



**Republic of Singapore**

**Submission to the UN Universal Periodic Review**

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

**And**

**MARUAH**

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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** MARUAH, which means 'dignity' in Malay, is a human rights group registered in Singapore by the Government as a Political Association.
- 1.3** In this document, CIVICUS and MARUAH raise urgent concerns regarding the environment in which human rights defenders (HRDs), online activists and journalists operate in the Republic of Singapore and discuss threats faced by them in the exercise of their rights to freedom of expression, association and assembly.
- 1.4** CIVICUS and MARUAH remain deeply concerned by the government's failure to address overbroad and restrictive legislation which place undue limitations on the legitimate work of civil society organizations (CSOs) and trade unions.
- 1.5** CIVICUS and MARUAH are deeply alarmed by unwarranted and arbitrary restrictions on freedom of expression, independence of the media and access to information which serve to suppress democratic dissent and view critical of official policies.
- 1.6** CIVICUS and MARUAH are also greatly concerned by on-going legal and policy restrictions on the free exercise of the right to freedom of assembly.
  - In Section B, CIVICUS and MARUAH highlight concerns relating to the freedom of expression, independence of the media and restrictions on access to information.
  - CIVICUS and MARUAH highlight concerns related to the freedom of association and restrictions on civil society activities.
  - In Section C, CIVICUS and MARUAH highlight concerns regarding the freedom of assembly.
  - In Section D, CIVICUS and MARUAH express concerns involving harassment and arbitrary detention of human rights defenders.
  - In Section E, CIVICUS and MARUAH make a number of recommendations to address the concerns listed.

## **2. (B) Concerns regarding freedom of expression and access to information**

- 2.1** While Singapore has not yet ratified or signed the International Covenant on Civil and Political Rights (ICCPR), article 14 of its constitution includes strong safeguards to promote and protect the right to freedom of expression. However, in policy and practice this right is drastically subverted by a highly restrictive regulatory regime.<sup>1</sup>
- 2.2** We remain deeply concerned that despite several explicit recommendations put forward during Singapore's UPR examination in 2011 to abolish laws which suppress freedom of expression, the Government of Singapore has continued to regularly invoke vague legislation to censor and persecute independent media.<sup>2</sup> The Media Development Authority (MDA), which operates under the auspices of the Ministry of Information, Communications and the Arts (MICA), is endowed with excessive discretion to suppress independent reporting and broadly control all forms of media and journalism. Principally, provisions of the Newspaper and Printing Presses Act, Broadcasting Act, Undesirable Publications Act provide the MDA and MICA with wide powers to impose sanctions on broadcasters of content deemed critical of the government, offensive of public interest or order, national harmony, or good taste and decency.
- 2.3** Under the Newspaper and Printing Presses Act (NPPA), the MDA can exert strict and undue controls over the media to restrict the free flow of information and ideas. Under article 21 of the NPPA, prospective print media outlets are required to secure a permit to print or publish a periodical in Singapore.<sup>3</sup> The law further permits the MDA to deny or revoke applications for a license and requires print media houses to renew their licenses every 12 months. Persons determined to have breached the law by the District Court or a Magistrate's Court can be subjected to draconian and disproportionate sanctions including a fine not exceeding 50,000 USD or to imprisonment not exceeding 2 years or to both.<sup>4</sup>
- 2.4** In addition broad limitations are placed on the dissemination and distribution of foreign media under the NPPA. Principally, article 17 states that "no person shall reproduce for sale or distribution in Singapore any copy of a declared foreign newspaper without the prior approval of the Minister." Persons found guilty of breaching article 17 of the law can be fined up to 10,000 USD imprisoned for a term not exceeding 2 years or to both.<sup>5</sup>
- 2.5** Moreover, the MDA continues to exert broad and arbitrary discretion over a range of legitimate online and offline media, including, films, music, books, newspapers and magazines and photographs. Under the Undesirable Publications Act, the MDA is

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<sup>1</sup> Constitution of Singapore 9 August 1965, <http://bit.ly/1K6r5dC>

<sup>2</sup> UPR-info, 6 May 2016, UPR review of Singapore, <http://bit.ly/1H8p3ZX>

<sup>3</sup> Newspaper and Printing Presses Act, 31 Decemebtr 2002, <http://bit.ly/1IZa81H>

<sup>4</sup> Ibid <http://bit.ly/1IZa81H>

<sup>5</sup> Ibid <http://bit.ly/1IZa81H>

empowered to ban, seize, censor, or otherwise restrict written, visual, or musical materials if it is deemed “obscene” or “objectionable”. Broad definitions of these terms under articles 3 and 4 including “publications which tend to deprave and corrupt persons,” provide the authorities with a potent tool to censor ideas and media critical of the government or its policies.<sup>6</sup> Moreover, under article 14 of the law, an authorized officer is permitted to arrest, without a warrant, anyone suspected of possessing such materials. It is also of great concern that individuals found guilty of possessing prohibited publications under the Undesirable Publications Act face excessive pecuniary sanctions up to 2,000 USD and prison sentences up to 12 months or to both.<sup>7</sup>

### **3. (C) Concerns regarding freedom of assembly**

**3.1** Article 14 of the Singaporean Constitution provides that “all citizens of Singapore have the right to assemble peaceably and without arms.”<sup>8</sup> Nonetheless, despite these legal guarantees, the government has put in place a number of stringent limitations to this right. Such restrictions have had a chilling effect of the right to freedom of assembly.

**3.2** The Government of Singapore has erected a highly restrictive regulatory regime which imposes debilitating limitations on the free exercise of the right to freedom of assembly. Of particular concern are blanket restrictions on a variety of outdoor gatherings without a permit and sanctions for persons who violate these laws. The Public Entertainment and Meetings Act (PEMA) states that no public entertainment shall be “provided except in an approved place in accordance with a licence issued by the licensing Officer.”<sup>9</sup> The expansive list of activities prohibited without a permit effectively criminalizes most forms of spontaneous gatherings. Persons found guilty of an offence codified under the law can be forced to pay a fine up to 5,000 USD.<sup>10</sup>

**3.3** The 2009 Public Order Act (POA) further contains a number of worrying restrictions on freedom of assembly aimed at suppressing public dissemination of dissenting views. Under article 2 of the POA, all persons must secure a permit from the Commissioner of Police or other authorized officers to hold an “assembly” defined as any public meeting which “demonstrates support for or opposition to the views or actions of any person, group of persons or any government” or which is used to “publicise a cause or campaign.”<sup>11</sup> According to articles 14 and 15 of the POA, persons convicted of breaching the law can be fined up to 10,000 USD or imprisoned for a term not exceeding 6 months or to both.<sup>12</sup>

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<sup>6</sup> Undesirable Publications Act, 15 December 1998, <http://bit.ly/1fsC7x1>

<sup>7</sup> Ibid <http://bit.ly/1fsC7x1>

<sup>8</sup> Constitution of Singapore 9 August 1965, <http://bit.ly/1K6r5dC>

<sup>9</sup> Public Entertainments and Meetings Act, 31 July 2001, <http://bit.ly/1GuGxtc>

<sup>10</sup> Ibid <http://bit.ly/1GuGxtc>

<sup>11</sup> Public Order Act, 31 May 2013, <http://bit.ly/1GhB5dP>

<sup>12</sup> Ibid <http://bit.ly/1GhB5dP>

**3.4** It is of great concern that the authorities continue to invoke the POA to suppress legitimate, peaceful dissent. Most recently on 04 April 2015, police arrested two peaceful protestors outside of the official residence of the President. Both men, who held placards reading “Injustice” and “You Can’t Silence the People,” in opposition to the government’s violations of freedom of expression, were arrested for organising a public assembly without a permit under the POA.<sup>13</sup>

#### **4. (D) Restrictions on freedom of association and impediments to civil society activities**

**4.1** Article 14 of the Singaporean Constitution states that all citizens of Singapore have the right to form associations. However legal obstacles to the effective realization of this right for civil society organizations (CSOs) persist. Constitutional guarantees protecting the right of workers to organize are further undermined by stringent and discriminatory legislative restrictions on trade unions.

**4.2** Despite strong constitutional protections, under the Societies Act the authorities have extensive discretionary powers to limit the right to freedom of association. Principally, article 3 of the Societies Act requires all CSOs with more than 10 members to register with the government. However, according to article 4, the Registrar of Societies can deny a CSO’s application on a number of broad subjective grounds including that the CSO mandate is, “contrary to the national interest for the specified society to be registered;” or “is identical to that of any other existing society; or “is in the opinion of the Registrar undesirable.”<sup>14</sup>

**4.3** The Societies Act further includes several ill-defined provisions that can be invoked to dissolve a CSO or sanction its members and employees. According to article 34, the Registrar of Societies can deregister a CSO which engages in activities considered “prejudicial to public peace, welfare or good order in Singapore.”<sup>15</sup> Moreover, persons which support or are employed by an “unlawful” society, face severe criminal penalties. Principally the law states that “Any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society to be held in any house” may be fined up to 5,000 USD or imprisoned for a term not exceeding 3 years or to both. In addition, individuals who are members of an unlawful society, or attend a meeting of an unlawful society, can be subjected to the same penalties.<sup>16</sup>

**4.4** The Government of Singapore also continues to place onerous constraints on the right to organize and collectively bargain. Of serious concern are requirements under the Trade Union Act obliging all unions to officially register with the Registrar of Trade

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<sup>13</sup> Asian Correspondant, 5 April 2015 <http://bit.ly/1THsp9U>

<sup>14</sup> Societies Act, 28 February 2014 <http://bit.ly/1GC24TW>

<sup>15</sup> Ibid <http://bit.ly/1GC24TW>

<sup>16</sup> Ibid 2014 <http://bit.ly/1GC24TW>

Unions which can deny or withdraw a union's registration on various arbitrary grounds including that a union of similar purpose already exists. Moreover, foreign workers are also prevented from holding a number of positions within unions without the authorization of the Ministry of Manpower. In addition, under the Trade Unions Act, government employees must seek the explicit approval of the President of Singapore before joining a trade union.<sup>17</sup>

## **5. (E) Concerns involving harassment, intimidation and arbitrary detention of human rights defenders, journalists and civil society activists**

- 5.1** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. Nonetheless, Singaporean authorities continue to invoke vague and ill-defined legislation to arbitrarily detain and imprison civil society activists and human rights defenders for undertaking their legitimate and peaceful activities.
- 5.2** Prominent blogger and human rights defender Roy Ngerng Yi Ling has been repeatedly subjected to judicial harassment by the authorities in a blatant attempt to subvert his legitimate work. In 2012, Ngerng established the "Heart Truths" blog to examine various socio-political issues in the country. On 29 May 2014, in response to a piece written by Ngerng which raised concerns about the misuse of public funding by the Singaporean Central Provident Fund (CPF), a compulsory saving funds administered by the government, Prime Minister Lee Hsien Loong filed a defamation lawsuit against Ngerng asserting that Ngerng had falsely claimed that he was complicit in the misuse of CPF funds. On 12 January 2015, the High Court ordered Ngerng to pay 29,000 USD to Prime Minister Lee for the costs of legal fees and other related expenses.<sup>18</sup>
- 5.3** Blogger and LGBTI rights activist Alex Au has also faced politically motivated harassment for his online activism and reporting. Mostly recently, Au, who operates the blog, "Yawning Bread," was held in contempt of court for authoring two blog entries which criticized the judiciary's handling of several cases pertaining to same-sex sexual activity. On 22 January 2015, Au was found guilty of scandalising the court for one of the two Yawning Bread articles. At the time of reporting Au had not been sentenced.<sup>19</sup>
- 5.4** Moreover, on 12 May 2015, 17-year-old blogger, Amos Yee, was found guilty of disseminating obscene images and information with the "intention of wounding the religious feelings of Christians" under the Penal Code and the 2014 Protection from Harassment Act. The charges stem from a YouTube video posted by Yee making critical remarks about former Prime Minister Lee Kuan Yew. On 2 June, Yee was remanded for three weeks while awaiting the result of a court-ordered assessment to

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<sup>17</sup> Trade Union Act <http://bit.ly/1H8rSu9>

<sup>18</sup> Today Online, 8 November 2014 <http://bit.ly/1LvJOl1>

<sup>19</sup> Today Online, 22 October 2015 <http://bit.ly/1K62dkG>

determine if Yee is eligible for reformatory training. Yee is currently facing up to three years of rehabilitation training.<sup>20</sup>

**5.5** Despite widespread international and national condemnation, the government continues to utilize the Sedition Act as a tool to suppress freedom of speech and imprison human rights defenders. The Sedition Act imposes draconian penalties for legitimate criticism of the government and other forms of dissent, through the printing, publication, sale, distribution, reproduction and importation of seditious publications. Under the Act, individuals can be imprisoned for up to five years and fined up to 5,000 USD for a wide range of issues including “bringing into hatred or contempt or to excite disaffection against the administration of justice in Singapore” and “raising discontent or disaffection amongst the citizens of Singapore or the residents in Singapore.”<sup>21</sup>

**5.6** Most recently, Yang Kaiheng and Ai Takagi, editors of citizen journalist website, Real Singapore, have been charged by the MDA on seven counts of breaching the Sedition Act. The journalists have been accused of “promoting feelings of ill-will and hostility between different classes of the population of Singapore” for publishing a number of articles from October 2013-2014. If convicted, both activists, who were arrested in March, face up to 21 years’ jail and \$35,000 in fines if convicted.<sup>22</sup>

## **6. (F) Recommendations to the Government of the Republic of Singapore**

CIVICUS and MARUAH call on the Government of Singapore to create an enabling environment for civil society to operate in accordance with international human rights law, including UN Declaration on Human Rights Defender. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

### **6.1 Regarding restrictions on freedom of association**

- Procedural and administrative obstacles for civil society organizations under the Societies Act should be abolished;
- Provisions of the Societies Act requiring mandatory registration and which endow the government with wide discretion to dissolve or sanction CSOs should be amended;
- Labour laws, including the Trade Union Act, should guarantee free union participation

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<sup>20</sup> Asia One, 20 June 2015, <http://bit.ly/1BwDleZ>

<sup>21</sup> Sedition Act, 31 August 2013, <http://bit.ly/1N074Dk>

<sup>22</sup> The Guardian, 16 April 2015 <http://bit.ly/1S7IWUX>

and the right to strike without government approval should be recognized for all professional sectors.

## **6.2 Regarding the arbitrary detention and harassment of civil society activists, journalists and human rights defenders**

- Civil society members, journalists and human rights defenders should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated;
- All human rights defenders including, journalists and bloggers detained for exercising their right to freedom of opinion and expression should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment;
- Authorities should cease the use of criminal defamation and libel to harass and persecute human rights defenders;
- Efforts should be made to amend or repeal the Sedition Act to allow for the right to express democratic dissent.

## **6.3 Regarding restrictions on freedom of expression, access to information, intimidation, harassment and attacks on journalists:**

- Provisions criminalizing legitimate forms of freedom of expression, notably the Newspaper and Printing Presses Act, Broadcasting Act, and the Undesirable Publications Act Law on Press and Publication, should be suitably amended or repealed;
- Provisions of the Newspaper and Printing Presses Act which requires print media to secure a permit to print or publish in Singapore requires print media houses to renew their licenses every 12 months should be abolished;
- Article 17 of the Newspaper and Printing Presses Act, which places broad restrictions on the distribution of foreign newspapers, should also be removed;
- All media outlets closed under the Newspaper and Printing Presses Act should be reinstated;
- Provisions of the Undesirable Publications Act, especially articles 3, 4 and 14 should be amended to end unwarranted censorship of all forms of media and other publications;

## **6.4 Regarding restrictions on freedom of assembly:**



- The Public Entertainment and Meetings Act (PEMA) should be amended in order to fully guarantee the right to freedom of assembly;
- Public Order Act (POA) should be repealed or amended to remove arbitrary limitations and draconian sanctions for participating in peaceful demonstrations and protests;
- All persons detained for exercising their right to freedom of peaceful assembly should be released;
- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which calls for simple notification rather than explicit permission to assemble.

#### **6.5 Regarding access to UN Special Procedures mandate holders and the ratification of international treaties**

- The International Covenant on Civil and Political Rights (ICCPR) should be immediately ratified;
- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Independence of Lawyers and Judges.