

# Singaporeans for Democracy (SFD)<sup>1</sup>

<http://sfd.sg/>

## Submission to Universal Periodic Review<sup>2</sup>

29 October 2010

### **I. INTRODUCTION**

Human rights abuses in Singapore have their roots in the city-state's electoral system design. The current electoral system has been responsible for continuously returning the ruling People's Action Party (PAP) with super majorities over a period of 45 years in the last 10 general elections. Elections effectively vote the PAP in to all of the Executive and most of the Legislature. There is no independent oversight mechanism to review laws passed in Parliament. Hence, separation of powers and independent checks and balances on the PAP led government do not exist. Instead the PAP led government singularly dominates law making and in many instances rules by the executive decree of Cabinet. As a result of the PAP's dominance over law making, its complicity in human rights abuses in Singapore are often a result of unjust and bad laws which infringe on basic human rights ideals for speech, assembly and association, etc<sup>3</sup>. Singaporeans For Democracy (SFD), an NGO established under such Singapore laws, wishes to focus on the electoral system for its submission to the Universal Periodic Review. SFD wants to point out the need for fundamental electoral reforms to ensure effective promotion and protection of human rights in Singapore.

### **II. RECOMMENDATIONS:**

#### Key recommendations:

1. Establish an independent election commission
2. Abolish the Group Representation Constituencies (GRC)

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<sup>1</sup> Singaporeans For Democracy is a non-governmental organisation that advocates for democracy and political and legislative reform. It was registered by the Registrar of Societies on 3 February 2010 after a nine month application period. Under Singapore laws, SFD is gazetted as a political association and cannot receive or accept funds from organizations with foreign interest or ownership. It also cannot be affiliated to any political party, local or foreign or allow the Society's funds and/or premises and platforms (i.e. encompassing the new media) to be used in national, Presidential or Parliamentary election including the sponsoring of any candidate or member. See <http://sfd.sg/content/prohibitions>

<sup>2</sup> This SFD report to the UN UPR was compiled based on research, email inputs and feedback from a public consultation held on 2 October 2010. The report has been endorsed by the membership of Singaporeans For Democracy.

<sup>3</sup> We draw attention to the COSINGO report (to which SFD has contributed) that enumerates many of these issues.

### Supplementary recommendation:

3. Bring Singapore's electoral system in line with international best practices

#### **1. The need for an independent election commission**

The need for an independent election commission is embedded in several issues that affect electoral management and administration in Singapore. Presently the Election Department is under the direct purview of the Prime Minister's Office and is not independent<sup>4</sup>. As a result, a variety of issues have been identified over the years as being problematic. They are:

- a. No fixed dates for elections – the Prime Minister sets the dates for elections
- b. Gerrymandering - redrawing of electoral boundaries are not done in an equitable manner or done only when absolutely necessary, instead they are widely perceived to be done to favour the incumbent.
- c. There are no fixed timelines for announcing the redrawing of electoral boundaries and there is no timeframe or mechanism for objections to the redrawing of electoral boundaries.
- d. No briefings are conducted for parties on changes in electoral procedures nor are trainings carried out for party election, polling and counting agents by the Election Department.
- e. There is no mechanism to receive and incorporate public input and considerations from civil society and political parties in the management of election administration.
- f. There is no equitable system of distribution of election rally venues during elections.

These electoral management and administrative issues are not comprehensive but they represent some of the main ones that have been around for a number of years but still not addressed. An independent election commission is unanimously seen as desirable for impartial, equitable and effective electoral management and administration in Singapore.

#### **2. Abolish Group Representative Constituency**

The reason for abolishing the GRC system is that its implementation has resulted in low

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<sup>4</sup> <http://www.elections.gov.sg/about.html>

voter participation. For instance, in the 2006 general elections, Singapore's population was 4,401,400 while Singapore citizens numbered at 3,107,900<sup>5</sup>. From this number of citizens, the total number of eligible voters in 2006 was 2,159,721 Singaporeans. However, due to the walkover caused by the GRC system the number of eligible voters was only 1,223,442 (56.6%) (actual voter turnout was lower at 1,150,003) while 936,279 (43.4%) potential voters could not vote because of the walkovers<sup>6</sup>.

The number of votes counted was only 1,123,273 ballots of which 748,130 votes went to the PAP, and the remaining 375,143 votes collectively went to opposition parties<sup>7</sup>. This means only 748,130 votes went to the PAP out of the voter list of 2,159,721 – and this represented only 35.32% of Singaporeans' choice (even if the PAP claimed a victory with 66.6% of the total votes cast). What the last election shows is that the numbers of actual voters are low because the opposition parties were not able to field enough candidates in the GRCs. Since the introduction of the GRC system the number of seats contested has been low which in turn impacts voter participation. See the Table 1 below for a historical record:

Table 1: SMC and GRC seats contested by opposition parties

Year	Single Member Constituency			Group Member Constituency						Total
	SMC			GRC						
	Total Seats	Seats Contested	WO*	Total GRC	Total Seats	GRC's Contested	No. of GRC seats contested	GRC WO	No. of GRC seats WO	WO (%)
1988	42	40	2	13	39	10	30	3	9	13.6%
1991	21	20	1	15	60	5	20	10	40	50.6%
1997	9	9	0	15	74	6	32	9	42	61.4%
2001	9	9	0	14	75	4	29	10	46	65.5%
2006	9	9	0	14	75	7	37	7	38	56.0%

\*WO = Walk Over

Source: Compiled from different sources

There is dissatisfaction that the electoral system design has created a condition where not enough parties are able to contest against the ruling party and as a result voters are not getting a chance to vote. In the 2006 general elections, the electoral system excluded 43.4% of the eligible voters. In the 2006 elections, 66.6% voted for the ruling PAP, 33.3% for opposition parties combined. But it resulted in 98% parliament seats for the

<sup>5</sup> <http://www.singstat.gov.sg/pubn/reference/yos10/statsT-demography.pdf>

<sup>6</sup> <http://www.singapore-elections.com/parl-2006-ge/>

<sup>7</sup> <http://www.singapore-elections.com/parl-2006-ge/votes.html>

PAP and 2% seats for the Opposition. Since the GRC system causes such anomalies to appear in the electoral system by reducing voter participation and allowing the PAP to return to power through large walkovers in GRCs with a small amount of voter support, the GRC system should be abolished. The GRC system was set up by the PAP government on the basis that it ensures minority candidate inclusion as the law requires that a minority candidate is part of The GRC team. However this in actual fact over-emphasises race and ethnicity in Singapore politics. This observation was made by the UN Special Rapporteur on Racism during his official visit to Singapore 21-28 April 2010<sup>8</sup>. The GRC system as its capacity to produce electoral anomalies is widely discussed in the academic literature on electoral politics in Singapore<sup>9</sup>.

To mitigate the current system there have been additional suggestions. These include:

a. **A vote of no confidence in non-contested seats**

Singaporeans want, in the event that a GRC does not have a group of candidates to elect in their constituency, to have a no confidence vote. This is to ensure every voter gets to cast a vote to indicate their confidence over those who are returned unopposed.

b. **Proportional Representation**

Another suggestion is to introduce proportional representation. This is not limited to issues raised by the GRC system but in general to translate voter sentiment to parliamentary seats. Proportional representation has also been raised in the context of ensuring gender parity and equality in electoral systems and representation in candidacy (party) and in legislature.

### **3. Bring electoral practices in line with international standards**

There are a number of electoral practices that the ruling PAP has kept in place that serves to support its incumbent status. However, in terms of electoral best practices there is a desire to ensure that these are updated and brought in line with international standards. Although the list below is not exhaustive, it contains some key points:

**a. Holding by-elections**

The constitutional requirements for by-elections (Article 49(1)) have not been fulfilled since 1992. The first decade of 2000 will go down in history as the decade of no by-elections. If one looks at Singapore's elections history, by-elections were held in every decade since the 1950s. The last by-election Singapore had was in 1992 in the Marine Parade GRC. However, provisions in the Parliamentary Elections Act (PEA) currently

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<sup>8</sup> <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf>

<sup>9</sup> For example see Gomez, James, "Online Opposition in Singapore: Communications Outreach Without Electoral Gain", (2008) *Journal of Contemporary Asia*, Vol.38, No.4

negate the supremacy of the Constitution which clearly and plainly requires a by-election. Instead provisions have been built into the PEA that has not allowed by-elections to be held since 1992.

#### **b. Public health disclosure**

Related to the non-holding of by-elections following the death of MPs who have been ill has increased the desire for public disclosure of MPs health. For instance long time PAP MP Lee Kuan Yew who is 87 years old does not perform a lot of the regular MP duties due to fatigue associated with aging and other related issues. Hence the requirement for regular health checks and public disclosure is deemed as important.

#### **c. Disclosure of assets**

Candidates and their immediate family members must declare their assets to an independent election commission before and after their term of office. This information needs to be made public. Since candidates are vying for public office, the public has the right to know.

#### **d. Conflict of interests: family connection**

Close relatives of MPs for example, spouses, parents, siblings should be barred from holding any important government and government related positions that can lead to a conflict of interests.

#### **e. Use of defamation suits during elections**

There is a need to ensure that campaigners are protected against an over excessive use of defamation suits by the ruling party against opposition candidates. Fair comment and criticisms must be permitted in the context of an electoral and political debate.

#### **f. Addressing election irregularities**

Election irregularities were not properly addressed. For example, the unauthorised intrusion by the Ministers of the ruling party into the Cheng San polling station in 1997. Members of the public view this as a very serious matter and continue to feel there was no due process when the then AG Chan Sek Keong (now chief justice) wrote unconvincingly to explain non prosecution over the incident. That letter may be read here <http://www.singapore-window.org/ag0721.htm> .

#### **g. Donations to parties overseas**

Although not directly related to electoral reform, there is a desire for Singaporeans to know about money donations from Temasek Holdings and Government Investment Corporation firms overseas to political parties as part of the desire for transparency in political funding.

#### **h. Using tax payer funded incentives and disincentives to influence voting**

1. Issuing of government monies just before elections (such as Singapore Shares)
2. Linking public housing upgrading directly to voters` electoral choice

#### **i. Secrecy of the Ballot**

The printing of serial numbers on voting slips and recording this against the voters` identity is a cause of anxiety among Singapore voters. They feel their vote choice can be technically traced back and identified hence their ballot is not secret.

#### **j. Rules on Donation**

The rules on donation to political parties, severely undermines the capacity for opposition parties to raise funds<sup>10</sup>. Instead there should be government funding for political parties.

#### **k. Restriction on civil society**

Currently the Registrar of Societies places restriction on NGOs registered as political associations from contesting elections or endorsing political parties and candidates. This should be removed. Local universities should also not place in-house restrictions on tertiary students and their organizations in participating in politics and engaging with political parties.

#### **Overseas Voting**

With regards to overseas voting, Singaporeans want the ability to submit their votes where ever they are overseas. Currently overseas voting limited to only certain foreign capitals is not seen as satisfactory.

### **III. CONCLUSION**

The recommendations contained in this report are neither new nor exhaustive. They have been articulated by members of the Singaporean public, academia, journalists, civil society, opposition parties, international NGOs and various governments. SFD expects other Singapore submissions to the UPR process will include similar and additional recommendations. However SFD would like to point out that the PAP government will insist it has an electoral system that works and will provide a list of stock responses to the recommendations raised in this report. It`s expected that these stock responses will be articulated by the PAP led Singapore government during the UPR review process and will supported by its “friendly” countries. The UPR process should also take note

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<sup>10</sup>Political Donations Act (see: <http://statutes.agc.gov.sg/>)

submissions from Singapore might miss the principle point that human rights issues in Singapore fundamentally go back to the hegemony of law-making monopolized by the PAP through its electoral system design. Bearing these issues in mind, it is important nevertheless that the UN's UPR process holds the PAP led Singapore government internationally accountable for its human rights abuses that stem from a flawed and dated electoral system design that has been in place for nearly half a century.

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**Related SFD links:**

SFD Report to UN: Independent Election Commission needed (5<sup>th</sup> October 2010)  
<http://sfd.sg/content/sfd-report-un-independent-election-commission-needed>

SFD calls for by-election in Ang Mo Kio GRC (27 September 2010)  
<http://sfd.sg/content/sfd-calls-election-ang-mo-kio-grc>

SFD Election Consultation (17 September 2010)  
<http://sfd.sg/content/sfd-election-consultation>

SFD to submit report on Singapore's electoral system to UN (22 June 2010)  
<http://sfd.sg/content/sfd-submit-report-singapores-electoral-system-un>