impl.	page 23

60	Oman	Poverty	fully impl.	page 18
76	Oman	International instruments, Racial discrimination	not impl.	page 43
27	Pakistan	Freedom of religion and belief, Racial discrimination	fully impl.	page 30
18	Philippines	Labour, Migrants	fully impl.	page 28
23	Philippines	International instruments, Trafficking	fully impl.	page 35
45	Poland	Civil society, UPR process	not impl.	page 40
81	Poland	International instruments, Rights of the Child	not impl.	page 44
86	Poland	CP rights - general, ESC rights - general, International instruments, Racial discrimination, Torture and other CID treatment	not impl.	page 45
99	Poland	NHRI	not impl.	page 76
143	Poland	International instruments, Rights of the Child, Torture and other CID treatment	partially impl.	page 50
8	Qatar	Right to education	partially impl.	page 15
26	Qatar	Minorities	-	page 30
25	Russian Federation	Freedom of religion and belief, Minorities	fully impl.	page 30
5	Saudi Arabia	Right to health	fully impl.	page 15
6	Saudi Arabia	Right to education	partially impl.	page 15
83	Slovenia	International instruments	not impl.	page 44
114	Slovenia	Freedom of association and peaceful assembly, Freedom of opinion and expression	-	page 11
126	Slovenia	Death penalty	partially impl.	page 62
131	Slovenia	Detention conditions, Justice	partially impl.	page 64
133	Slovenia	Sexual Orientation and Gender Identity	not impl.	page 68
55	South Africa	Women's rights	partially impl.	page 68
103	South Africa	NHRI	not impl.	page 76
44	Sri Lanka	General	partially impl.	page 75
109	Sri Lanka	Migrants	fully impl.	page 34
49	Sudan	Disabilities	partially impl.	page 32
73	Sudan	Disabilities, International instruments, Racial discrimination, Rights of the Child	partially impl.	page 42
71	Swaziland	Disabilities, International instruments, Racial discrimination, Rights of the Child	partially impl.	page 42
110	Switzerland	Labour	not impl.	page 20
121	Switzerland	Death penalty, International instruments	not impl.	page 47
140	Switzerland	Freedom of association and peaceful assembly, Freedom of opinion and expression	not impl.	page 12
142	Switzerland	Right to education, Rights of the Child, Torture and other CID treatment	not impl.	page 72
79	Thailand	Disabilities, International instruments	partially impl.	page 44
98	Thailand	NHRI	not impl.	page 76
106	Thailand	Labour, Migrants	not impl.	page 33
112	Thailand	Trafficking	partially impl.	page 57
87	Timor-Leste	International instruments	not impl.	page 45
97	Timor-Leste	NHRI	not impl.	page 76
43	Trinidad & Tobago	HIV - Aids	not impl.	page 18
75	Trinidad & Tobago	International instruments, Racial discrimination	not impl.	page 43



130	Trinidad & Tobago	Justice,Rights of the Child	partially impl.	page 70
21	United Arab Emirates	Trafficking	fully impl.	page 52
56	United Arab Emirates	Women's rights	partially impl.	page 68
88	United Kingdom	CP rights - general,Disabilities,ESC rights - general,International instruments,Racial discrimination,Torture and other CID treatment	partially impl.	page 45
111	United Kingdom	Labour,Migrants,Racial discrimination,Special procedures	not impl.	page 46
124	United Kingdom	Death penalty	partially impl.	page 62
24	Viet Nam	Freedom of religion and belief,Minorities	fully impl.	page 30
41	Viet Nam	International instruments	not impl.	page 40
46	Viet Nam	UPR process	partially impl.	page 41
7	Zimbabwe	Right to education	fully impl.	page 15

3. Feedback on recommendations

CP Rights

Recommendation n°28: *Continue its efforts to promote and protect human rights while also safeguarding the institution of the family in all its component parts, and to preserve religious tolerance* (Recommended by Indonesia)

IRI: *partially implemented*

Working Group for an Asean Human Rights Mechanism (MARUAH) response:

To many nations, Singapore appears to be an exemplary multi-racial society, with both its three principal racial groups and foreign workers who comprise 40% of the city state's population, living in harmony. Article 12 of Singapore's constitution prohibits racial discrimination while additional protection of indigenous Malays is provided under Article 152; the government has fought hard to ensure these ideals are implemented in practice. Schools celebrate Racial Harmony day annually; community engagement programmes to foster mutual understanding have been created while special election procedures and housing quotas prevent marginalisation of minorities and housing "ghettoes".

Recent surveys demonstrate these initiatives have been largely successful, a 2013 study indicated the vast majority of minority Indians and Malays report no discrimination in using public services. Most Singaporeans felt little inter-racial or religious social tension and were enthusiastic about embracing diversity. According to Dr Matthew Matthews, a research fellow, "Policies in Singapore over the last near 50 years have pretty much safeguarded minority interests." For many citizens, Singaporean identity has transcended racial lines with a 2002 survey concluding that 78% of Singaporeans regarded themselves more as Singaporean than racially identified. The fraction of mixed race marriages has also now increased to 20% demonstrating an improvement in relations between racial groups.

Despite these laudable achievements, Singaporean [society] remains subtly stratified. Over the last 50 years the Malay population has lagged behind their Chinese and Indian counterparts in employment, education and housing. Almost 20% of Malays earn less than \$1,500, 9% of the community live in one or two bedroom flats and homelessness is increasing. Members of the Malay community are also overrepresented in low income sectors, formed nearly 50% of those arrested for drug abuse in 2010 and many have serious debt problems. Additionally, 10% of Indians and Malays feel "often" discriminated against when applying for a job or securing promotion. Less than half of all Singaporeans have a close friend from another race.

Remaining problematic policies which could account for this social division include retaining the race category on all identification cards and the perceived discrimination Malays feel in the armed services. Until 1977 Malays were virtually excluded from the army due to a perceived conflict of interests between their religion beliefs and nationalism. Although the Ministry of Defence has reassured the community that it is

“evolving” its policy to ensure that Malays can secure top army positions, many people remain skeptical. Even the housing quota scheme introduced to promote racial harmony has proved problematic as Malays are prohibited from buying an HDB apartment in a block housing more than 25% Malays. Under this definition an area comprising 23% Malays, 75% Chinese and 2% Indians would be deemed a “Malay enclave”. In practice this divides families who are unable to live close to one another and complicates the process of selling flats. These concerns have been raised by the 2013 Suara Musyawarah Committee and reiterated by the Committee for Research on Muslim Affairs (RIMA).

Hidden tensions not only exist between members of the three main racial groups, but also from Singaporean citizens towards foreigners. Currently foreigners comprise 40% of Singapore’s workforce and a 2012 White Paper proposing large immigration increases prompted widespread protest. Although there are virtually no reported attacks on foreign workers here, tensions on online media run high. When Philippines fast food chain Jollibee opened Singapore outlets in 2013, one of the first comments on Yahoo! Singapore was, “roaches, roaches everywhere”. Similarly in the hours after the Little India riots, both the Prime Minister and Acting Manpower Minister Tan Chuan-Jin called for online calm amidst a barrage of xenophobic comments on social media. Discriminatory housing rental adverts stating, “No Indians or PRC (People’s Republic of China)” are still commonplace.

Echoing the UN Special Rapporteur on Xenophobia and Racism’s proposals to the government after a visit to Singapore in 2010, to further address these problems and promote racial harmony, MARUAH recommends:

- Relaxing the provisions of the restrictive Maintenance of Racial Harmony Act (MR.HA) to facilitate an honest and open discourse between members of all communities as “It is absolutely necessary in a free society that restrictions on public debate and discourse and the protection of racial harmony are not implemented at the expense of fundamental human rights such as freedom of expression and freedom of assembly”
- Removing race from citizens’ identity cards as it contributes to racially based policies and discrimination and creates problems on accessing self-help groups which are organised on ethnic lines.
- Adopting more flexibility when enforcing the housing quotas to reduce problems with the resale of flats and allow families to remain together.
- Ensuring the Special Assistance Plan (SAP) for gifted pupils is altered to remove preference towards Chinese language and culture.

Such measures are essential to ensure racial harmony between citizens and ensure that relationships are not merely superficial, but “move from tolerance towards trust”.

Think Centre (TC) response:

AICHR rep has gone to a few schools to share about the ASEAN Human Rights Declaration (AHRD).

Recommendation n°51: *Take additional efforts in preserving inter-ethnic and interconfessional harmony in the country* (Recommended by Belarus)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°28].

TC response:

Established the Religious harmony circle and interfaith community.

Recommendation n°104: *Establish an independent elections body* (Recommended by Canada)

IRI: *not implemented*

MARUAH response:

No Independent Elections Body has yet been established in Singapore. MARUAH argues that not only was it important to establish one, but additional changes to the elections procedure should also be made

Although there is no evidence of vote tampering in the Singaporean elections, a 2011 study reported that 9% of voters “did not feel free to cast their vote as they chose” with a MARUAH exit poll demonstrating that 15% did not believe their vote was secret. Political analyst Derek da Cunha adds, “...it can be argued that an element of fear was still much in evidence among a segment of voters” and “...the perennial concern of some voters about the recording on the back of their ballot paper by an election official of a serial number...This fear, which is completely unfounded, appears to be particularly prevalent among civil servants.”

Voters are concerned that although Individual votes are secret, the government is able to collect “precinct” voting information which is quoted in PAP speeches which undermines voters’ confidence in the secrecy of the ballot. Some commentators argue that this information could also be used to redraw the constituency boundaries. Constituents have also complained about “open”, “flimsy” polling booths; and the presence of serial numbers on ballot papers. According to the provisions of S42(2A)(b) of the Parliamentary Elections Act (Chapter 218) the voter’s name, IC number and “description” must be called out which intimidates voters. This procedure is designed to prevent voters from queuing up and voting twice.

To boost voters’ confidence, MARUAH believe simply presenting identification to the registrar coupled with improved local administrative practices could boost public confidence while avoiding election fraud. Serial numbers could be retained on counterfoils and undifferentiated watermarked balloting papers used instead. This would ensure votes could be authenticated in the event of election fraud while ensuring anonymity. Registrars should be obliged to remind voters that their votes are secret and posters around the room and public information campaigns created to reiterate this message.

TC response:

No independent electoral commission.

Recommendation n°114: *Repeal or at least narrow the restrictions on public discourse on the issue of ethnicity, language, race, religion and politically sensitive issues in order to ensure the full enjoyment of freedom of expression and freedom of peaceful assembly and association (Recommended by Slovenia)*

IRI: -

MARUAH response:

[...]

In July 2012 satirical political cartoonist, Leslie Chew. was charged with sedition and scandalising the judiciary for publishing online cartoon strip, “The Demon-cratic Republic of Singapore” These charges were dropped a month later after Chew apologised and withdrew the cartoons. Similarly, Alex Au Waipang currently faces contempt of court charges for “scandalising the judiciary” by publishing his article “377 Wheels come off Supreme Court’s best laid plans” on his blog, Yawning Bread. which accused the Supreme Court of deliberately manipulating hearing dates. In November 2013, the Supreme Court granted leave for the AGC to press charges and a pre-trial conference has been scheduled for March 2014. Additionally in June 2013, filmmaker Lynn Lee was issued with a warning for contempt of court on 14/6/13 after interviewing two striking Chinese bus drivers who alleged police abuse.

New MDA licensing rules were introduced in March 2013 without public consultation and implemented 4 days later. These rules stipulate that all news websites which are visited by more than 50,000 unique local IP addresses each month over a period of 2 months must put up a performance bond of \$50,000 and remove any content contravening the MDA’s standards within 24 hours e.g. content against the public interest, public security or national harmony.

[...]

Recommendation n°138: *Review the de facto ban on peaceful public demonstrations, the use of anti-defamation laws, and the registration process for civil society and associations, to ensure that such laws, as adopted and enforced, are consistent with international human rights guarantees of the rights to freedom of expression, freedom of peaceful assembly, freedom of association (Recommended by Canada)*

IRI: *not implemented*

MARUAH response:

[See response to recommendation n°114]

TC response:

No review conducted.

Function 8 Limited (F8L) response:

It is unlikely that the government will review this law that disallows peaceful public demonstration even for one person. This is a powerful law meant to control the people by depriving them of their freedom of speech and peaceful assembly.

Recommendation n°139: *Abolish the defamation law and ensure protection and promotion of the rights to freedom of expression and peaceful assembly and*

association through legislative reform and policy changes (Recommended by Czech Republic)

IRI: *not implemented*

MARUAH response:

[See response to recommendation n°114]

TC response:

No abolishment.

F8L response:

The government uses defamation law and contempt of court proceedings to protect its position and not for the good of the citizens. It is unlikely that it will abolish this law for again it is a powerful means of control.

Recommendation n°140: Abolish the penal law on defamation and ensure, through legislative reform and political change, that freedom of expression, as well as freedom of association and peaceful assembly are guaranteed to all inhabitants, citizens or not, of the country (Recommended by Switzerland)

IRI: *not implemented*

MARUAH response:

[See response to recommendation n°114]

TC response:

No abolishment.

F8L response:

Singapore is one of the few countries that retains the archaic law of Contempt of Court in the British Commonwealth. The United Kingdom, the author of this law, has herself abolished this crime. The Singapore government has charged many of its citizens and foreign journalists for contempt of court. There is now pending a case of contempt of court against a Singapore blogger, Mr. Alex Au Wai Pang who blogs under "Yawning Bread."

ESC Rights

Recommendation n°1: Continue its commitment to advancing the lives of its people through the provisions of best education, housing and medical care, which has rightfully earned its international recognition (Recommended by Brunei Darussalam)

IRI: *partially implemented*

MARUAH response:

Despite government assurances that no Singaporean will be denied health care because they can't afford it, a 2013 Gesellschaft für Konsumforschung (GfK) survey revealed that 42% of respondents were concerned about the affordability of healthcare. Although Singapore provides subsidised healthcare, a fierce culture of

self reliance is endorsed so patients must provide co-payments for their treatment to keep “waste and costs in check”.

Several schemes exist to ensure adequate health care provision for the population. These include Medisave, Medishield and Medifund. Medisave comprises a compulsory health care savings account into which employers are required to make monthly contributions; this money can then be spent on selected medical expenses as stipulated by the Ministry of Health (MOH). Compulsory low cost insurance cover is provided through Medishield to cover large hospitalisation bills and is paid for from policyholders' Medisave savings while Medifund is a means tested financial assistance scheme.

Despite these assistance schemes, problems still remain. Healthcare costs are rising dramatically, yet in 2012 just 1.4% of the budget was spent on medical care. Together Medifund, Medisave, Medishield and additional government subsidies only comprise 32%-39% of health spending while the remaining 60% is provided by a combination of patient payments, employers benefits and private insurance. This is extremely low compared to other developed Asian nations where out of pocket payments by patients amount to around 30%.

Some Singaporeans are reluctant to seek medical care. [...]

At the end of 2011, the total arrears owed by patients in restructured hospitals was \$110 million, including arrears accumulated from previous years. Although this debt is often repaid eventually and 96% of restructured hospital patients settle bills within two months, in 2010 \$37 million was written off as bad debt. In 2011 there were 136,000 medical bills outstanding for 2 months or more, 83% of these were incurred by Singaporean citizens.

Aware of these limitations, in March 2013, Health Minister Gan pledged to increase the share of the government's spending on healthcare. Additionally in 2012, the government replaced Medishield cover with an enhanced Medishield Life policy ensuring that all Singaporeans are provided with lifetime medical insurance. Medifund Junior was created on 1 March 2013 and an additional \$8 million a year was set aside to fund childrens' hospital care. All Singaporean citizens will be provided with Medishield protection from birth and parents will receive a one-off grant of \$3,000 to fund their children's' care. The Medisave scheme has now been expanded so that savings can be used to pay for neonatal scans as well as pneumococcal and influenza vaccines for young children and the elderly. Subsidised medical care at GPs surgeries and dental surgeons through the Community Health Assist (CHAS) Scheme, will also be extended.

MARUAH welcomes these amendments but notes the following remaining problems:

- As Prime Minister Lee Hsien Loong admitted in his 2013 National Day Speech, improving medical coverage under Medishield will inevitably cause premiums to rise. Commentators are concerned that this rise could inflict an unbearable financial burden on lower income families if inflation outpaces national wage growth. Some policyholders have already seen their premiums double since last

year. It is imperative that the government act to control these predicted increases.

- Medishield maximum claims are limited to \$70,000 a year or \$300,000 in a lifetime. Any costs incurred above this threshold must be borne by the patient, which could be financially crippling for poor families.
- Every month employers pay a mandatory contribution to their employee's Central Provident Fund (CPF) account. Part of this fund is allocated for MediSave expenses while the other is used as a retirement fund. Due to both the expansion of the Medisave policy and the increase in MediShield premiums, this will necessarily result in reduced retirement savings and potentially cause problems for the elderly of the future.

TC response:

Single mothers cannot buy public housing until the mother reaches 35 years of age. This means that mother and child are discriminated against in housing.

Recommendation n°2: *Continue to take positive steps to enhance the enjoyment of economic, social and cultural rights, especially in the areas of health, education and the care of the disabled* (Recommended by DPR Korea)

IRI: *partially implemented*

TC response:

Ratified the CRPD in 2013, however ICESCR is not ratified. The model the government adopts still largely depends on the voluntary sector to drive initiatives for persons with disabilities. Public sector recruitment of persons with disabilities are still subject to the 'meritocratic' approach, therefore still lags behind private sector in this aspect.

Recommendation n°3: *Continue applying programmes and measures aimed at ensuring universal access of its population to its excellent educational and health services and maintain the highest possible quality of these services* (Recommended by Cuba)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°1]

TC response:

Foreign domestic workers had their insurance coverage increased.

Recommendation n°4: *Continue its commitment in assisting the enrolment of poor children in education and ensuring their health care* (Recommended by Oman)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°1]

TC response:

There are still a few poor children who cannot afford to go to school.

Recommendation n°5: *Continue its efforts in providing health care* (Recommended by Saudi Arabia)

IRI: *fully implemented*

MARUAH response:

[See response to recommendation n°1].

Recommendation n°6: *Continue with its plans to guarantee the right to education* (Recommended by Saudi Arabia)

IRI: *partially implemented*

TC response:

There is compulsory education for elementary school. Children with disability however have difficulty in enjoying this right.

Recommendation n°7: *Continue the programme of the provision of quality education including new investments in the development of education* (Recommended by Zimbabwe)

IRI: *fully implemented*

MARUAH response:

The Ministry Of Education (MOE) has introduced a wider range of curriculum in schools through various measures such as allowing schools to offer new 'O' Level subjects and elective module as well as alternative curriculum and examinations for instance in through the International Baccalaureate programme.

We also note the establishment of new pre-tertiary and tertiary institutions in the form of School Of The Arts and Singapore University Of Technology And Design.

The curriculum at the Institute Of Technical Education (ITE) has been revamped with a focus on increasing employability. Recognising that graduates do switch between jobs and industries, the ITE curriculum now boasts a "cluster centric" approach whereby students in related fields of study are required to take a common foundation year syllabus to increase the breadth of their knowledge. A new ITE mega campus with new facilities and fresh courses in areas such as floristry and filmmaking is also in the works.

TC response:

There is compulsory education for elementary school. Children with disability however have difficulty in enjoying this right.

Recommendation n°8: *Continue efforts in developing and improving the quality of education so as to preserve human dignity and development in the country* (Recommended by Qatar)

IRI: *partially implemented*

MARUAH response:

Singapore has a National Education curriculum that is taught in public schools. The stated aims of the curriculum include developing national cohesion and creating a sense of belonging and rootedness to Singapore. This includes learning about other races and religious practices, promoting kindness and educating children on the role they have to play in defending Singapore. The curriculum thus aims to not only foster

social cohesion but also covers citizenry issues such as the rights and responsibilities of citizens. The National Education curriculum is not wholly public and has not been developed in a transparent and consultative manner, notably it is silent on human rights. In 2014 a new Character and Citizenship curriculum was introduced under the ambit of National Education.

In 2012 MARUAH wrote in to the Minister of Education and suggested that Human Rights Curriculum be introduced and that MARUAH was happy to meet for a discussion. This was given a polite 'Not Now'. And our Prime Minister had earlier agreed to the Terms of Reference on the ASEAN Declaration on Human Rights.

TC response:

There is compulsory education for elementary school. Children with disability however have difficulty in enjoying this right.

Recommendation n°9: *Continue taking effective policy and other measures to ensure adequate housing for its citizens, particularly in the lower income bracket* (Recommended by Malaysia)

IRI: *partially implemented*

MARUAH response:

[...]

Although Singapore shuns the welfare state mentality, the government has successfully removed the unhygienic slums and squatter settlements of the 1960's and strives to ensure the population is adequately housed. 75% of Singapore's total housing is built by the Housing Development Board (HDB) with 80% of the population resident here, around 90% of households own these properties.

Due to a projected dramatic population increase, the government has committed to set aside sufficient land to build an additional 700,000 housing units, of which more than 10% of these will be completed by 2016. In 2013 additional measures were undertaken to ensure the population was adequately housed including:

- Setting aside a higher fraction of 2-3-room Built to Order (BTO) flats for divorced or widowed persons with young children through the ASSIST scheme.
- Allowing elderly residents to retrofit their homes with slip resistant tiles, grab bars and ramps with up to 95% of the cost subsidised by the government through The Enhancement for Active Seniors (EASE) programme.
- Continuing to provide heavily subsidised HDB rental housing (\$26-\$275/month) to those unable to afford to buy a home. The Rental Flat Building Programme has provided 50,244 rental units and the average waiting time for this accommodation has reduced by $\frac{2}{3}$ over the last 5 years although. Another 10,000 rental flats will be constructed by 2017.
- Providing temporary housing for over 1,500 families through the Interim Housing Rental (IHR) Scheme and financial assistance provided to homeowners struggling to repay mortgages.

However, despite these achievements, problems still prevent the entire population accessing adequate housing. To qualify for rental housing prospective tenants must

satisfy onerous conditions, those without a “proper family nucleus” as defined by HDB’s eligibility criteria, must share a flat with at least one other family member. Single applicants may apply under the Joint Singles Scheme (JSS) and must often share a room as small as 23 sq m with a stranger. However applicants who have sold an HDB property within the last 30 months or have children capable of financially supporting them are ineligible for the scheme. As such we have often older single women and men sharing a flat with strangers and coping with living together.

Even parents with children may face problems if their children are unable or unwilling to support them. Although the Maintenance of Parents Act stipulates that children who are financially capable of supporting their parents are legally required to do so, understandably many parents are reluctant to sue their children for failing to comply. Some remain ineligible for subsidised flats due to their family circumstances and end up having no roof over their heads. Further, single applicants, especially those who are elderly with serious health problems may be unable to find a roommate. [...]

In November 2011, the Sunday Times reported that around 30 elderly people were sleeping outside in Sago Lane, Chinatown after arguments with their roommates. Many elderly vagrants were wearing only singlets, shorts and slippers and were using pieces of cardboard as makeshift mattresses. Around 40% of Singapore’s rental flats are occupied by at least one tenant over the age of 65. Sometimes large families share small rental flats leading to a lack of privacy and comfort. Many families sleep on mattresses on the floors of their flats and are plagued by bedbugs. Additionally, although this rental scheme is intended to be an interim measure, the length of time families spend in rental units can run up to 11 years.

Despite the existence of the rental housing scheme, homelessness does exist in Singapore. According to government statistics 264 homeless individuals and 141 families were assisted by MCYS in 2011. Many of the homeless pitch tents in East Coast Park or sleep in the void decks of HDB flats. Project 4650, a multi-agency project designed to eliminate homelessness in the park, has helped 230 families since its inception in 2010.

[...]

TC response:

Many lower income Singaporeans have difficulty paying their mortgage and are being deprived of housing.

Recommendation n°10: *Continue applying its socio-economic and development strategies and plans in the country* (Recommended by Cuba)

IRI: *not implemented*

TC response:

Singapore does not have sustainable development policies related to the promotion of economic, social and cultural rights. Singapore never signed the ICESCR.

Recommendation n°11: *Continue to take proactive and innovative steps aimed at ensuring sustainable development policies related to the promotion of economic, social and cultural rights* (Recommended by DPR Korea)

IRI: *not implemented*

TC response:

Singapore does not have sustainable development policies related to the promotion of economic, social and cultural rights. Singapore never signed the ICESCR

Recommendation n°12: *Build on its record and take additional measures to guarantee basic economic and social rights, such as in education and health, in particular for communities such as disabled, lower income persons and people living with HIV and AIDS* (Recommended by Botswana)

IRI: *not implemented*

+

Recommendation n°43: *Accentuate measures to provide assistance, care and support to persons at risk of infection and those living with HIV/AIDS, through improved access to prevention, treatment and counselling services* (Recommended by Trinidad & Tobago)

IRI: *not implemented*

MARUAH response:

Anti-retroviral drugs are available under the government's Medifund scheme. However, problems remain for those who don't qualify for Medifund as the anti-retroviral cocktail is not available on the standard drug list so cannot be bought at subsidised prices, resulting in costs of \$600-\$800/month. The National Medishield policy denies coverage for many AIDS related illnesses. Additionally Foreign Domestic workers and National Servicemen must undergo compulsory AIDS tests which, violates their privacy and confidentiality.

TC response:

No subsidies are provided by the state for HIV and AIDS medication. [...]

Recommendation n°47: *Maintain the momentum given to positive social policies relating to health care* (Recommended by Afghanistan)

IRI: -

MARUAH response:

[See response to recommendation n°1]

TC response:

No subsidies are provided by the state for HIV and AIDS medication. [...]

Recommendation n°60: *Increase attention to programmes for broken families* (Recommended by Oman)

IRI: *fully implemented*

TC response:

New Ministry set up for Social and Family Development.

Recommendation n°107: *Extend the protection afforded by labour law to the entire range of domestic workers* (Recommended by Djibouti)

IRI: *not implemented*

Humanitarian Organisation for Migration Economics (HOME) response:

The government continues to refuse to expand the coverage of the Employment Act (EA) to domestic workers, pointing out the “personalized” nature of domestic work. However, H.O.M.E. believes that the EA should apply to Foreign Domestic Workers, especially those provisions regarding areas in which the Employment of Foreign Manpower Regulations (EFMR.S) do not offer sufficient protection. Thus, H.O.M.E urges the government to apply some provisions of the EA to domestic workers, including those regarding notice of termination, contractual age, maximum working hours, overtime pay, and annual/sick/maternity leave. In places such as Hong Kong and South Africa, domestic workers are covered under the general labour laws. H.O.M.E. also recommends that the EFMR.S include greater specificity in certain sections, such as minimum wages, minimum number of hours of rest that must be provided, and basic standards of accommodation that are required.

MARUAH response:

Over 200,000 foreign domestic workers are currently employed in Singapore, with the many from Indonesia, the Philippines and now Cambodia. Although many working Singaporeans employ helpers to provide care for young children and the elderly, reports of physical abuse and fatal accidents are not uncommon. In addition, some Private Residential Management Committees deny foreign domestic workers the right to access gyms, swimming pools and communal recreational facilities located within the condominium housing in which they work. Unable to cope with the long working hours and being forced to work for months simply to repay agency fees, an increasing number of maids from Myanmar are running away. In response to reports of maltreatment from advocacy groups, the Government has introduced measures to improve the working conditions of domestic workers.

In January 2013 a weekly day off was made mandatory, however workers may “voluntarily” accept payment instead. Those who signed contracts before this legislation was implemented may have to wait up to 2 years for renewal before they can benefit from its provisions. If workers do choose to accept payment in lieu of a rest day, presumably they will be entitled to their usual daily wage of around \$17/day unlike other foreign workers protected under the provisions of the Employment Act (EA) who may claim overtime payments of up to double their usual wages.

The Government have also tried to provide additional training and assistance for workers here. Since May 2012, all new FDWs have attended a one day Settling-In Programme in which they received training on safety and stress management as well as a guide outlining employment conditions and useful telephone numbers.

Despite these improvements, problems still remain. Due to high placement fees, workers often end up spending months paying off debts to employment agencies before they are able to save any money at all. Charging placement fees exceeding one month’s salary per year of work is illegal in Singapore and agents who contravene these guidelines can be fined up to \$5,000 and jailed for up to six

months. Similar protective legislation exists in the Philippines, yet some workers have paid up to \$2,400. As a result, from September 2013, 150 Filipino trade union members have called a moratorium on sending maids until “60% of the Singaporean employment agencies have accepted the new terms of hiring”.

The employment of workers under the age of 23 is also prohibited but in 2012 seven agencies were warned and four of them were issued demerit points for bringing in underage maids. MARUAH recommends more coordinated efforts between Singapore and other nations to ensure existing legislation protecting workers rights is complied with in practice.

Additionally these workers should be protected under the EA and those who are pregnant should be granted extra protection. Currently if a foreign domestic worker gives birth in Singapore, the employers loses their \$5000 security bond and any worker found to be pregnant during their compulsory 6-month health check must be repatriated immediately. Such legislation inevitably leads to illegal abortions and in November 2013 an Indonesian maid abandoned her baby shortly after birth. In Hong Kong domestic workers who have been employed for more than 40 weeks are granted maternity leave, the Singaporean government should consider implementing similar legislation.

Transient Workers Count Too (TWC2) response:

Bring them under the Employment Act: this is the way to do that.

TC response:

Government has not implemented any national treatment that covers domestic workers.

Recommendation n°110: Continue its path of developing a financial system that will allow for assisting workers wishing to demand reparations in cases of litigation with their employer (Recommended by Switzerland)

IRI: not implemented

HOME response:

Following the enactment of the Employment of Foreign Manpower (Amendment) Act in 2012, employers of non-domestic workers are responsible for the upkeep and maintenance of foreign workers who are awaiting resolution and payment of any statutory claims for salary arrears under the Employment Act (the Fourth Schedule of Work Pass Regulations, paragraph 16, Part III). However, when employers have disappeared or are insolvent, workers awaiting resolution still face difficulties pursuing their claims and obtaining compensation. Furthermore, many workers who have pending claims against their employers have difficulties staying in shelters provided by the employer, as they receive threats related to their claims. Finally, domestic workers are not covered by this regulation. As such, the government needs to continue its efforts to build up a system that assists all the workers financially while they pursue errant employers.

TWC2 response:

This should include ensuring that workers are either enabled to support themselves by working while their case is settled or receive the basic support needed to allow them to have food and shelter while pursuing litigation.

TC response:

There is currently no financial systems that supports workers who seek legal recourse from their employers

Minorities

Recommendation n^o13: *Continue its ongoing efforts for further promoting the rights of disabled people* (Recommended by Afghanistan)

IRI: *fully implemented*

MARUAH response:

Over the last two years the Government has dedicated significant time and resources to protecting the rights of the disabled through the implementation of the Enabling Master Plan 2007-2011 and has pledged to continue this support through a new [2012-2016 Masterplan](#). Additionally the Open Door Fund (ODF) has been created to provide grants to modify workplaces, redesign jobs and train those with disabilities while the [Enabling Employers Network \(EEN\)](#) encourages employers to recruit those with disabilities.

Accessibility issues have been addressed through updating the Building and Construction Authority's (BCA) code on Built Environment and an Accessibility Masterplan for both new and existing buildings has been created. Currently 99% of tier-1 buildings have at least basic accessibility and existing train stations have been fitted with lifts and tactile guidance, the Ministry of Transport (MOT) and Land Transport Authority (LTA) are also working to ensure that all buses will be wheelchair accessible by 2020.

Believing that early detection of disabilities is imperative, the government has increased the capacity of the Early Intervention Programme for Infants and Children (EIPIIC) by 40% over the last 5 years to ensure that children receive adequate care and support. Supporting disabled adults and children at home has also been more affordable through The Foreign Domestic Worker (FDW) levy scheme.

MARUAH welcomes the Government's efforts in enhancing employment opportunities, accessibility and care, but further measures are necessary to fully protect the rights of the disabled. Accessibility remains problematic in some places. There is currently no wheelchair access in key Central Business District (CBD) areas including One Raffles Quay, Marina Bay Financial Centre, the offices around Robinson Road and certain sections of Orchard Road. The link-way between Raffles Place MRT and One Raffles Quay is also inaccessible to wheelchair users. Even when ramps do exist, sometimes these are impractical due to their steep gradients.

For those with moderate to severe disabilities who require specialised transport, costs remain prohibitively high, although subsidies are available to help finance travel to schools and hospitals, it is difficult for these people to participate in recreational activities like sporting events.

Despite continued pressure from advocacy groups and a 2003 survey revealing that 96% of 2,489 parents of special needs children were in favour of compulsory education, disabled children remain exempt from the Compulsory Education Act (CEA). In 2010, the Minister of Education (2010) argued that almost all children with special needs attend SPED (Special Programme Education Schools) and that a blanket law stipulating compulsory school attendance would be unduly harsh on children with severe disabilities and their parents.

Although SPED schools receive up to 4 times more funding from the Ministry of Education (MOE) than their mainstream counterparts, they are not part of the national school system and are governed by School Management Committees and voluntary welfare organisations. Due to the great variation in quality between schools, stakeholders wish the Government to take a more prominent role in their management. Partnerships between schools are being developed to promote interactions between disabled students and those in mainstream school. However, many parents want their children to attend mainstream school with much support, so that they are not stigmatized.

Public attitudes towards the disabled remain problematic. Although the use of guide dogs is legitimised under the Environmental Public Health and Rapid Transit Systems Act, blind people with dogs are routinely turned away from public places as the Act stipulates no penalties for violators. Consequently Law Minister, K Shanmugan has called for clearer regulations to support those who use guide dogs. In November 2013, a visually impaired man was prohibited from boarding a flight to Sydney as he did not have an “accompanying companion”, further action is required to promote the independence of the disabled and challenge stereotypes.

MARUAH and the Disabled People's Association (DPA) have called for comprehensive anti-discrimination laws as the current regime is “somewhat lacking”. Also to combat the high unemployment rate amongst the disabled the government should consider offering employers deeper incentives. MARUAH encourages the Government to undertake a public education programme to change the mindset of the general public towards those with disabilities.

MARUAH applauds Singapore's ratifying the CRPD (Convention on the Rights of Persons with Disabilities) in Nov 2012. However it is important to note that the government did not ratify the Optional Protocol allowing violations of the Convention to be investigated by the Committee on the Rights of People with Disabilities. The Minister for Social and Family Development stated that this was unnecessary because complaints can be adequately dealt with locally by the Ministry of Social and Family Development (MSFD), National Council of Social Services (NCSS) and the Enabling Masterplan Implementation Committee. However, MARUAH argues that this protocol is necessary to provide greater accountability.

Singapore also appended 2 reservations to the CRPD:

- Article 25(E) Providing health insurance to those with disabilities. The government argues that Medifund is sufficient, care is already subsidised and that it would be imprudent to interfere in the commercial sector. MARUAH contends that insurance companies could be incentivised to provide cover and the goods and services tax component could be removed on equipment for those with disabilities. Direct collaborations between community organisations and insurance providers should also be encouraged. NTUC Income and the Autism Resource Centre have worked together to provide health insurance to young people with autism under the Special Care scheme.
- Article 29(a)(iii) Guaranteeing the free expression of the will of persons with disabilities as electors. The government argues that the presence of an election officer at a polling booth is sufficient to ensure this. However, DPA and MARUAH counter that such officers may not have the necessary skills to communicate with those with disabilities. Consequently those with disabilities should be entitled to appoint a trusted person to accompany them to vote.

TC response:

Signed in 2012 and Ratified the CRPD in 2013.

Recommendation n°14: Consider improving and protecting particular groups including disabled and elderly (Recommended by Oman)

IRI: *partially implemented*

TC response:

Signed in 2012 and Ratified the CRPD in 2013. No insurance or support for homemakers who have been working informally as housewives since the country's independence. Very few comprehensive social welfare provisions for the aged, most of which requires family/household income means testing.

Recommendation n°15: Continue its efforts in protecting the rights of specific groups such as women, children, the disabled, the aged and migrant workers (Recommended by Brunei Darussalam)

IRI: *partially implemented*

HOME response:

The Singaporean Government has made some efforts toward improvements of migrants' rights such as the reviews of the Employment Agencies Act (EAA), Employment Act (EA) and Employment of Foreign Manpower Act (EFMA). However, foreign workers continue to be denied their basic human rights and fundamental freedoms of movement, religion, and association, and equal protection of their rights associated with pregnancy, health, education, social security, job mobility, marriage, and family, as stated in H.O.M.E.'s first UPR submission.

With regard to the terms of their employment, these vulnerable low-wage workers may find themselves subjected to forced labor through debts owed to recruitment agents, contract substitution or work without a contract, non-payment of salary, limitations on movement, confiscated work passes and travel documents, and physical and sexual abuse.

Foreign workers who wish to seek redress for claims against their employers encounter significant challenges. For example, employers may cancel a work permit and repatriate a worker to preclude them from pursuing a claim, and may use a repatriation company which utilizes violence and wrongful confinement of the workers to ensure they leave the country. Those workers who do bring claims may have difficulty substantiating them, as employers may not provide workers with important employment records. Finally, those workers who make a successful claim may then be faced with the costly and protracted process of having the court orders enforced.

Recent events have brought a great deal of attention to the plight of migrant workers in Singapore. In November 2012, 171 Chinese national bus drivers went on strike to protest terms of their employment, and in December 2013, a riot involving migrant workers broke out in the Little India section of Singapore. Both instances resulted in large numbers of migrant workers being deported without receiving a trial. It is therefore not publicly known what evidence was used to determine that they were unfit to remain in the country.

MARUAH response:

[See response to recommendation n°13]

TWC2 response:

We hope that migrant workers may be given more chance to stay in Singapore over a number of contract periods, and be freed from the fear of being sent home on the whim of an employer or at the end of one contract term. Unless a worker has committed a criminal offence, it should be made simple to stay on and change employers. Action is also needed, in concert with countries of origin, to cut drastically the costs of placement currently borne by migrant workers.

TC response:

Signed in 2012 and Ratified the CRPD in 2013. No insurance or support for homemakers who have been working informally as a housewives since the country's independence. Very few comprehensive social welfare provisions for the aged, most of which requires family/household income means testing.

Recommendation n°16: *Continue to strengthen efforts to protect the rights of foreign workers* (Recommended by India)

IRI: *fully implemented*

HOME response:

[See response to recommendation n°15]

MARUAH response:

Following the violent riots in Little India in mid-December 2013, the rights of migrant workers have been heavily discussed in both the local and international media. Undoubtedly, the government has enacted measures to improve working conditions for these workers, but local advocacy groups remain concerned about their welfare.

In an attempt to ensure that prospective workers fully comprehend their contractual obligations to prevent employment disputes, in 2011 the government redesigned all in transit all In-Principal Approval Letters (IPA) required for entry into Singapore by work permit holders. The letters are now written in the workers' native language and clearly state the agreed salary, allowances and fees paid to employment agencies. While welcoming the new measure, the Humanitarian Organisation for Migrant Economics (HOME) warns that devious agents can still declare false fee amounts on the IPA and "collect more money for other purposes like training". To further ensure migrant workers were aware of their employment rights and potential avenues of assistance, Ministry Of Manpower (MOM) implemented outreach efforts through guidebooks, newsletters and flyers.

In December 2012, MOM also started drafting a formal pre-departure briefing programme to inform prospective migrants about the working conditions in Singapore before they leave their home countries. Pilot Programmes were conducted in India, China and Bangladesh as officials visited these countries to provide training and better understand the situation of migrant workers. Although potential bilateral agreements with supply countries were suggested at a Panel Discussion, the MOM's director of joint operations directorate Kandhavel Periyasamy, stated pragmatically that it was difficult to "mandate what happens over there".

Despite these measures, humanitarian agencies remain concerned that these workers are facing discrimination. The Employment Act (EA) was amended in November 2013, but few changes benefitted migrants and despite pressure from advocacy groups, payslips which are often essential evidence in employment disputes, are still not mandatory. Further, new minimum wage legislation introduced to protect the lowest earners does not apply to these foreign workers who on average earn \$855 per month. Although Singapore has no officially defined poverty line, conservative estimates of \$1000-\$1500 far exceed these workers' wages. Their financial worries are exacerbated by the exorbitant agency fees. According to a 2012 Transient Workers Count too (TWC2) study, 97% of foreign workers paid average agency fees of around \$5000, varying from \$300-\$15,400.

Housing conditions remain desperately inadequate, TWC2 documents that living conditions are often cramped, many workers share a single toilet and bedbugs are prevalent. In 2012 alone 1,062 employers were warned or fined over poor quality accommodation. Workers have little bargaining power to improve conditions as they are entirely dependent on their employers for work permits and the power of unions is severely limited. In 2012 when Chinese bus drivers organised a strike to increase pay; 29 were deported without trial.

In 2012 there were 11,113 workplace accidents, an increase of more than 1000 from 2011 and for injured workers finding adequate accommodation is even more difficult. Although the Work Injury Compensation Act (WICA) states that injured workers should be accommodated by their employers while their claims are processed, TWC2 found in practice only 28% were performing their legal duty. Often embroiled in a legal dispute with the workers, employers can be unwilling to provide housing, leaving workers with little choice except to share private accommodation with friends

and utilise soup kitchens. Even a successful claim under WICA can still leave workers in debt as the compensation awarded is proportional only to the severity of the injury suffered and fails to take into account the cost of staying in Singapore.

Securing adequate sick leave can also present problems, in 2013 TWC2 highlighted the cases of three workers who had fractured fingers and feet, but received no medical leave at all. Research indicates that the length of leave awarded at private hospitals is considerably less than that provided by public hospitals. Singapore Medical Council, Ministry of Health and MOM are currently investigating allegations that private doctors are being unduly influenced by employers to grant limited medical leave.

[...]

To ameliorate these problems MARUAH believe that:

- Workers should have the freedom to change jobs as currently they are forced to choose between bad working conditions and returning home.
- Salaries should be paid directly into the workers bank accounts for recording purposes.
- In addition all contracts, loans and advances must be well documented.
- Accommodating injured workers should not be the employer's responsibility, either the Government can help fund the necessary housing or all employers must pay regular contributions to support their welfare in case of injury.

TWC2 response:

[See response to recommendation n°15]

Recommendation n°17: *Continue efforts in protecting the dignity and safety of migrant workers, including through appropriate institutional and legislative measures* (Recommended by Nepal)

IRI: *fully implemented*

HOME response:

[See response to recommendation n°15]

MARUAH response:

Over 200,000 foreign domestic workers are currently employed in Singapore, with the many from Indonesia, the Philippines and now Cambodia. Although many working Singaporeans employ helpers to provide care for young children and the elderly, reports of physical abuse and fatal accidents are not uncommon. In addition, some Private Residential Management Committees deny foreign domestic workers the right to access gyms, swimming pools and communal recreational facilities located within the condominium housing in which they work. Unable to cope with the long working hours and being forced to work for months simply to repay agency fees, an increasing number of maids from Myanmar are running away. In response to reports of maltreatment from advocacy groups, the Government has introduced measures to improve the working conditions of domestic workers.

In January 2013 a weekly day off was made mandatory, however workers may “voluntarily” accept payment instead. Those who signed contracts before this legislation was implemented may have to wait up to 2 years for renewal before they can benefit from its provisions. If workers do choose to accept payment in lieu of a rest day, presumably they will be entitled to their usual daily wage of around \$17/day unlike other foreign workers protected under the provisions of the Employment Act (EA) who may claim overtime payments of up to double their usual wages.

The Government has also tried to provide additional training and assistance for workers here. Since May 2012, all new FDWs have attended a one day Settling-In Programme in which they received training on safety and stress management as well as a guide outlining employment conditions and useful telephone numbers.

Despite these improvements, problems still remain. Due to high placement fees, workers often end up spending months paying off debts to employment agencies before they are able to save any money at all. Charging placement fees exceeding one month’s salary per year of work is illegal in Singapore and agents who contravene these guidelines can be fined up to \$5,000 and jailed for up to six months,. Similar protective legislation exists in the Philippines, yet some workers have paid up to \$2,400. As a result, from September 2013, 150 Filipino trade union members have called a moratorium on sending maids until “60% of the Singaporean employment agencies have accepted the new terms of hiring”.

The employment of workers under the age of 23 is also prohibited but in 2012 seven agencies were warned and four of them were issued demerit points for bringing in underage maids. MARUAH recommends more coordinated efforts between Singapore and other nations to ensure existing legislation protecting workers rights is complied with in practice.

Additionally these workers should be protected under the EA and those who are pregnant should be granted extra protection. Currently if a foreign domestic worker gives birth in Singapore, the employers lose their \$5000 security bond and any worker found to be pregnant during their compulsory 6-month health check must be repatriated immediately. Such legislation inevitably leads to illegal abortions and in November 2013 an Indonesian maid abandoned her baby shortly after birth. In Hong Kong domestic workers who have been employed for more than 40 weeks are granted maternity leave, the Singaporean government should consider implementing similar legislation.

TWC2 response:

[See response to recommendation n°15]

TC response:

Ineffective policies in protecting the safety of migrant workers at work and during transportation to work.

Recommendation n°18: *Continue to strengthen measures to promote the human rights of migrant domestic workers, including by seeking to further improve working conditions of domestic workers in Singapore* (Recommended by *Philippines*)

IRI: *fully implemented*

HOME response:

The Government has taken positive steps to improve conditions for foreign domestic workers in Singapore such as the weekly rest day, amendments to the Employment Agencies Act and the Employment of Foreign Manpower Act, and the prohibition of window-cleaning unless certain safety conditions are met. However, there remains a lot of room for improvement.

Foreign domestic workers continue to be excluded from the protection of the Employment Act, which specifies the minimum terms and conditions of employment for rest days, hours of work, overtime entitlements, annual leave, and medical leave. Although the requirement of a weekly rest day was an important step forward, the provision allowing workers to agree to be paid in lieu of rest opens the worker up to coercion by the employer. Furthermore, the workers are not guaranteed a full 24 hours of rest on their day off. Some employers are reluctant to grant a rest day as they fear losing the S\$5,000 security bond they pay as an employer of a Work Pass holder, should the foreign domestic worker violate the conditions of her work permit during her time off.

In addition, domestic workers are excluded from the Work Injury Compensation Act, which provides for compensation for workplace injuries and occupational illnesses, and instead receive more limited coverage under compulsory medical insurance.

Existing regulations limit domestic workers' job mobility, leaving them vulnerable to forced labor and exploitation. Domestic workers must obtain permission from their employer in order to change employers, who may choose to repatriate or retain a worker against her wishes for the length of the contract. If an employer chooses to terminate a worker, they may simply cancel the work permit and repatriate her.

Foreign domestic workers also continue to face a set of restrictions on their personal freedoms, including the requirement that they live in the homes of their employers, cannot get married without permission from the government, and if they become pregnant, they must have an abortion or they may be deported. Domestic workers must submit to periodic medical exams, which include a screening for HIV and other infectious diseases; if the result is positive, they are deported.

MARUAH response:

[See response to recommendation n°17]

TWC2 response:

We propose that domestic workers should be brought under coverage of the Employment Act, to give them enhanced protections, similar to those available to workers in the formal sector. We welcome the step forward that was taken in introducing a mandatory day off weekly for domestic workers, but regret that there remain weaknesses in the new policy that employers who are determined to give no

days off can use. In particular, the provision that allows the employer and employee to agree on the worker giving up days off in return for payment is open to misuse, as a worker, particularly when new in her job and heavily in debt, can easily be pressured to agree to give up her days off. We think, to allow some flexibility, the rule should be that at least half of all weekly days off must be taken, as a means of protecting this right and of ensuring that the intention behind providing for a day off - relaxation, meeting friends and being able to seek help if needed - is respected.

TC response:

Ineffective implementation of a mandatory weekly rest day.

Recommendation n°19: Consider enhancing cooperation with countries of origin of migrant workers including on refining the process aimed at protecting such workers from exploitation, with a view to better managing the broad range of challenges in dealing with migrant workers (Recommended by Malaysia)

IRI: *fully implemented*

HOME response:

According to press releases, the government has been working with foreign embassies in Singapore and seeking to build international and regional networks and has also piloted education programs in countries of origin targeting workers before departure. However, to our knowledge, no assessment of these measures has been made. Furthermore, many issues that could be addressed with bilateral agreements remain, such as the charging of exorbitant recruitment fees by Singaporean and foreign employment agents and the substitution of foreign contracts with Singaporean contracts (often containing less favorable conditions) once workers arrive in Singapore. H.O.M.E. therefore expects the government to continue making efforts to build strong international networks to combat exploitation and abuses that take place across borders.

MARUAH response:

[See response to recommendation n°17]

TWC2 response:

Workers need to be better briefed on what they can expect in going to Singapore. The Ministry of Manpower has taken a welcome step forward in requiring workers to be given a copy of their In Principle Approval in their own language and in saying that it should indicate the pay the worker will be paid, but this should be regarded as binding on employers: they should not be allowed to revise the pay once the worker arrives, or to press the worker to agree to such a revision. Caps should be put on the amount of money a worker can be charged for placement in both countries of origin and destination. It is wrong that a tourist or businessman from a country of origin should be able to travel to Singapore for a fraction of the costs of a worker seeking a job there.

TC response:

No bilateral cooperation with regards to sending countries regarding the protection of migrant workers.

Recommendation n°24: *Continue to carry out further measures to strengthen the harmony between different ethnic and religious communities* (Recommended by Viet Nam)

IRI: *fully implemented*

+

Recommendation n°25: *Continue with the successful policy of ensuring inter-ethnic and interreligious harmony in Singapore* (Recommended by Russian Federation)

IRI: *fully implemented*

+

Recommendation n°26: *Continue efforts in setting and implementing additional measures to enforce harmony and social cohesion between the different ethnic groups in the country* (Recommended by Qatar)

IRI: -

+

Recommendation n°27: *Continue its civic efforts at all levels, in particular at local levels, to promote racial and religious harmony* (Recommended by Pakistan)

IRI: *fully implemented*

MARUAH response:

To many nations, Singapore appears to be an exemplary multi-racial society, with both its three principal racial groups and foreign workers who comprise 40% of the city state's population, living in harmony. Article 12 of Singapore's constitution prohibits racial discrimination while additional protection of indigenous Malays is provided under Article 152; the government has fought hard to ensure these ideals are implemented in practice. Schools celebrate Racial Harmony day annually; community engagement programmes to foster mutual understanding have been created while special election procedures and housing quotas prevent marginalisation of minorities and housing "ghettoes".

Recent surveys demonstrate these initiatives have been largely successful, a 2013 study indicated the vast majority of minority Indians and Malays report no discrimination in using public services. Most Singaporeans felt little inter-racial or religious social tension and were enthusiastic about embracing diversity. According to Dr Matthew Matthews, a research fellow, "Policies in Singapore over the last near 50 years have pretty much safeguarded minority interests." For many citizens, Singaporean identity has transcended racial lines with a 2002 survey concluding that 78% of Singaporeans regarded themselves more as Singaporean than racially identified. The fraction of mixed race marriages has also now increased to 20% demonstrating an improvement in relations between racial groups.

Despite these laudable achievements, Singaporean [society] remains subtly stratified. Over the last 50 years the Malay population has lagged behind their Chinese and Indian counterparts in employment, education and housing. Almost 20% of Malays earn less than \$1,500, 9% of the community lives in one or two bedroom flats and homelessness is increasing. Members of the Malay community are also overrepresented in low income sectors, formed nearly 50% of those arrested for drug abuse in 2010 and many have serious debt problems. Additionally, 10% of Indians and Malays feel "often" discriminated against when applying for a job or securing promotion. Less than half of all Singaporeans have a close friend from another race.

Remaining problematic policies which could account for this social division include retaining the race category on all identification cards and the perceived discrimination Malays feel in the armed services. Until 1977 Malays were virtually excluded from the army due to a perceived conflict of interests between their religion beliefs and nationalism. Although the Ministry of Defence has reassured the community that it is “evolving” its policy to ensure that Malays can secure top army positions, many people remain skeptical. Even the housing quota scheme introduced to promote racial harmony has proved problematic as Malays are prohibited from buying an HDB apartment in a block housing more than 25% Malays. Under this definition an area comprising 23% Malays, 75% Chinese and 2% Indians would be deemed a “Malay enclave”. In practice this divides families who are unable to live close to one another and complicates the process of selling flats. These concerns have been raised by the 2013 Suara Musyawarah Committee and reiterated by the Committee for Research on Muslim Affairs (RIMA).

Hidden tensions not only exist between members of the three main racial groups, but also from Singaporean citizens towards foreigners. Currently foreigners comprise 40% of Singapore’s workforce and a 2012 White Paper proposing large immigration increases prompted widespread protest. Although there are virtually no reported attacks on foreign workers here, tensions on online media run high. When Philippines fast food chain Jollibee opened Singapore outlets in 2013, one of the first comments on Yahoo! Singapore was, “roaches, roaches everywhere”. Similarly in the hours after the Little India riots, both the Prime Minister and Acting Manpower Minister Tan Chuan-Jin called for online calm amidst a barrage of xenophobic comments on social media. Discriminatory housing rental adverts stating, “No Indians or PRC (People’s Republic of China)” are still commonplace.

Echoing the UN Special Rapporteur on Xenophobia and Racism’s proposals to the government after a visit to Singapore in 2010, to further address these problems and promote racial harmony, MARUAH recommends:

- Relaxing the provisions of the restrictive Maintenance of Racial Harmony Act (MR.HA) to facilitate an honest and open discourse between members of all communities as “It is absolutely necessary in a free society that restrictions on public debate and discourse and the protection of racial harmony are not implemented at the expense of fundamental human rights such as freedom of expression and freedom of assembly”
- Removing race from citizens’ identity cards as it contributes to racially based policies and discrimination and creates problems on accessing self-help groups which are organised on ethnic lines.
- Adopting more flexibility when enforcing the housing quotas to reduce problems with the resale of flats and allow families to remain together.
- Ensuring the Special Assistance Plan (SAP) for gifted pupils is altered to remove preference towards Chinese language and culture.

Such measures are essential to ensure racial harmony between citizens and ensure that relationships are not merely superficial, but “move from tolerance towards trust”.

TC response:

[...]. The government continues to dominate the appointment of key persons in respective religious and race-based self help groups. This hinders open dialogue amongst the communities in general.

Recommendation n°48: *Expedite implementation of the recommendations contained in the 2007-2011 Enabling Masterplan to improve the lives of persons with disabilities* (Recommended by *Bhutan*)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°13]

TC response:

Signed in 2012 and Ratified the CRPD in 2013. There is a new Enabling Masterplan for 2012 to 2016. However it is unclear as to the extent of the full implementation of the previous Masterplan.

Recommendation n°49: *Accelerate effective implementation of the recommendations of the 2007-2011 Enabling Masterplan of the Ministry of Community Development, Youth and Sports and the National Council of Social Service to review and plan services for persons with disabilities* (Recommended by *Sudan*)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°13]

TC response:

Ratified the CRPD in 2013, however there are three reservations with respect to Articles 12 para 4, 25 (e) and 29 (a) part iii.

Recommendation n°105: *Enhance cooperation with labour-sending countries to ensure foreign workers go through proper and legal channels to work in Singapore and continue efforts to protect the rights of all foreign workers from exploitation* (Recommended by *Myanmar*)

IRI: *fully implemented*

HOME response:

According to press releases, the government has been working with foreign embassies in Singapore and seeking to build international and regional networks and has also piloted education program in countries of origin targeting workers before departure. However, to our knowledge, no assessment of these measures has been made. Furthermore, H.O.M.E. still sees cases of migrant workers who have come through irregular channels and is especially concerned with the situation of foreign domestic workers who are underage (although regulations require domestic workers be at least 23 years old).

MARUAH response:

[See response to recommendation n°16]

TWC2 response:

Countries of origin and Singapore should cooperate on this, but recognise that the reason why workers are tempted to go through irregular channels is that they are made to pay large sums of money by recruiters and agencies. Simpler procedures, low cost placement institutions and caps on agency charges would all go a long way to dealing with the causes of some workers preferring irregular channels of placement.

TC response:

No bilateral cooperation with regards to sending countries regarding the protection of migrant workers.

Recommendation n°106: *Strictly enforce relevant regulations including the Employment of Foreign Manpower Act and the Passport Act, which prohibit employers to hold on to passports, travel documents and work permits of their foreign workers* (Recommended by *Thailand*)

IRI: *not implemented*

HOME response:

Although the Employment of Foreign Manpower Act and the Passports Act forbid an employer from holding onto a worker's identity documents, many employers of the workers that H.O.M.E. assists still hold their employees' passports and work permit cards, and the Government rarely penalizes such practices. Moreover, in cases in which domestic workers are abused by their employers, it is common for the police to withhold the domestic worker's passport during the investigation.

MARUAH response:

[See response to recommendation n°16]

TWC2 response:

This is definitely needed. The law is commonly disregarded by employers and agencies at present: they act as though they have an absolute right to hold migrant workers' documents.

TC response:

Ineffective implementation and enforcement of specific regulation

F8L response:

Employers continue to hold the passports etc of foreign workers.

Recommendation n°108: *Adopt legal protection for migrant workers and enforce them, including with respect to wages and working hours, and address allegations of excessive agency fees and forced detention by "repatriation companies"* (Recommended by *Canada*)

IRI: *not implemented*

HOME response:

Under the new fee caps imposed from April 2011, Employment Agencies can charge a foreign worker a fee not exceeding one month of his or her salary for each year of the duration of the approved Work Pass or employment contract, whichever is

shorter, subject to a maximum of two months' salary. Such limit is subject to notable exclusions including fees charged for costs incurred by a worker outside Singapore. This allows employment agents to add to the two-month permitted fee any pre-deployment costs, such as transportation, training, medical exams, etc. In practice, Employment Agencies are still charging domestic workers fees starting from 6 to 12 months of salary, claiming that the excess of two months is paid in the countries of origin.

Repatriation companies

H.O.M.E. continues to receive reports from migrant workers of intimidation and forced repatriation by repatriation companies hired by employers. Some use extrajudicial violence and wrongful confinement to compel a worker to leave the country even though the worker has a legitimate claim against the employer.

TWC2 response:

The moment a repatriation company employee lays hands on a worker to make him or her do something they're unwilling to do, he is breaking the law. Seizure of a worker by a repatriation company, and forcible removal from Singapore should also be strictly prohibited. It is doubtful whether repatriation companies can in any way function legally and ethically on their present basis.

TC response:

Ineffective implementation and enforcement of specific regulations. Repatriation companies are still allowed to operate however it is unclear as to the legality of the practices adopted by these companies.

Recommendation n°109: Implement measures adopted to educate foreign workers, in their native languages, of their rights and responsibilities and avenues for assistance (Recommended by Sri Lanka)

IRI: fully implemented

HOME response:

Following the review and amendment of the Employment of Foreign Manpower Act in 2012, employers are now required to send the In-Principle Approval letters to workers in their native languages prior to their departure from their country of origin. However, this document contains only some aspects of the terms of employment and does not refer to all relevant aspects, such as salary deductions. Furthermore, the agreed upon terms can easily be overcome by the employer by requesting that the worker sign a new contract upon arrival in Singapore, as frequently happens.

MARUAH response:

[See recommendation n°16]

TWC2 response:

Avenues for assistance should include local NGOs.

TC response:

Short compulsory orientation course for all migrant workers has been implemented. To a limited extent, there have been some initiatives involving the countries of origin.

International Instruments

Recommendation n°22: *Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Recommended by *Belarus*)

IRI: *fully implemented*

+

Recommendation n°23: *Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Recommended by *Philippines*)

IRI: *fully implemented*

HOME response:

In its National Plan of Action drafted in 2012, the Singapore Inter-Agency Taskforce on Trafficking in Persons has planned to study the feasibility of accession to the UN Palermo Protocol on TIP by the indicative timeline of 2013. No official update on this study has been shared with H.O.M.E. or its civil society partners. In 2013, the Ministry of Home Affairs approved the introduction of a Private Member's Bill by Mr. Christopher de Souza which will seek to fight human trafficking. A specific anti-trafficking law which meets the requirements set up in the UN Palermo Protocol would be a good step towards accession. The Bill is expected to be introduced to Parliament in 2014.

MARUAH response:

Singapore has yet to accede to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also referred to as Palermo Protocol, but significant effort has been put into stepping up our efforts to combat the trafficking of human beings.

The Inter-Agency Taskforce on Trafficking in Persons was established in 2010. It is co-headed by the Ministry of Home Affairs and the Ministry of Manpower and includes representatives from the Singapore Police Force, Immigration and Checkpoints Authority, Ministry of Social and Family Development, Ministry of Health, Ministry of Law, Ministry of Foreign Affairs and the Attorney General's Chambers. The taskforce aims to implement holistic and coordinated strategies to combat trafficking in persons more effectively.

In March 2012, the taskforce released a [National Plan Of Action \(NPA\)](#) to outline strategies and initiatives to be put in place between 2012 and 2015, to combat trafficking in persons. The NPA contains 31 initiatives guided by the four principles of: preventing trafficking in persons, the prosecution of offenders, protection of trafficking in persons victims and partnerships with other countries, NGOs, academics and the private sector to combat trafficking in persons.

Taskforce Initiatives have focused on raising awareness about trafficking, improving policing and identification of trafficking, enhancing cross border engagement and cooperation and bringing Singapore in line with international norms on human trafficking. The effectiveness of the NPA's initiatives is evaluated by periodic self-assessments.

[...]

4) Review Of Trafficking Legislation

The taskforce also completed study into the feasibility of accession to the UN Palermo Protocol on Trafficking in Persons as well as a review of domestic legislation related to trafficking to ensure that Singapore's legislation addresses the entire spectrum of issues related to trafficking in persons and that the penalties are commensurate with the crimes. The legislative review was completed in 2013 and currently the taskforce is in the process of engaging with the judiciary and the Attorney General's Chambers. In November 2013 Member of Parliament Christopher de Souza announced that he would introduce a Private Member's Bill on Human Trafficking. The Taskforce has indicated that they will work with and co-develop the bill with Mr. de Souza. The proposed bill should be tabled in parliament by the end of 2014.

[...]

TWC2 response:

We hope that Singapore will both ratify the protocol and introduce its own anti-trafficking law, incorporating the definition of trafficking included in the protocol into its own legislation. It is important that the overall approach should be victim-centred.

TC response:

Not signed nor ratified.

Recommendation n°38: Further continue its stated policy of studying and reviewing its policy towards ratification of key international human rights instruments (Recommended by Ethiopia)

IRI: fully implemented

TC response:

Still studying and no signing or ratification.

F8L response:

The reservation of the government in ratifying any international human rights instrument is, we suspect, the necessity to amend and repeal numerous anti-human rights laws such as the Internal Security Act, the Criminal Law (Temporary Provisions) Act and the Public Order Act, etc. We can only hope that the government will improve its human rights records when sufficient countries criticise its actions.

Recommendation n°39: Continue to carry out comprehensive reviews and studies on its existing legislation and level of preparedness, moving towards accession to international human rights instruments as it deems appropriate in the context of its

institutional and legal framework, resources and national priorities (Recommended by Indonesia)

IRI: *partially implemented*

MARUAH response:

1. Amendments to the Mandatory Death Penalty Regime

In July 2012, Singapore's mandatory death penalty regime was amended in its application to certain drug-related and homicide offences.

Murder

Prior to the amendments, the Courts had no discretion in sentencing an individual found guilty of murder. The effect of the amendments to the sentencing regime is that the mandatory application of the death penalty is now only retained in instances where the murder was intentional or deliberate; i.e an offence under Section 300(a) of the Penal Code Cap 224, 2008 Rev Ed (the "Penal Code"). Thus if the offence fell under any of the other three sub-provisions of causing injury the accused knows is likely to cause death; intentionally causing injury sufficient in the ordinary course of nature to cause death, or committing an act the offender knows is so imminently dangerous that it must in all probability cause death (Section 300(b), (c) or (d) of the Penal Code), the Court now has the discretion in either sentencing an accused to death or to life imprisonment with caning.

[...]

The amended Section 302 gives the Court greater powers in determining whether or not an accused ought to be sentenced to death, in particular the broad wording of the sentence seemingly allows the Courts to exercise its discretion in applying the appropriate sentence based on the merits of each case.

Drugs

The changes to the death penalty framework for drug related offences are a little more complex and according to Deputy Prime Minister Mr. Teo Chee Hean the Parliamentary Debates on the issue, the changes made to the sentencing regime for drug-related offences were motivated by the need to "keep pace with the evolving operating landscape and more effectively tackle drug trafficking". Previously the mandatory death penalty was applied to [an] individual convicted of trafficking, importing or exporting a quantum of drugs in excess of the prescribed limit (500g for Cannabis and 30g for cocaine). Under the revised regime in Section 33B of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("MDA") the Court has the discretion to sentence an accused to life imprisonment, with caning, instead of death, if specific conditions exist. The specific conditions that must be met are that the accused must prove on a balance of probabilities that his involvement was restricted to that of a courier and that:

- i. the Public Prosecutor must certify that the accused has substantively assisted the Central Narcotics Bureau (CNB) in disrupting drug trafficking within or outside Singapore.

or

- ii. the accused proves he was suffering from an abnormality of mind which substantially impaired his mental responsibility for committing the offence, i.e. that the accused had diminished responsibility.

In the absence of these conditions, the Court has no discretion with regards to sentencing and must apply the mandatory death penalty.

These amendments are a welcome change in the application of the death penalty in Singapore and they bring Singapore closer to the international community's stance on capital punishment.

It must also be noted that following the amendments to the mandatory death penalty regime, a moratorium of sorts was placed on executions in Singapore as the Attorney General's Chambers (AGC) allowed for all 34 people who were awaiting execution at the time, to apply to be re-sentenced under the new regime. This has thus far resulted in two death penalty sentences being commuted after both death row inmates were deemed to have substantively assisted the CNB. Notably Yong Vui Kong, who was 19 at the time of his offence, became the first drug mule or courier to have his death sentence commuted to life imprisonment with 15 strokes of the cane. Chinese national, Wang Wanfeng, became the 5th convicted murderer to receive life imprisonment and caning rather than death. According to official statistics no prisoners at all were executed in 2012. Not all defendants are granted clemency however and 22-year-old Masoud Rahimi Mehrzad is currently facing the death penalty for drug smuggling.

Phil Robertson, deputy Asia Director for Human Rights Watch and Singaporean criminal lawyer Subhas Anandan welcomed these amendments, but Robertson added, "it was the first step in a long journey" and further action is required before, "Singapore can say it is a rights respecting government". MARUAH too commends the government's efforts to "temper justice with mercy" and give judges greater sentencing options. Previously discretion existed only at Public Prosecutor level and no reasons were disclosed for the choice of charge.

Nevertheless, the amended law poses its own set of problems. Firstly with regards to the amendments affecting the MDA, there is no clarity on what "substantively assisted" means. Parliamentary discussions into the matter suggest that mere cooperation will not suffice and that the purpose of the provision was to enhance the operational effectiveness of the CNB in successfully disrupting drug trafficking. The power to grant a certificate of substantial assistance lays with the Public Prosecutor- the very body that is tasked with charging the accused to begin with. The law seemingly grants the Public Prosecutor a very broad spectrum of powers which are not subject to the review of the judiciary. Professor Chandra Mohan highlights that general sentencing guidelines are necessary to ensure that like cases are indeed treated alike. Subhas Anandan warns that it is essential to ensure like cases are treated alike without enacting additional restrictive legislation. The "substantive assistance" criterion in the amended MDA has also proved particularly problematic in the courts. [...]

Secondly, it must be noted the amendments as they stand do not allow the Courts to take into consideration factors such as the accused having been coerced or threatened into committing the act of trafficking.

MARUAH is troubled that the mandatory death penalty will continue to be maintained for offences such as intentional murder, kidnapping, firearms offences and drug trafficking where the conditions spelt out by the Government are not met. MARUAH also notes that there has been anecdotal evidence of inadequate due process and fairness in capital trials. Finally, the Government has still not provided convincing evidence of the effectiveness of the death penalty in deterring crime. Accordingly, MARUAH renews its call, as first articulated in its UPR submission, for the Government: to review the scope of capital offences, so as to ensure that the death penalty is imposed only in the most serious of crimes; to prohibit the imposition of the death penalty in the context of group crimes, where the accused person has not personally intended to commit murder; to review the criminal process to ensure that capital cases undergo the most rigorously fair pre-trial and trial process, including access to counsel immediately upon arrest, an effective system of supervision of the extraction and recording of confessions by the police, and a repeal of the use of presumptions in capital cases; and to publish persuasive, objective evidence of the deterrent effect of the death penalty.

2. Amendments to Employment Legislation

The government conducted a review of the Employment Act, with the aim of enhancing salary protection, raising employment standards and providing better protection for workers in non-traditional work arrangements as well as vulnerable low wage workers.

Amendments were also made to the Employment Of Foreign Manpower Act (EMFA) to deal with systemic problems relating to the employment of foreign workers such as – non-payment of salaries, unlawfully passing on employment costs to employees as well as the illegal import and supply of foreign workers. Amendments to the EMFA included the creation of new offences and stiffer penalties to deter infringement.

The amendments were done in an open and consultative manner with various stakeholders such as employers, unions and the public being encouraged to provide feedback and suggestions. [...]

TC response:

Human right discourse is never encouraged nor appropriated in national debates or policy making.

F8L response:

We have never seen any reviews or studies done by the government, not even with regard to the death penalty which has been imposed on many people esp drug related cases. The government shifts the burden of proving innocence to the accused person when he/she is found with a fixed quantity of drugs. For eg. if a person is found with 15 grammes of morphine, he is presumed to be a drug trafficker even if the weight he is in possession is 0.1 gram more than the 15 grammes.

People have been hanged for possession of drugs that exceeded the legal presumption limit by just a small amount. The discretion whether the person will be charged for trafficking lies with the prosecutor and so he determines who is to live and who has to die.

Recommendation n°40: *Continue to undertake appropriate steps with a view to ratifying the human rights instruments mentioned in paragraph 158 of the national report* (Recommended by *Bhutan*)

IRI: -

TC response:

Human right discourse is never encouraged nor appropriated in national debates or policy making.

Recommendation n°41: *Undertake concrete and appropriate steps towards ratification of and accession to international human rights instruments* (Recommended by *Viet Nam*)

IRI: *not implemented*

MARUAH response:

[See response to recommendation n°39]

TC response:

None

F8L response:

We have not seen any steps, let alone concrete and appropriate steps towards ratification/accession of these instruments.

Recommendation n°42: *Continue on its path of aligning its national legislation with its international obligations under the instruments to which Singapore is a State party* (Recommended by *Afghanistan*)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°39]

TC response:

Legislations and policies are seldom aligned with explicit reference to international human rights obligations.

F8L response:

We have not seen any steps, let alone concrete and appropriate steps towards ratification/accession of these instruments.

Recommendation n°45: *Engage the civil society in the follow-up process to the universal periodic review* (Recommended by *Poland*)

IRI: *not implemented*

TC response:

No obvious engagement with civil society on the UPR follow up.

F8L response:

Nothing has been done to engage civil society in the UPR process.

Recommendation n°46: *Establish an effective and inclusive process to follow up on the implementation of recommendations emerging from the universal periodic review* (Recommended by Viet Nam)

IRI: *partially implemented*

MARUAH response:

The state has engaged with NGOs working with the disabled community on matters relating to the CRPD. There have also been efforts to obtain input from the public on issues like the accessibility of public space; the Building and Construction Authority set up a feedback mechanism during review of their Accessibility Code. BCA's 2013 Accessibility Code mandates buildings to incorporate requirements to cater to people with different impairments.

The Central Provident Fund Act was amended in 2011 to provide for the implementation of the Special Needs Savings Scheme, which ensure that the financial needs of disabled children are taken care of through their deceased parents' CPF monies. Efforts have also been made at raising awareness in 2013, the National Council of Social Service launched the "We are Able!" campaign to raise awareness about Singapore's ratification of the CRPD and to get Singaporeans to commit to creating a more inclusive society. The campaign involved NGOs such as Society for the Physically Disabled, Down Syndrome Association, Autism Resource Centre, Singapore Disability Sports Council, Cerebral Palsy Alliance Singapore, Singapore Association for the Deaf (SADeaf), Disabled People's Association, Persons with Special Needs, Singapore Association of the Visually Handicapped and Handicaps Welfare Association.

In the 2012 amendment of Voluntary Sterilisation (Amendment) Bill, the state took on recommendations that were pushed by civil society groups such as AWARE. The amended legislation thus included a requirement that an order from the High Court be obtained before the sterilisation of persons who lack mental capacity to decide on such matters can be carried out.

Nevertheless on the issue of child rights, we see that despite significant efforts by the civil society to push for ratification of the CRC, the government has yet to engage on the issue.

TC response:

No obvious engagement with civil society on the UPR follow up.

Recommendation n°59: *Ensure the incorporation into the domestic legal system of the principles and provisions of the Convention on the Rights of the Child (CRC)* (Recommended by Egypt)

IRI: *partially implemented*

TC response:

Compulsory education was done but some reservations remain for children with disability.

Recommendation n°66: *Consider ratifying the outstanding international human rights instruments and further update domestic laws to be in line with the articles of those treaties* (Recommended by Lesotho)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°23]

F8L response:

We have not seen any action taken by the government in this regard.

Recommendation n°67: *Review its policies in order to accede to the core international human rights treaties to which it is not yet a party* (Recommended by Finland)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°23]

F8L response:

We have not seen any review of policies.

Recommendation n°70: *Continue to take appropriate measures at the national level with a view to ratifying international human rights instruments, notably those mentioned in paragraph 158 of the national report, including the Convention on the Rights of Persons with Disabilities (CRPD), ICERD, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC)* (Recommended by Morocco)

IRI: *partially implemented*

+

Recommendation n°74: *Consider, within its vision, acceding to other core human rights treaties, including ICERD* (Recommended by Botswana)

IRI: *partially implemented*

MARUAH response:

ICRPD has been ratified; OP-CRC-SC and ICERD have not.

TC response:

Signed and ratified the CRPD but not ICERD and other instruments listed.

Recommendation n°71: *Consider acceding to ICERD, OP-CRC-SC and CRPD* (Recommended by Swaziland)

IRI: *partially implemented*

+

Recommendation n°72: *Consider expediting becoming a party to ICERD, CRPD and OP-CRC-SC* (Recommended by India)

IRI: *partially implemented*

+

Recommendation n°73: *Accede to the following human rights instruments: CRPD, the ICERD and the OP-CRC-SC* (Recommended by Sudan)

IRI: *partially implemented*

MARUAH response:

MARUAH applauds Singapore's acceding to the CRPD in Nov 2012. However it is important to note that the government did not ratify the Optional Protocol allowing violations of the Convention to be investigated by the Committee on the Rights of People with Disabilities. Minister for Social and Family Development stated this was unnecessary because: complaints can be adequately dealt with locally by the Ministry of Social and Family Development (MSFD), National Council of Social Services (NCSS) and the Enabling Masterplan Implementation Committee. However, MARUAH argues this protocol is necessary to provide greater accountability.

Singapore also appended 2 reservations to the CRPD

- Article 25(E) Providing health insurance to those with disabilities. The government argues Medifund is sufficient, care is already subsidised and that it would be imprudent to interfere in the commercial sector. MARUAH contends that insurance companies could be incentivised to provide cover and GST could be removed on equipment for those with disabilities. Direct collaborations between community organisations and insurance providers should also be encouraged. NTUC Income and the Autism Resource Centre have worked together to provide health insurance to young people with autism under the SpecialCare scheme.
- Article 29(a)(iii) Guaranteeing the free expression of the will of persons with disabilities as electors. The government argues that the presence of an election officer at a polling booth is sufficient to ensure this. However, (Disabled People's Association) DPA and MARUAH counter that such officers may not have the necessary skills to communicate with those with disabilities. Consequently those with disabilities should be entitled to appoint a trusted person to accompany them to vote.

ICERD has not yet been ratified.

TC response:

Signed and ratified the CRPD but not ICERD and other instruments listed.

Recommendation n^o75: *Re-evaluate its policy on the ICERD* (Recommended by Trinidad & Tobago)

IRI: not implemented

+

Recommendation n^o76: *Accede to ICERD* (Recommended by Oman)

IRI: not implemented

+

Recommendation n^o77: *Ratify ICERD* (Recommended by Afghanistan)

IRI: not implemented

MARUAH response:

ICERD has not yet been signed.

TC response:

Domestic law prohibits the free discussion of race or religion.

Recommendation n°78: *Become a party to CRPD* (Recommended by *Bhutan*)

IRI: *fully implemented*

+

Recommendation n°79: *Become a party to both CRPD and its Optional Protocol and set a specific time frame for the ratification process* (Recommended by *Thailand*)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°73]

TC response:

It has signed the CRPD in 2012 and ratified in 2013. However it has not ratified the optional protocol for CRPD.

Recommendation n°80: *Accede to OP-CRC-SC* (Recommended by *Iraq*)

IRI: *not implemented*

+

Recommendation n°81: *Accede to OP-CRC-SC* (Recommended by *Poland*)

IRI: *not implemented*

+

Recommendation n°82: *Accede to OP-CRC-SC* (Recommended by *Afghanistan*)

IRI: *not implemented*

MARUAH response:

No action

TC response:

No indication as to whether the government is considering to accede to the OP-CRC-SC.

Recommendation n°83: *Consider ratifying core international human rights treaties to which Singapore is not yet a party (ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ICERD, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), OP-CRC-SC, and CRPD with its Optional Protocol* (Recommended by *Slovenia*)

IRI: *not implemented*

+

Recommendation n°89: *Take measures towards signing and ratifying the ICCPR and the ICESCR as soon as possible* (Recommended by *Japan*)

IRI: *not implemented*

+

Recommendation n°90: *Accede to ICERD and ratify ICCPR, as a matter of priority* (Recommended by *Ghana*)

IRI: *not implemented*

+

Recommendation n°91: *Accede to instruments to which it is not yet a party, with priority given to ICCPR and the Rome Statute of the International Criminal Court* (Recommended by France)

IRI: *partially implemented*

+

Recommendation n°92: *Study further and consider ratification of other international human rights treaties, namely: ICESCR, ICCPR, ICERD and ICRMW.* (Recommended by Kazakhstan)

IRI: *not implemented*

+

Recommendation n°93: *Consider signing and ratifying ICRMW* (Recommended by Indonesia)

IRI: *not implemented*

MARUAH response:

No action

TC response:

Signed and ratified CRC, CEDAW and CRPD but not the other instruments listed.

Recommendation n°85: *Ratify ICCPR and ICESCR and other core international human rights treaties, such as CAT, CRPD and ICERD, and their optional protocols, and withdraw its reservations on key principles of CRC and CEDAW* (Recommended by Czech Republic)

IRI: *partially implemented*

+

Recommendation n°88: *Sign, ratify and implement ICCPR, ICESCR, ICERD, CAT and CRPD* (Recommended by United Kingdom)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°73]

TC response:

Signed and ratified, CRC, CEDAW and CRPD but not the other instruments.

Recommendation n°86: *Consider ratifying remaining core human rights treaties, namely: ICESCR, ICCPR, ICERD and CAT* (Recommended by Poland)

IRI: *not implemented*

MARUAH response:

No action

TC response:

No consideration

Recommendation n°87: *Include in its plan for ratification ICCPR and its two Optional Protocols, ICESCR, CAT, ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise, and ICRMW* (Recommended by Timor-Leste)

IRI: *not implemented*

MARUAH response:

No action

TC response:

No plans in sight

Recommendation n°94: *Take measures in order to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Recommended by *Moldova*)

IRI: *fully implemented*HOME response:

[See response to recommendation n°23]

MARUAH response:

[See response to recommendation n°23]

TC response:

Signed and ratified, CRC, CEDAW and CRPD but not the other instruments.

Recommendation n°95: *Consider withdrawing the reservations made on the two Conventions it has ratified* (Recommended by *Finland*)

IRI: *partially implemented*MARUAH response:

No action

TC response:

It has withdrawn partially some reservations made to CEDAW.

Recommendation n°111: *Address the concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and xenophobia in relation to concerns about migrants and the living and working conditions of migrant workers, abolish corporal punishment for immigration offenders and enact an anti-discrimination law* (Recommended by *United Kingdom*)

IRI: *not implemented*HOME response:**Concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance:**

Domestic workers are not yet covered by the Employment Act and no minimum wage has been introduced for migrant workers.

Corporal punishment for migrant workers:

For several migration offenses migrants may still be jailed and/or caned. H.O.M.E. is aware of several cases in which migrants have been caned for immigration offenses.

Anti-discrimination law:

A stand-alone law prohibiting racial discrimination in all areas of life, including employment, education and health has not yet been enacted in Singapore. H.O.M.E. remains concerned with discrimination on the grounds of national or ethnic origin

preventing individuals from enjoying just and favorable conditions of work, equal pay for equal work, as well as equality before the law, and strongly urge the enactment of an anti-discrimination law.

TWC2 response:

It should be made clear to agencies and employers that it is unacceptable to operate a 'going rate' of pay determined by workers' national origins: variations in pay should only depend on levels of training and experience, regardless of national origin.

TC response:

None made or communicated

Recommendation n°115: *Continue to engage with the United Nations special procedures and in particular positively respond to the invitation requests by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions* (Recommended by Czech Republic)

IRI: -

TC response:

Had previously rejected their requests to visit Singapore, uncertain as to whether they will extend invitation or will accept the request if made again.

Recommendation n°116: *Harmonize its various strategies on children and families under a comprehensive national plan of action for children, and further consider the accession to OP-CRC-SC* (Recommended by Moldova)

IRI: *not implemented*

TC response:

No comprehensive national plan of action exists at the moment.

Recommendation n°121: *Impose a moratorium on all executions and, eventually, abolish the death penalty and in this regard, ratify ICPPR and its second optional protocol* (Recommended by Switzerland)

IRI: *not implemented*

MARUAH response:

In July 2012, Singapore's mandatory death penalty regime was amended in its application to certain drug-related and homicide offences.

Murder

Prior to the amendments, the Courts had no discretion in sentencing an individual found guilty of murder. The effect of the amendments to the sentencing regime is that the mandatory application of the death penalty is now only retained in instances where the murder was intentional or deliberate; i.e an offence under Section 300(a) of the Penal Code Cap 224, 2008 Rev Ed (the "Penal Code"). Thus if the offence fell under any of the other three sub-provisions of causing injury the accused knows is likely to cause death; intentionally causing injury sufficient in the ordinary course of nature to cause death, or committing an act the offender knows is so imminently dangerous that it must in all probability cause death (Section 300(b), (c) or (d) of the

Penal Code), the Court now has the discretion in either sentencing an accused to death or to life imprisonment with caning.

[...]

The amended Section 302 gives the Court greater powers in determining whether or not an accused ought to be sentenced to death, in particular the broad wording of the sentence seemingly allows the Courts to exercise its discretion in applying the appropriate sentence based on the merits of each case.

Drugs

The changes to the death penalty framework for drug related offences are a little more complex and according to Deputy Prime Minister Mr. Teo Chee Hean the Parliamentary Debates on the issue, the changes made to the sentencing regime for drug-related offences were motivated by the need to “keep pace with the evolving operating landscape and more effectively tackle drug trafficking”. Previously the mandatory death penalty was applied to [an] individual convicted of trafficking, importing or exporting a quantum of drugs in excess of the prescribed limit (500g for Cannabis and 30g for cocaine). Under the revised regime in Section 33B of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (“MDA”) the Court has the discretion to sentence an accused to life imprisonment, with caning, instead of death, if specific conditions exist. The specific conditions that must be met are that the accused must prove on a balance of probabilities that his involvement was restricted to that of a courier and that:

- i. the Public Prosecutor must certify that the accused has substantively assisted the Central Narcotics Bureau (CNB) in disrupting drug trafficking within or outside Singapore.
- or
- ii. the accused proves he was suffering from an abnormality of mind which substantially impaired his mental responsibility for committing the offence, i.e that the accused had diminished responsibility.

In the absence of these conditions, the Court has no discretion with regards to sentencing and must apply the mandatory death penalty.

These amendments are a welcome change in the application of the death penalty in Singapore and they bring Singapore closer to the international community’s stance on capital punishment.

It must also be noted that following the amendments to the mandatory death penalty regime, a moratorium of sorts was placed on executions in Singapore as the Attorney General’s Chambers (AGC) allowed for all 34 people who were awaiting execution at the time, to apply to be re-sentenced under the new regime. This has thus far resulted in two death penalty sentences being commuted after both death row inmates were deemed to have substantively assisted the CNB. Notably Yong Vui Kong who was 19 at the time of his offence, became the first drug mule or courier to have his death sentence commuted to life imprisonment with 15 strokes of the cane. Chinese national. Wang Wanfeng became the 5th convicted murderer to receive life

imprisonment and caning rather than death. According to official statistics no prisoners at all were executed in 2012. Not all defendants are granted clemency however and 22-year-old Masoud Rahimi Mehrzad is currently facing the death penalty for drug smuggling.

Phil Robertson, deputy Asia Director for Human Rights Watch and Singaporean criminal lawyer Subhas Anandan welcomed these amendments, but Robertson added, "it was the first step in a long journey" and further action is required before, "Singapore can say it is a rights respecting government". MARUAH too commends the government's efforts to "temper justice with mercy" and give judges greater sentencing options. Previously discretion existed only at Public Prosecutor level and no reasons were disclosed for the choice of charge.

Nevertheless, the amended law poses its own set of problems. Firstly with regards to the amendments affecting the MDA, there is no clarity on what "substantively assisted" means. Parliamentary discussions into the matter suggest that mere cooperation will not suffice and that the purpose of the provision was to enhance the operational effectiveness of the CNB in successfully disrupting drug trafficking. The power to grant a certificate of substantial assistance lies with the Public Prosecutor – the very body who is tasked with charging the accused to begin with. The law seemingly grants the Public Prosecutor a very broad spectrum of powers which are not subject to the review of the judiciary. Professor Chandra Mohan highlights that general sentencing guidelines are necessary to ensure that like cases are indeed treated alike. Subhas Anandan warns that it is essential to ensure like cases are treated alike without enacting additional restrictive legislation. The "substantive assistance" criterion in the amended MDA has also proved particularly problematic in the courts. [...]

Secondly it must be noted the amendments as they stand do not allow the Courts to take into consideration factors such as the accused having been coerced or threatened into committing the act of trafficking.

MARUAH is troubled that the mandatory death penalty will continue to be maintained for offences such as intentional murder, kidnapping, firearms offences and drug trafficking where the conditions spelt out by the Government are not met. MARUAH also notes that there has been anecdotal evidence of inadequate due process and fairness in capital trials. Finally, the Government has still not provided convincing evidence of the effectiveness of the death penalty in deterring crime. Accordingly, MARUAH renews its call, as first articulated in its UPR submission, for the Government: to review the scope of capital offences, so as to ensure that the death penalty is imposed only in the most serious of crimes; to prohibit the imposition of the death penalty in the context of group crimes, where the accused person has not personally intended to commit murder; to review the criminal process to ensure that capital cases undergo the most rigorously fair pre-trial and trial process, including access to counsel immediately upon arrest, an effective system of supervision of the extraction and recording of confessions by the police, and a repeal of the use of presumptions in capital cases; and to publish persuasive, objective evidence of the deterrent effect of the death penalty.

TC response:

None. But amended laws to allow more discretion to judiciary on mandatory death penalty.

F8L response:

Unlikely

Recommendation n°143: *Fully incorporate the principles and provisions of CRC into the domestic legal system, especially those regarding corporal punishment (Recommended by Poland)*

IRI: *partially implemented*

MARUAH response:

In 1995, the government signed the Convention on the Rights of the Child (CRC) and has consistently sought to protect the rights of Singaporean children. With an education system ranked amongst the highest in the world and a wide range of extra-curricular activities including journalism, robotics and business enterprise courses, it is unsurprising that many other countries are incorporating aspects of the Singaporean syllabus into their own curricula. Almost all children attend primary school with 94% pursuing higher education, compared to just 50% 40 years ago.

Recent healthcare reforms have extended additional protection to children. Medifund Junior was created on 1 March 2013 and an additional \$8 million a year was set aside to fund childrens' hospital care. All Singaporean citizens will be provided with Medishield protection from birth and parents will receive a one-off grant of \$3,000 to fund their childrens' care. The Medisave scheme has now been expanded so that savings can be used to pay for neonatal scans as well as pneumococcal and influenza vaccines for young children and the elderly. Subsidised medical care at GPs surgeries and dental surgeons through the Community Health Assist (CHAS) Scheme will also be extended.

Through the publication of a series of children's storybooks and parent guides disseminated through state-run kindergartens, the government has tried to raise awareness of the Convention and its implications. Despite these achievements, Singapore has appended two important reservations to articles 19 and 37 of the CRC.

Article 19 stipulates that:

"1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation..."

While Article 37(a) adds:

"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment..."

However, the government has limited the enjoyment of these rights by stating that they do not prohibit:

- (1) the application of any prevailing measures prescribed by law for maintaining law and order in the Republic of Singapore;
- (2) the judicious application of corporal punishment in the best interest of the child.

In practice this leads to the continued practice of corporal punishment in schools with a rattan cane, sometimes in public. In addition to caning, some schools also adopt a forced “hair cutting” procedure for students deemed to have hair which is too long or untidy. MARUAH recommends that the government remove the reservations to the CRC as well as the provisions in Article (89) of the Penal Code; Article (64) of the Women’s Charter and Article (68) of the Children and Young Persons Act to outlaw humiliating punishment for school children.

The current Singaporean education system also raises questions about the mental health of students. Primary Schools are hugely stressful and aptly known as “pressure cookers” colloquially. In a highly competitive learning environment, students vie for the highest marks in the Primary School Leaving Examination (PSLE) to secure a coveted place in one of the nation’s top secondary schools. As well as attending school, many primary students have hours of homework to complete and often attend intensive enrichment classes.

Inevitably, for some the stress is unbearable and these children develop headaches, insomnia and in extreme cases more serious mental problems. Some parents report their children waking up in the middle of the night worrying about completing their assignments in time, while others refuse to go to school or run away. In 2012, a boy became the first child to kill himself in the age 5-10 age category in 10 years while the adolescent suicide rate was the highest in 5 years. According to Tan Yi Ying from Ang Mo Kio Family Service Centre, teenagers kill themselves due to family problems, cyber bullying or the inability to get a place on the Integrated Academic programme.

To combat these problems, the government engaged with the community through the “Our Singaporean Conversation” project to allow parents to suggest possible improvements. Consequently, the aggregated average PSLE score will be replaced with a wider grade banding to prevent competition on insignificant differences in score; the names of the highest scorers in the PSLE exam are not longer published and MOE kindergartens will be created to ensure all students receive a quality education to prepare them for primary school.

MARUAH commends the government’s efforts and encourages them to continue engaging with the community at large to practically implement their obligations under the CRC and ensure the physical and mental well being of all children.

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The Global Initiative considers it is unacceptable for a Government to reject recommendations urging compliance with a Convention which the state has ratified. In this case, not only has the recommendation been rejected but legislation has been enacted which authorises corporal punishment of children. The Children and Young

Persons (Government Homes) Regulations 2011, the Criminal Procedure Code 2010 and the Criminal Procedure Code (Corrective Training and Preventive Detention) Regulations 2010 all authorise caning of children, adding to the many other laws and regulations which do so in every setting of children's lives in Singapore. For a full report on laws authorising corporal punishment in Singapore, see [GIEACPC's [website](#)].

TC response:

Corporal punishment still being used in Singapore.

Justice

Recommendation n°20: *Continue its positive engagement with neighbouring countries in combating trafficking in persons* (Recommended by *Indonesia*)

IRI: *fully implemented*

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Recommendation n°21: *Continue the positive participation and coordination with neighbouring countries in the context of combating trafficking in human beings* (Recommended by *United Arab Emirates*)

IRI: *fully implemented*

HOME response:

According to press releases, the Singapore Inter-Agency Taskforce on Trafficking in Persons has built networks with various stakeholders including the governments of neighboring countries. H.O.M.E. hopes the network-building continues and bears fruit in both preventing and prosecuting TIP cases. To prevent potential indicators of trafficking such as contract substitution, high placement fees, and deception regarding work conditions, bi- or multi-lateral agreements among countries are needed. No such agreements have been entered into by Singapore with any migrant worker source countries and this remains a fundamental gap in the government's efforts to combat human trafficking.

MARUAH response:

Singapore has yet to accede to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also referred to as Palermo Protocol, but significant effort has been put into stepping up our efforts to combat the trafficking of human beings.

The Inter-Agency Taskforce on Trafficking in Persons was established in 2010. It is co-headed by the Ministry of Home Affairs and the Ministry of Manpower and includes representatives from the Singapore Police Force, Immigration and Checkpoints Authority, Ministry of Social and Family Development, Ministry of Health, Ministry of Law, Ministry of Foreign Affairs and the Attorney General's Chambers. The taskforce aims to implement holistic and coordinated strategies to combat trafficking in persons more effectively.

In March 2012, the taskforce released a [National Plan Of Action \(NPA\)](#) to outline strategies and initiatives to be put in place between 2012 and 2015, to combat trafficking in persons. The NPA contains 31 initiatives guided by the four principles of: preventing trafficking in persons, the prosecution of offenders, protection of trafficking in persons victims and partnerships with other countries, NGOs, academics and the private sector to combat trafficking in persons.

Taskforce Initiatives have focused on raising awareness about trafficking, improving policing and identification of trafficking, enhancing cross border engagement and cooperation and bringing Singapore in line with international norms on human trafficking. The effectiveness of the NPA's initiatives is evaluated by periodic self-assessments.

The taskforce has also introduced initiatives to educate workers coming into Singapore as well as employers and employment agencies.

1) Raise Awareness About Trafficking

On the first issue of raising awareness and understanding about trafficking, the taskforce has started training programmes for front line officers to assist them in identifying and assisting victims of trafficking in persons. The taskforce also set up a Trafficking In Persons Public Awareness Grant and launched a public call for proposals on initiatives to raise awareness about trafficking in persons. A total of \$80,000 awarded to 3 organisations- EmancipAsia, a joint submission from UN Women and Humanitarian Organisation for Migration Economics (HOME) and a cross-university group submission from National University of Singapore (NUS) and Singapore Management University (SMU). The chosen projects ranged from photography exhibitions and seminars to data collection projects.

2) Improving Policing and Detection of Trafficking

On the second area of enhanced policing of trafficking, the taskforce set up new processes to improve detection of trafficking and to offer assistance to victims. These processes include quicker referrals, joint inspections of companies that repatriate foreign workers, visiting ports to learn how we can offer assistance to fishermen in distress and building links between government and NGOs. In addition to this a Joint Operations Directorate (JOD), was set up within the Ministry of Manpower as the main contact point to assist all potential cases of trafficking in persons. The Attorney General's Chambers also has set up a special unit to deal with cases of trafficking in persons.

The NPA also includes a comprehensive system of protection and assistance for victims of trafficking in persons. In achieving this, in 2012 the taskforce focused on enhancing the system for victim care, in 2013 it completed a review of existing mechanisms for providing victims with shelter and assisting with re-entry into their home countries. Moving forward, in 2014, the taskforce will focus on reviewing legal assistance provided to victims of trafficking in persons as well as avenues for finding alternative employment and retraining.

3) Cross Border Engagement & Cooperation

Another project launched by the taskforce has been to engage other countries that have more experience in dealing with trafficking to learn from their best practices. This includes countries which maybe be possible sources of trafficked victims.

The NPA aims to enhance cross border linkages to allow for more cooperation during investigation and for coordinating strategies against transnational syndicates.

4) Review Of Trafficking Legislation

The taskforce also completed study into the feasibility of accession to the UN Palermo Protocol on Trafficking in Persons as well as a review of domestic legislation related to trafficking to ensure that Singapore's legislation addresses the entire spectrum of issues related to trafficking in persons and that the penalties are commensurate with the crimes. The legislative review was completed in 2013 and currently the taskforce is in the process of engaging with the judiciary and the Attorney General's Chambers. In November 2013 Member of Parliament Christopher de Souza announced that he would introduce a Private Member's Bill on Human Trafficking. The Taskforce has indicated that they will work with and co-develop the bill with Mr. de Souza. The proposed bill should be tabled in parliament by the end of 2014.

5) Enhancing Workers' Rights

Some initiatives targeted at educating foreign workers about their employment rights include:

- Pre-employment conditions requiring that employers send the In-Principal Approval letter to the worker in his or her native language before he or she leaves home country.
- A pilot scheme of pre- departure briefings conducted for foreign workers from China, Bangladesh and India, was introduced to educate workers of employment rights and responsibilities. However, pre-departure briefings and educational material provided to foreign workers taking up employment in Singapore does not include information pertaining to trafficking.
- Introducing a mandatory rest day for Foreign Domestic Workers was introduced on 1 January 2013. Workers can be compensated in lieu of the off day. There is little to no policing on this issue and the government has yet to take steps to ensure that employers comply with the mandatory rest day.
- In 2012 a settling in programme was introduced for new foreign domestic workers to help them adapt and acclimatise and foster better work relationships
- Ministry of Manpower also sends regular circulars to the employers of foreign workers reminding them of their legal obligations -Ministry of Manpower also releases an employment agency bulletin for employment agencies dealing with foreign workers. The bulletin lists out best practices and lays out key changes to the regulatory framework to facilitate compliance.
- Legislative amendments have been made to the Employment of Foreign Manpower Act in Nov 2012; including increasing penalties for offences partly related to trafficking in persons such as employers who unlawfully pass on employment costs to their workers, making them vulnerable to debt bondage.

A tripartite alliance comprising the Ministry of Manpower, the National Trades Union Congress and Singapore National Employers Federation have developed a set of guidelines on issuing itemised payslips to all employees. The Ministry of Manpower intends for this to become a mandatory practice over the next two years. MARUAH recommends that this initiative be extended to include foreign workers as payslips are essential evidence in settling salary disputes and can act as a deterrance against unlawful deductions and underpaying.

TC response:

Drafting national legislation against human trafficking.

Recommendation n°50: *Step up efforts in fighting trafficking of human beings*
(Recommended by *Belarus*)

IRI: *fully implemented*

HOME response:

The Singapore Inter-Agency Taskforce on Trafficking in Persons initiated its National Plan of Action in 2012 based on “prevention, prosecution, protection and partnerships.” Although it has since issued annual updates on progress made, including the launch of public awareness campaigns and network-building, the first thorough review of NPA is not scheduled to occur until 2015.

Many foreign workers arriving in Singapore owe significant debts to recruitment agencies in Singapore and in their home countries, leaving them vulnerable to forced labor. Foreign workers have reported confiscation of their passports, limitations on movement, non-payment of wages, and physical and sexual abuse, all of which may be indicators of trafficking.

Singapore is still lacking a specific and comprehensive anti-trafficking law, though it is anticipated that a Private Member’s Bill to combat trafficking will be introduced in Parliament in 2014. The State has inadequate capacity to detect potential victims. Furthermore, migrant workers remain unlikely to report offences as they are not always permitted to work while their claim is investigated, nor can they leave the country, yet they are provided little services for their protection, security and sustenance during the investigation and court proceedings.

In 2012, 151 foreign domestic worker residents of the H.O.M.E. shelter were interviewed to determine the extent to which indicators of trafficking were present; in all but two cases, the women’s experiences included all three elements (action, means, and purpose) of the United Nations definition of trafficking contained in the Palermo Protocol. The flaws in Singapore’s current system for identifying and addressing trafficking are highlighted by the fact that, of the 77 women in the study who were referred to either MOM or the police or both, none of them were identified as victims or potential victims of trafficking.

MARUAH response:

[See response to recommendation n°21]

TC response:

Drafting national legislation against human trafficking.

Recommendation n°61: *Provide and improve training programmes on human rights for the judiciary and law enforcement personnel* (Recommended by Jordan)

IRI: *not implemented*

TC response:

Ignored civil society's proposal to educate the judiciary, public service and members of public.

F8L response:

We are not aware of any programmes on human rights for the judiciary and law enforcement personnel.

Recommendation n°62: *Modify its legislation in such a way as to shift the burden of proof of the guilt of a person facing the death penalty to the prosecution instead of requesting the person to prove its own innocence* (Recommended by France)

IRI: *not implemented*

MARUAH response:

No movement on this issue. The presumption of trafficking under Section 17 of the Misuse Of Drugs Act (Chapter 185) remains on the books.

TC response:

Burden of proof remains with the accused.

Singapore Anti-death Penalty Campaign (SADPC) response:

With the amendment to the Misuse of Drugs Act in 2012, judges are given limited discretion when it comes to the sentencing of any persons found carrying prohibited substances with the intention to commit trafficking should they a) prove that they are merely playing the role of a courier and are not involved in any other activities related to drug supply or distribution; and, b) cooperate with authorities in a substantive manner, or have a mental disability that substantially impair their judgment of the gravity of the act. This however, does not mean that the burden of proof of the guilt of a person facing the death penalty has been shifted to the prosecution.

F8L response:

Nothing has been done to shift this onerous burden from the accused person. The public prosecutor decides who deserves the death penalty. Even with the recent amendments to the Misuse of Drugs Act where judges may substitute a death penalty with life imprisonment and caning, the prosecutor must certify that the accused person had cooperated in the investigation of the crime. It is clear therefore that it is the prosecutor who decides who should die and who should live.

Recommendation n°63: *Make available statistics and other factual information on the use of the death penalty* (Recommended by Finland)

IRI: *partially implemented*

MARUAH response:

Information regarding the number of executions and the breakdown of offences by murder, drugs and firearms is published annually by the [Singapore Prison Service \(SPS\)](#). In parliament in July 2012, DPM Teo Chee Hean stated that there were currently 35 prisoners on death row. However in 2012 when the Singapore Working Group on the Death Penalty wrote to SPS requesting the names of those detained; facts of their cases; execution procedural details and questioning whether counselling is available to families of death row inmates, their request was denied. In Parliament in November 2012, NMP Faizah Jamal called for information and statistics demonstrating the link between death penalty and low crime rates to be published as Amnesty International (AI) and Anti-Death Penalty Asia Network (ADPAN) have consistently maintained there is no proof that retaining the death penalty boosts deterrence.

TC response:

Limited information has been published by the Prisons Service. However rejected requests for more detailed information when put in by civil society.

SADPC response:

21 October 2011 - In a response to a request made by Mr. Pritam Singh, Member of Parliament from the Worker's Party, to Mr. Teo Chee Hean, the Deputy Prime Minister and Minister of Home Affairs, it was mentioned that statistics of judicial executions are available in the Prisons Annual Report published by the Singapore Prison Service (SPS). In his reply, Mr. Teo also provided statistics of judicial executions carried out between 2004 to 2010.

Statistics of judicial executions were also found in the Prisons Annual Report published by the SPS in 2012. It was picked up and published by The New Paper in an article on Mr. Darshan Singh, Singapore's former hangman, on 16 October 2013.

F8L response:

We have never seen any study on the death penalty or its effectiveness in controlling crimes.

Recommendation n°112: Put in place measures to strengthen the protection of victims of trafficking: among others, to screen and protect victims of human trafficking instead of treating them as criminal offenders, to provide them with temporary shelters during legal proceedings, to support witness protection programs and to provide appropriate remedial measures other than deportation (Recommended by Thailand)

IRI: *partially implemented*

HOME response:

In 2013, the Singapore Inter-Agency Taskforce on Trafficking in Persons developed a case referral form. Using this form, H.O.M.E. has seen some positive steps toward identifying and treating the referred person as a potential victim of trafficking rather than as a criminal offender. However, neither a comprehensive protection scheme for alleged victims of trafficking, nor a witness protection program, have yet been created. In 2014, H.O.M.E. will set up a shelter dedicated to alleged victims of sex

trafficking using funding from a private corporate donor. As investigations into alleged trafficking cases are lengthy and no compensation is allocated to victims of trafficking, many do not wish to file a complaint or choose to drop their cases and return home.

MARUAH response:

[See response to recommendation n°21]

TWC2 response:

A dedicated shelter for women trafficked into sex work should be established where the women can be secure and receive counselling; they should not be housed with migrant women present in Singapore for other reasons, who may not be sympathetic to them.

TC response:

Drafting national legislation against human trafficking

Recommendation n°119: *Declare an immediate moratorium on executions with the aim of abolishing the death penalty* (Recommended by Finland)

IRI: *partially implemented*

MARUAH response:

In July 2012, Singapore's mandatory death penalty regime was amended in its application to certain drug-related and homicide offences.

Murder

Prior to the amendments, the Courts had no discretion in sentencing an individual found guilty of murder. The effect of the amendments to the sentencing regime is that the mandatory application of the death penalty is now only retained in instances where the murder was intentional or deliberate; i.e an offence under Section 300(a) of the Penal Code Cap 224, 2008 Rev Ed (the "Penal Code"). Thus if the offence fell under any of the other three sub-provisions of causing injury the accused knows is likely to cause death; intentionally causing injury sufficient in the ordinary course of nature to cause death, or committing an act the offender knows is so imminently dangerous that it must in all probability cause death (Section 300(b), (c) or (d) of the Penal Code), the Court now has the discretion in either sentencing an accused to death or to life imprisonment with caning.

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Or

ii. the accused proves he was suffering from an abnormality of mind which substantially impaired his mental responsibility for committing the offence, i.e that the accused had diminished responsibility.

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These amendments are a welcome change in the application of the death penalty in Singapore and they bring Singapore closer to the international community's stance on capital punishment.

It must also be noted that following the amendments to the mandatory death penalty regime, a moratorium of sorts was placed on executions in Singapore as the Attorney General's Chambers (AGC) allowed for all 34 people who were awaiting execution at the time, to apply to be re-sentenced under the new regime. This has thus far resulted in two death penalty sentences being commuted after both death row inmates were deemed to have substantively assisted the CNB. Notably Yong Vui Kong who was 19 at the time of his offence, became the first drug mule or courier to have his death sentence commuted to life imprisonment with 15 strokes of the cane. Chinese national. Wang Wanfeng became the 5th convicted murderer to receive life imprisonment and caning rather than death. According to official statistics no prisoners at all were executed in 2012. Not all defendants are granted clemency however and 22-year-old Masoud Rahimi Mehrzad is currently facing the death penalty for drug smuggling.

Phil Robertson, deputy Asia Director for Human Rights Watch and Singaporean criminal lawyer Subhas Anandan welcomed these amendments, but Robertson added, "it was the first step in a long journey" and further action is required before, "Singapore can say it is a rights respecting government". MARUAH too commends the government's efforts to “temper justice with mercy” and give judges greater sentencing options. Previously discretion existed only at Public Prosecutor level and no reasons were disclosed for the choice of charge.

Nevertheless, the amended law poses its own set of problems. Firstly with regards to the amendments affecting the MDA, there is no clarity on what “substantively assisted” means. Parliamentary discussions into the matter suggest that mere cooperation will not suffice and that the purpose of the provision was to enhance the operational effectiveness of the CNB in successfully disrupting drug trafficking. The power to grant a certificate of substantial assistance lies with the Public Prosecutor – the very body who is tasked with charging the accused to begin with. The law seemingly grants the Public Prosecutor a very broad spectrum of powers which are not subject to the review of the judiciary. Professor Chandra Mohan highlights that general sentencing guidelines are necessary to ensure that like cases are indeed treated alike. Subhas Anandan warns that it is essential to ensure like cases are treated alike without enacting additional restrictive legislation. The “substantive assistance” criterion in the amended MDA has also proved particularly problematic in the courts. [...]

Secondly it must be noted the amendments as they stand do not allow the Courts to take into consideration factors such as the accused having been coerced or threatened into committing the act of trafficking.

MARUAH is troubled that the mandatory death penalty will continue to be maintained for offences such as intentional murder, kidnapping, firearms offences and drug trafficking where the conditions spelt out by the Government are not met. MARUAH also notes that there has been anecdotal evidence of inadequate due process and fairness in capital trials. Finally, the Government has still not provided convincing evidence of the effectiveness of the death penalty in deterring crime. Accordingly, MARUAH renews its call, as first articulated in its UPR submission, for the Government: to review the scope of capital offences, so as to ensure that the death penalty is imposed only in the most serious of crimes; to prohibit the imposition of the death penalty in the context of group crimes, where the accused person has not personally intended to commit murder; to review the criminal process to ensure that capital cases undergo the most rigorously fair pre-trial and trial process, including access to counsel immediately upon arrest, an effective system of supervision of the extraction and recording of confessions by the police, and a repeal of the use of presumptions in capital cases; and to publish persuasive, objective evidence of the deterrent effect of the death penalty.

TC response:

No official moratorium declared.

SADPC response:

Moratorium on executions

1. It was revealed in July 2012 that judicial executions were suspended from July 2011 while reviews to the Misuse of Drugs Act and Penal Code were going on. We view this unannounced suspension of judicial executions as an unofficial moratorium.

2. However, we do not see such a moratorium as part of the intention to abolish the death penalty in Singapore as Ministers have continued their public declarations that the existence of the death penalty is necessary as a deterrent against crimes.

3. The government has not shown any indication of support towards supporting international moratorium on executions with a view to abolition.

F8L response:

Unlikely

Recommendation n°120: *Impose as soon as possible a moratorium on the death penalty, with the view to its definitive abolition, in line with General Assembly resolution 65/206 (Recommended by France)*

IRI: *not implemented*

MARUAH response:

[See response to recommendation n°119]

TC response:

No official moratorium declared.

F8L response:

Unlikely

Recommendation n°122: *Immediately impose a moratorium on executions, with a view to complete abolition of the death penalty, make public information about past executions and death sentences handed down by the courts, and review the Penal Code and the Misuse of Drugs Act, with a view to repealing all provisions on mandatory death sentencing and removing all presumption of guilt clauses (Recommended by Czech Republic)*

IRI: *partially implemented*

+

Recommendation n°123: *Support the international moratorium on death penalty executions with a view to abolition, and end the imposition of the mandatory death penalty (Recommended by Canada)*

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°119]

TC response:

No official moratorium declared.

SADPC response:

Mandatory Death Penalty

1. Despite its rejection of the above recommendations, the Penal Code and Misuse of Drugs Act underwent a year-long review between July 2011 to July 2012. Amendments were then announced in the Parliament on 9 July 2012, passed on 14 November 2012, and subsequently came into effect on 1 January 2013.

2. The amendments to the Misuse of Drugs Act grant limited discretion to the judges in the passing of judgments, so long as the accused persons fulfill the conditions stipulated (refer to “Accepted Clauses, 62”). However, Justice Choo Han Teck had

pointed out some issues regarding the procedure that comes with the amendments [...].

3. The amendments to section 300 of the Penal Code now allow judges the discretion to sentence the accused to either death or life imprisonment, in cases of murder where killing is not intentional and if the accused is found to be of unsound mind.

Moratorium on executions

1. It was revealed in July 2012 that judicial executions were suspended from July 2011 while reviews to the Misuse of Drugs Act and Penal Code were going on. We view this unannounced suspension of judicial executions as an unofficial moratorium.

2. However, we do not see such a moratorium as part of the intention to abolish the death penalty in Singapore as Ministers have continued their public declarations that the existence of the death penalty is necessary as a deterrent against crimes.

3. The government has not shown any indication of support towards supporting international moratorium on executions with a view to abolition.

Recommendation n°124: Take steps towards the abolition of the death penalty and, during the process to abolish it, remove mandatory death sentences and release basic information about the death penalty, including the number of people sentenced to death and awaiting execution on death row (Recommended by United Kingdom)

IRI: *partially implemented*

+

Recommendation n°125: Remove from legislation the mandatory nature of the capital punishment for a number of crimes (Recommended by France)

IRI: *partially implemented*

+

Recommendation n°126: Repeal provisions for mandatory death penalty (Recommended by Slovenia)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°119]

TC response:

No moratorium or full removal of mandatory sentencing for murder and drug with specific conditions

SADPC response:

Mandatory Death Penalty

1. Despite its rejection of the above recommendations, the Penal Code and Misuse of Drugs Act underwent a year-long review between July 2011 to July 2012. Amendments were then announced in the Parliament on 9 July 2012, passed on 14 November 2012, and subsequently came into effect on 1 January 2013.

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stipulated (refer to “Accepted Clauses, 62”). However, Justice Choo Han Teck had pointed out some issues regarding the procedure that comes with the amendments [...].

3. The amendments to section 300 of the Penal Code now allow judges the discretion to sentence the accused to either death or life imprisonment, in cases of murder where killing is not intentional and if the accused is found to be of unsound mind.

Recommendation n°127: Immediately put a stop to caning as a form of punishment and repeal all laws providing for this punishment (Recommended by Czech Republic)

IRI: not implemented

MARUAH response:

Caning has been retained as a punishment for a wide range of crimes, from overstaying a tourist visa to “outrage of modesty” offences. The number of strokes inflicted with the rattan cane is proportional to the severity of the offence, with a maximum of 24 strokes permitted. In 2012 2,500 men were sentenced to judicial caning with 2,203 sentences carried out, almost half of those caned had committed immigration offences. Human Rights Watch, Asia urged the government to end the use of judicial corporal punishment after a security guard was sentenced to three months in prison and three strokes of the cane for spray painting the word, democracy” on a war memorial.

TC response:

Not being considered.

F8L response:

Male illegal immigrants below 50 years of age who overstay by more than 90 days are subject to caning. Anyone convicted of vandalism is also subject to caning. These are crimes that do not involve violence. The government however deems it fit to use violence against such offenders.

Recommendation n°128: Put an end in practice to all forms of corporal punishment and derogate the laws allowing for this practice (Recommended by France)

IRI: not implemented

MARUAH response:

[See response to recommendation n°127]

GIEACPC response:

Not only has the recommendation been rejected but legislation has been enacted which authorises corporal punishment of children. The Children and Young Persons (Government Homes) Regulations 2011, the Criminal Procedure Code 2010 and the Criminal Procedure Code (Corrective Training and Preventive Detention) Regulations 2010 all authorise caning of children, adding to the many other laws and regulations which do so in every setting of children's lives in Singapore. For a full report on laws authorising corporal punishment in Singapore, see [GIEACPC's [website](http://www.gieacpc.org)].

TC response:

Not being considered.

F8L response:

There is no research or published statistics on caning and its effect on crime rate. Caning for non violent crimes like vandalism and illegal immigration should be abolished. The Vandalism Act allowing caning was introduced in 1966 for political reasons and it has remained in our statute books to this day resulting in young people, including foreigners being caned for spray painting.

Recommendation n°129: *Put an end to all practices of corporal punishment that takes place in educational facilities and detention centres* (Recommended by Djibouti)

IRI: *not implemented*

MARUAH response:

Corporal Punishment in the form of caning with a rattan cane continues to be performed in schools. In addition to caning, some schools also adopt a forced “hair cutting” procedure for students deemed to have hair which is too long or untidy. MARUAH recommends that the government remove Singapore's reservations to articles 19 and 37 of the CRC as well as the provisions in Article (89) of the Penal Code; Article (64) of the Women's Charter and Article (68) of the Children's and Young Persons Act to outlaw humiliating punishment for school children.

GIEACPC response:

[See recommendation n°128]

TC response:

Not being considered

F8L response:

As can be seen in the preceding responses, caning is one form of punishment. Like all other forms of punishment, no studies have been conducted on its effectiveness in crime prevention.

Recommendation n°131: *Ensure that "preventive detention" under the Internal Security Act and the Criminal Law (Temporary Provisions) Act is only used in exceptional circumstances and does not violate the right to a fair trial* (Recommended by Slovenia)

IRI: *partially implemented*

MARUAH response:

Since January 2002, 64 people have been detained under the Internal Security Act (ISA) for their involvement in terrorism-related activities, but more than two-thirds have been released after rehabilitation as they are no longer believed to pose a security threat.

Between Nov 2012 and Feb 2013, three members of the Indonesian terrorist group Jemaah Islamiyah (JI), were released from detention and placed under restriction orders. One man, however, was re-detained under the Act for planning to fight

against occupying forces in the Middle East. Another man was detained in March 2013 for planning armed insurgency in Southern Thailand while the son of terrorist Mas Selamat was placed in detention October 2013 for his involvement with (JI). Mas Selamat himself is currently being detained under the ISA for plotting to hijack a plane and crash it into Changi Airport.

F8L response:

"Preventive detention" denies a person of any trial. The Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act (CLTPA) allow the government to imprison anyone for an indefinite period of time. They contravene Article 9 of The Universal Declaration of Human Rights to which Singapore is a signatory - "No one shall be subjected to arbitrary arrest, detention or exile."

(A) (1) ISA - The longest serving prisoner is Physics lecturer and opposition parliamentarian, Dr Chia Thye Poh who was imprisoned for 32 years. He had demonstrated against the war in Vietnam and arrested in 1966. He was accused of being a communist decades after his arrest.

The ISA was enacted in 1955 (it took its roots during colonial times in 1948) and has undergone many amendments to the detriment of the prisoner. There is no safeguard for the prisoner and he can be imprisoned at the whims and fancies of the executive. There is no judicial review. Thousands of good citizens have been imprisoned under the ISA and no commission of inquiry has ever been convened to investigate those detentions.

In 2011, 16 former ISA prisoners called upon the government to convene a commission of inquiry into the arrests and detention of ISA detainees. The government declined. The government never published any list of names of prisoners and in fact refuses to do so even upon request by a parliamentarian in 2011. The ISA has been regularly used to stifle political dissent even to this day. It has been used very successfully to the advantage of the PAP government for more than 50 years. Waves after waves of arrests and imprisonment have deprived Singapore of brilliant leaders able to contribute to the country and society and an effective opposition in parliament. A former ISA prisoner, Ms Loh Miaw Gong in a recent publication, "The 1963 Operation Coldstore in Singapore, Commemorating 50 years ed Poh Soo Kai, Tan Kok Fang & Hong Lysa recorded 1193 prisoners from 1954 till today. These prisoners include medical doctors, lawyers, journalists, economists, politicians, playwrights, dramatists, writers, poets and students.

(2) Bombing of Twin Towers in 2001 -Shortly after the 11 Sept 2001 incident, several Muslims were arrested for allegedly attempting to bomb Singapore. The only flimsy "evidence" produced by the government was a video or photographs of the exterior of a train station in Singapore allegedly found in Afghanistan. No explosives or weapons were found in the possession of those prisoners. From 2001 till today, about 78 Muslims have been arrested and imprisoned. Today, twelve of them are still in prison. Two of them have been imprisoned since 2001, breaking the records of the Guantanamo prisoners.

The ISA contravenes the Universal Declaration of Human Rights and the Singapore government should abolish it if it wants to belong to the community of civilised nations.

(B) Political Exiles - Several people managed to escape arrests under the ISA and have become political exiles. The Singapore government maintains that they cannot return home unless they sign a "security statement" i.e. a statement that will incriminate themselves and their friends. Two elected members of the Legislative Assembly, Messrs Wong Soon Fong and Chan Sun Wing escaped arrest when several elected members as well as opposition candidates were arrested under the ISA in the 1963 general election. Both Wong and Chan have not been allowed to return home since 1963. Similarly, those who escaped arrest in the 1970s like businessman Ho Juan Thai, Dr Ang Swee Chai and lawyers, Tang Fong Har and the late Francis Khoo Kah Siang have not been allowed to return home unconditionally. A student leader, and lawyer today, Tan Wah Piow also escaped, having suffered injustice in a criminal trial that resulted in a year's imprisonment. These political exiles have not been allowed to return home for more than four decades.

The government has also abused its powers by a law enacted in 1985, stipulating that their failure to return to Singapore for a continuous period of more than ten years deprives them of their Singapore citizenship, thus rendering them stateless. We urge member states to raise the plight of political exiles at the review.

(C) CLTPA - This law also allows indefinite imprisonment without trial. Renewing the CLTPA in November 2013 for another five years, the government disclosed that as at 31 Oct 2013 there were 209 prisoners. Their names were not disclosed. No one knows how many have been arrested and imprisoned but the number runs into the thousands. The CLTPA was enacted in 1955 and was meant to last three years. It has survived to this day. The original intent of the CLTPA was to contain communists who in 1948 were outlawed by the British. The law has since been used to imprison alleged gangsters, drug traffickers, moneylenders and even international soccer match fixers. The government admits that on an average, 43 detention orders were issued each year between 2008 and 2012. Like the ISA, the CLTPA should be abolished as it contravenes Article 9 of the Universal Declaration of Human Rights.

Recommendation n°132: Review existing provisions with regard to detention without trial and adopt new provisions to inform those detained of their right to counsel and guarantee their access to Counsel immediately upon arrest (Recommended by Canada)

IRI: not implemented

MARUAH response:

On the evening of the 8th of December 2013, a riot broke out in Little India after a fatal car accident. Over 400 rioters were involved and police cars were burnt and overturned, within 2 hours police gained control and hundreds of arrests ensued. The precise factual details of the event remain unclear and a Committee of Inquiry into the incident will submit its findings within 6 months. The government's handling of the situation has led to criticisms from NGO's and Human Rights Groups concerning the Criminal Law, access to counsel and Immigration Rules.

Three Indian nationals accused of rioting filed formal police complaints with the Internal Affairs Office (IAO) alleging they were physically assaulted and subjected to insults and threats in an attempt to force admissions of their roles in the riot. Although the allegations are being investigated by the Public Prosecutor, Workfair have called for an independent investigation, arguing that as the prosecuting authority is a branch of government, its credibility in conducting an investigation into the Singapore Police Force is jeopardised.

Following the riot, 57 migrant workers involved were repatriated. According to the Police Commissioner, they had, “knowingly joined or continued to participate in the riot, after being ordered to disperse, or had impeded riot control and emergency rescue operations”. Their actions ranged from obstructing the police to failing to obey police orders to disperse.

These repatriations have been condemned by Workfair Singapore who argue that the police commissioner should not be able to determine culpability nor the Work Passes Controller be granted arbitrary powers to revoke passes without a right of appeal.

Lawyer M. Ravi is fighting for the work permit of one of these deported workers, Mr. Rajendran Ranjan to be reinstated. Mr. Ranjan was arrested in early December 2013 and later charged alongside six other men with smashing the windscreen of a bus. Days later the prosecution dropped the charges and a District Judge ruled that the seven men had been given a discharge amounting to an acquittal. However, on December 20th Mr. Rajendran was refused access to counsel and subsequently deported. His lawyer holds that the deportation not only violates natural justice but was unlawful as his client was denied an appeal under S33(2) of the Immigration Act. However, the government disputes the validity of this section in Mr. Rajendran’s case. If the presumption of innocence is indeed honoured in Singapore, it is questionable whether a court’s discharge should be effectively superseded by a government repatriation order.

According to the New Indian Express Newspaper, three other deportees have alleged they were force by policed to admit rioting despite pleading that they “had no involvement in any kind of violence”. Given the government originally charged 35 workers, but later dropped charges against 7, investigations and decisions are hardly infallible and there is room for error. MARUAH argue that in order to safeguard the innocent from mistakes made by public bodies acting in good faith, such decisions should be made by courts or quasi-judicial tribunals. At the very least the government should publish reasons for the deportations.

Minister for Law and Foreign Affairs K. Shanmugam, however countered that if repatriation cases became a judicial rather than administrative concern then, “every foreigner would be entitled to stay here at taxpayers’ expense, housed here at taxpayers’ expense” While Praveen Randhawa, Press Secretary to the Law Minister. reiterated that, current laws allow the government to take “quick and firm action” to protect Singaporeans from further rioting and that “Thus far, Singaporeans have chosen the system that ensures the safety and security of our society. The

Government will honour this mandate.” However, MARUAH believe that under no circumstances should due process be subordinated to expediency.

TC response:

Not being considered

SOGI

Recommendation n°133: *Repeal legal provisions criminalising sexual activity between consenting adults of the same sex* (Recommended by Slovenia)

IRI: not implemented

TC response:

None

Women & Children

Recommendation n°31: *Pursue its efforts to improve the status of women in order to enable them to reach their full potential and contribute to the social and economic development of the country* (Recommended by Algeria)

IRI: fully implemented

+

Recommendation n°53: *Intensify its efforts to eliminate all forms of discrimination against women, inter alia, by advocating and promoting women's empowerment, and through capacity-building, gender-sensitivity training, and public awareness-raising activities* (Recommended by Indonesia)

IRI: partially implemented

+

Recommendation n°55: *Take further steps to ensure the representation of women in senior levels within the public and private sectors is increased* (Recommended by South Africa)

IRI: partially implemented

+

Recommendation n°56: *Intensify efforts to enhance women's participation in the decision-making process in both public and private sectors, in accordance with the progress achieved in the field of education of women* (Recommended by United Arab Emirates)

IRI: partially implemented

+

Recommendation n°57: *Give the required attention to promoting women's participation at the decision-making level in both the public and private sectors* (Recommended by Algeria)

IRI: partially implemented

+

Recommendation n°58: *Take measures to bring about a change in attitudes, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society* (Recommended by Moldova)

IRI: *partially implemented*

MARUAH response:

Since ratifying CEDAW in 1995 Singapore has made considerable improvements in addressing gender inequality. The Global Gender Gap Report 2013 demonstrated that although Singapore scored highly in terms of wage equality for the same work (ranked no. 3 in the world) and that the estimated earned income is identical, problems still remain both in the workplace and especially in terms of political empowerment. In this category Singapore is ranked 90th, considerably below China and India.

Although the percentage of female board directors of Singapore listed firms rose by 0.6% in 2012, women still only constitute 7.9% of the total, lagging behind other countries in the region including Indonesia, Hong Kong and Malaysia. In Singapore 58% of all boards remain all male. Just over 60% of women participate in the labour force with an overall pay gap of 13.7%, this is most pronounced amongst plant and machine operators at 42.6%.

This disparity impedes the ability of women to accumulate savings in their CPF accounts and jeopardizes their financial stability. On average women have 40% lower savings than their male counterparts in these accounts. Additionally 64% of women compared with just 38% of men rely on their immediate families for help with medical expenses.

MARUAH welcomes the creation of a task force by former Minister of State for Social and Family Development, Halimah Yacob to help promote gender diversity in Singapore's boardrooms. However more needs to be done to tackle these problems. CEDAW Article 11(2) states that "In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status."

Yet despite specific provisions in the Employment Act (EA) to protect pregnant employees this protection only applies after the first 3 months of pregnancy. Since 2007, Ministry of Manpower (MOM) have received approximately 70 complaints a year from women alleging unfair dismissal, 70% of these complainants were pregnant. Also, although married women are granted 16 weeks of statutory maternity leave under the EA, single mothers in "managerial and executive positions" are entitled to none. AWARE, a Singaporean based equality advocacy group recommends that the EA be extended to provide:

- Statutory maternity leave for all employees irrespective of their marital status.
- Job protection for women throughout their pregnancies and for 3 months after they return to work.

- Clear compensation for those unlawfully dismissed in terms of loss of income and benefits should be stipulated in the EA itself to prevent women feeling pressured to accept inadequate redress.

In 2011, the UN CEDAW Committee urged Singapore to “take steps to enact legislative provisions on sexual harassment at the workplace, as well as in educational institutions, including sanctions, civil remedies and compensation for victims”. However there is no legislation designed explicitly for this purpose despite the fact that 54% of women reported experiencing some kind of sexual harassment, according to a 2008 survey.

Currently physical sexual harassment offences can be dealt with under the “Outrage of Modesty”, “Rape” and “Unlawful Sexual Penetration Offences” under Section 354 of the Penal Code, but it is more difficult to secure a conviction for non-physical harassment. Not only are the Insult of Modesty (Section 509 Penal Code) and Intentional Harassment (Section 13A, Miscellaneous Offences, Public Order and Nuisance) Act narrowly defined, but both offences are “non seizable” so complainants must lodge a complaint with the Magistrate rather than simply contacting the police. If the case cannot be successfully mediated by the court the complainant will need to engage a lawyer.

As many companies do not have any formal sexual harassment policies or procedures; MOM has no jurisdiction here as discrimination is not covered by EA and Tripartite Alliance for Fair Employment Practices (TAFEP) has no direct authority over organisations, further measures are needed to ensure Singapore’s commitments under CEDAW are honoured. AWARE recommends:

- Specific Sexual Harassment Laws
- The establishment of an administrative body to handle complaints.
- Enhanced civil penalties in addition to existing criminal sanctions.

TC response:
Not sufficient

Recommendation n°130: *Actively review the level of protection of children within the criminal justice system, through raising the age of criminal responsibility and avoid the trying of cases involving children between the ages of 16 and 18 in adult courts* (Recommended by *Trinidad & Tobago*)

IRI: *partially implemented*

MARUAH response:

In 2011 Social Service Training Institute (SSTI) and the Lutheran Community Care Services (LCCS) introduced the concept and framework of restorative practices to the social service sector. In 2012 a conference was organised to focus on the use of restorative practice skills and knowledge to work with victims of crime and in the rehabilitation and probation of adults and youth offenders.

The conference covered issues such as training and skill building for social workers and the use of family group conferences.

The Ministry of Social and Family Development has a Rehabilitation and Protection Group (RPG) comprising of volunteers who work closely with youth offenders through mentorship and guidance programmes.

The Juvenile Justice Division in the Subordinate Courts is operated with a view towards rehabilitation and restorative justice. Juveniles who enter the system are either charged in court or directed to a diversionary programme for rehabilitation. In recent years the Courts system has added to its array of diversionary programmes for providing support, guidance and rehabilitation to juvenile offenders.

- The Guidance Programme is a pre-Court diversionary programme for first-time offenders of minor offences. It aims to teach juveniles to develop better self-control, take responsibility for their actions and acquire life skills. The programme engages the parents of offender as well. Juveniles who complete the programme will not be charged but will be let off with a police caution.
- Probation is a key community-based rehabilitation programme for dealing with juvenile offenders who may otherwise be sent to court.
- The Streetwise Programme was initiated in 2012- it is a 6 month development programme for youths who are members of secret society's or gangs and provides counselling and helps them start over.
- Project HEAL is a conference that encouraged victim-offender dialogue.
- Youth Family Care Programme is designed to address underlying causes of juvenile delinquency such as the fact that many offenders come from broken or dysfunctional families.

Children and Young Persons Act 2011 requires that "in all matters relating to the administration or application of (the Children and Young Persons Act), the welfare and best interests of the Juvenile shall be the first and paramount consideration". It allows the Court to make a range of orders including detention orders, weekend detention orders and community service orders. Another option in preventing juvenile offences are beyond parental control orders which are designed to deal with juveniles below 16 years of age and who display behavioral problems in school or at home. They are not offenders, but their behavior may be serious enough that parents might apply to the Court for assistance in managing them.

Recommendation n°135: *Introduce legislation to make marital rape illegal in all circumstances* (Recommended by Canada)

IRI: not implemented

MARUAH response:

Currently under Singapore's Penal Code S375(4) a man cannot be guilty of raping his wife unless:

- The wife is living apart from her husband pending an interim judgement of divorce or written separation agreement.
- The wife has already obtained a Personal Protection Order (PPO)
- The couple is living apart and divorce proceedings have commenced.

Despite pressure from local NGOs, this law has not been amended although in February 2012, Law Minister K. Shanmugan noted that criminalising marital rape was "worth looking into". However as it is the Penal Code itself which grants immunity to

husbands who force their wives to have sex, any amendment would have to come from the Home Affairs Ministry not the Law Ministry.

MARUAH commends the removal of S 157(d) of the Evidence Act which stipulated that the credibility of a rape victim may be jeopardised if she were of “generally immoral character”. However, we also recommend the implementation of Rape shield laws similar to those in the Malaysia, UK and Canada which prohibit cross-examination of the victim concerning her sexual history unless this information is deemed sufficiently relevant to the charge.

Recommendation n°142: *Prohibit corporal punishment and put in place an educational system respectful of the physical and psychological integrity of minors* (Recommended by Switzerland)

IRI: *not implemented*

MARUAH response:

Corporal Punishment in the form of caning with a rattan cane continues to be performed in schools. In addition to caning, some schools also adopt a forced “hair cutting” procedure for students deemed to have hair which is too long or untidy. MARUAH recommends that the government remove Singapore's reservations to articles 19 and 37 of the CRC as well as the provisions in Article (89) of the Penal Code; Article (64) of the Women's Charter and Article (68) of the Children and Young Persons Act to outlaw humiliating punishment for school children.

GIEACPC response:

The Global Initiative considers it is unacceptable for a Government to reject recommendations urging compliance with a Convention which the state has ratified. In this case, not only has the recommendation been rejected but legislation has been enacted which authorises corporal punishment of children. The Children and Young Persons (Government Homes) Regulations 2011, the Criminal Procedure Code 2010 and the Criminal Procedure Code (Corrective Training and Preventive Detention) Regulations 2010 all authorise caning of children, adding to the many other laws and regulations which do so in every setting of children's lives in Singapore. For a full report on laws authorising corporal punishment in Singapore, see [GIEACPC's [website](#)].

Other

Recommendation n°32: *Continue developing its legal and institutional framework with respect to the promotion and protection of human rights* (Recommended by Afghanistan)

IRI: *partially implemented*

MARUAH response:

Over the last two years Singapore has taken steps to practically implement its human rights commitments. Mandatory death penalty legislation has been relaxed, the government has signed the CRPD as well as taken steps to improve the lives of

disabled people through the Enabling Masterplan and provided further funding for health care and accommodation to benefit the poorest citizens.

Despite these improvements, the government remains reluctant to engage with the public and NGOs on human rights; freedom of expression and associations. Topics pertaining to human rights remain heavily restricted. The Registrar of Societies is empowered to deny registration to associations of 10 or more members on the grounds of being “prejudicial to public peace, welfare or good order.” Police permits are required for any public event involving five or more people.

This legislation is often invoked to prevent discussion of human rights concerns. In December 2011, police denied a permit to organisation, Singaporeans for Democracy (SFD), to hold an anti-racism rally on International Human Rights Day. Months later the same organisation was informed that failing to obtain clearance allowing foreign nationals to speak at private events could constitute an offence.

In March 2012, months before its scheduled completion, plans to open the Handa Centre for Global Governance and Human Rights at Singapore Management University (SMU), were abruptly cancelled despite two years of planning. An SMU spokesperson articulated no clear reasons for this change, simply stating that, “After careful re-assessment, the University has decided not to proceed with the organisation of a centre”. According to the TODAY newspaper, sources reported that, “Human rights remain a topic that has to be carefully managed in Singapore. The Centre would lack credibility if it critiques the human rights situation in other countries but not Singapore's.” and further “We are not quite ready yet for foreign funding, to be matched by a matching grant from the Government, on human rights research. It is a prudent move by SMU but one wonders how things went as far as they did before the plug was pulled. There were just too many red flags. The embarrassment could have been avoided.”

In the aftermath of the Little India riot on 8th December 2014, MARUAH organised a public forum to discuss migrants workers rights, the prejudice they face in Singapore and post riot measures. Following police involvement, the owner of the agreed venue cancelled the booking, requiring the event to be held at the Marketing Institute of Singapore (MIS) instead. Days after the event, the MIS released a press statement claiming they were unaware of the nature of the forum and would have declined the booking. MARUAH’s president, Braema Mathi emphasised that “civil society has a right, even a moral duty, to organise such events, and the government has to respect and protect this right, not take steps to undermine our legitimate exercise of our lawful rights.”

In addition to curtailing the ability of NGOs to openly discuss human rights issues, the Political Donations Act renders securing funds extremely difficult. In order to prevent foreign nationals from interfering in domestic politics by supporting election candidates, they are prohibited from funding political associations. However, “political association” is defined widely to include not only political parties but also NGOs like MARUAH and socio-political websites. Only Singaporean citizens are allowed to give donations and just \$5000 of donations per year can be anonymous. When this

threshold has been crossed, the organisation must submit a report to the registrar of Political Donations detailing the name, identity card number, address and value of the donations. If an individual gives more than \$10,000, they too must submit a report. Unsurprisingly such invasive measures dissuade donations and make funding virtually impossible.

We see an all-round lack of use of the term "human rights" by political leaders. The state continues to embrace business rights and giving back to the community, in the form of Corporate Social Responsibility initiatives that are primarily focused on philanthropy. Singapore Compact for instance is a national society founded by the National Trades Union Congress and the Singapore National Employers Federation with the goal of recognising the role and contributions of CSR. This multi-stakeholder platform has a broad base of membership including large companies, small and medium enterprises, government agencies, trade unions, associations, academia and NGOs. Political discussion continues to be discouraged if not outright avoided. The Sedition Act effectively bans the public discussion (including online discussion) of most matters pertaining to race, religion, or sexuality, along with vocal criticism of the government. There are certain topics that are considered to be not open for discussion, leaving the framework for political discourse outlined by out-of bounds markers or OB markers as commonly referred to by the public.

The government has also taken significant steps at policing free speech online through its internet licensing framework. Websites such as The Independent and Breakfast Network – both popular sites that provide a platform for political discourse, publish in-depth analysis on political issues in Singapore- were required to register so as to prevent foreign entities from controlling local media platforms. The registration requirements are onerous and extensive. MARUAH raised this issue in the press, pointing out that regulations that require websites to identify every person who has provided funding to them, as well as every subscriber and advertiser who contributes 5% or more of their subscription or advertising revenue, are unduly intrusive and can have a chilling effect on free speech in Singapore as evidenced by the closure of popular political analysis site Breakfast Network. MARUAH recommends relaxing these funding stipulations and granting greater freedom of association to ensure meaningful public engagement on human rights.

F8L response:

The Constitution of the Republic of Singapore contains several articles that claim to protect human rights such as "No person shall be deprived of his life or personal liberty, save in accordance with law" (Art 9(1)). The effect of the qualification "save in accordance with law" is used freely by the Singapore government. For example, the Internal Security Act and the Criminal Law (Temporary Provisions) Act permits deprivation of liberty of a citizen without trial for an indefinite period of time. The decision to deprive a person of his or her liberty is that of the Executive and not the Judiciary. The Singapore Constitution is therefore exceedingly weak even though it proclaims to be the "supreme law" of the land (Art 4). It follows that Singapore has no law and no institutional framework for the protection of human rights.

Recommendation n°33: *Consider developing further the legal and institutional framework with respect to the promotion and protection of human rights in the country* (Recommended by Malaysia)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°32]

F8L response:

To date, there are no attempts to introduce legal and institutional framework for the promotion of human rights. In reality, new laws further erode the limited rights of the citizen. The Public Order Act for eg. prohibits demonstration by one individual. In the past, a gathering of 5 or more may be prohibited but today, even a one person protest can land him in jail.

Recommendation n°34: *Continue to develop the institutional and legal framework in respect of human rights* (Recommended by Jordan)

IRI: *partially implemented*

+

Recommendation n°35: *Continue to work to strengthen national human rights institutions, while consolidating the achievements in human rights* (Recommended by Nepal)

IRI: *partially implemented*

+

Recommendation n°36: *Continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates* (Recommended by Lesotho)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°32]

F8L response:

There is no human rights institution in Singapore. Abuses of human rights are therefore haphazardly monitored by NGOs which are overwhelmed with cases and they have no time to compile abuses.

Recommendation n°37: *Continue its cooperation with the United Nations and other international organizations to develop its legal and institutional framework with respect to the promotion and protection of human rights in Singapore* (Recommended by Laos)

IRI: *not implemented*

F8L response:

It will be good if the government begins cooperation with the UN.

Recommendation n°44: *Continue with its efforts to further promote and protect human rights and freedoms* (Recommended by Sri Lanka)

IRI: *partially implemented*

MARUAH response:

[See response to recommendation n°32]

F8L response:

We have not seen any effort to promote and protect human rights and freedoms.

Recommendation n°97: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Timor-Leste)

IRI: *not implemented*

+

Recommendation n°98: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Thailand)

IRI: *not implemented*

+

Recommendation n°99: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Poland)

IRI: *not implemented*

+

Recommendation n°100: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Egypt)

IRI: *not implemented*

+

Recommendation n°101: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Canada)

IRI: *not implemented*

+

Recommendation n°102: *Take steps to create a national human rights institution in accordance with the Paris Principles* (Recommended by Moldova)

IRI: *not implemented*

+

Recommendation n°103: *Establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights* (Recommended by South Africa)

IRI: *not implemented*

MARUAH response:

No action

F8L response:

It is unlikely that the PAP government will establish a national human rights institution.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection on all of the States:

1. We contacted the Permanent Mission to the UN either in Geneva (when one exists) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet that we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
29	Continue efforts to promote and protect human rights while preserving the institution of the family in all its components and preserving religious tolerance, prioritize the maintenance of racial and religious harmony through delicate management of relations between the different races and religions and share best practices with other countries regarding the promotion of racial and religious tolerance	Algeria	Accepted	2	Freedom of religion and belief, Women's rights
30	Continue its efforts to increase the representation of women at senior levels within the public administration, including the diplomatic service, judiciary and educational institutions, as well as the private sector	Moldova	Accepted	2	Women's rights
52	Share positive experiences and best practices with other countries regarding racial and religious tolerance	Zimbabwe	Accepted	1	Freedom of religion and belief, Racial discrimination
54	Ensure gender-equality is enshrined in the Constitution	France	Accepted	4	Women's rights
64	Provide support for women prisoners with HIV/AIDS	Thailand	Accepted	4	Detention conditions, HIV - Aids, Women's rights
65	Share experience and good practices with all other countries in the areas of development and protection of human rights	Laos	Accepted	1	General
68	Consider, as appropriate, the accession to core human rights instruments	Jordan	Accepted	3	International instruments
69	Consider ratifying other core international human rights instruments, starting with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the instruments mentioned in paragraph 158 of the report, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	Algeria	Accepted	3	International instruments, Labour, Migrants, Racial discrimination

84	Consider acceding to ICESCR, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and ICRMW	Egypt	Accepted	3	CP rights - general, ESC rights - general, International instruments, Labour, Migrants, Torture and other CID treatment
96	Implement the recommendations of treaty bodies with regard to the implementation of Singapore's commitments under CEDAW and CRC	Slovenia	Accepted	5	International instruments, Rights of the Child, Treaty bodies, Women's rights
113	Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), which will further enhance administration of justice	Thailand	Rejected	5	Detention conditions, Women's rights
117	Adopt a comprehensive strategy addressing all forms of discrimination against all groups of children	Poland	Accepted	4	Rights of the Child
118	Establish an independent body monitoring the fulfilment of child rights empowered to receive and investigate complaints on the violations of the rights of the child	Poland	Rejected	5	Rights of the Child
134	Draw the consequences of the positive evolution of society with respect to homosexuality by abolishing the provisions of the Penal Code related to private relations between consenting adults	France	Rejected	5	Sexual Orientation and Gender Identity
136	Accept a visit by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions	Slovenia	Rejected	5	Extrajudicial executions, Special procedures
137	Consider issuing a standing invitation to special procedure mandate holders	Slovenia	Rejected	3	Special procedures
141	Implement the 18 recommendations made by the International Bar Association's Human Rights Institute in its 2008 report "Prosperity Versus Individual Rights"	United Kingdom	Rejected	5	Other

A= Action Category (see on [our website](#))

SMR. = State making recommendation

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