



General Assembly

Distr.: General
2 June 2016

English only

Human Rights Council

Thirty-second session

Agenda item 6

Universal Periodic Review

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-08942(E)



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Civil Society Response to Singapore's Universal Periodic Review Recommendations¹

The Singapore government presents a defense of the social and political status quo which is rooted in fear that the economic and developmental gains made by the state since independence will be left vulnerable if government control is weakened, however slightly. We disagree. Development and democratization are not opposed. In fact, the fuller realization of human rights standards is vital to ensure the equitable distribution of the nation's hard-won economic gains, as well as the longer-term resilience of our society in a volatile and changing world.

Singapore's human rights record was examined by the United Nations Human Rights Council in Universal Periodic Review (UPR) on 27 January 2016. In this second cycle of Singapore's UPR, it received a total of 236 recommendations.² Some of the key recommendations, inter alia, include:

1. Calls for the ratification of core international human rights instruments (55)
2. Calls for immediate re-establishment of a moratorium on executions (20) with eventual abolition of the death penalty (13)
3. Calls for the abolition of corporal punishment (5)
4. Calls for the amendment of legislation that allows for lengthy pre-trial detention and arbitrary arrests like the Internal Security Act (ISA) and the Criminal Law Temporary Provisions Act (CLTPA) (4)
5. Calls to ensure the realization of the right to freedom of opinion and expression (12)
6. Calls to ensure the realization of the right to freedom of peaceful assembly (6)
7. Calls for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) rights (12). 11 of these call for the repeal of Section 377A of the Penal Code

We call on the Singapore government to implement the recommendations it received during its second UPR in an effective manner and set time-bound benchmarks for their implementation. To truly demonstrate its commitment to international human rights standards, we urge Singapore to ratify the remaining core human rights treaties and all protocols thereto. Moreover, we urge the establishment of an independent national human rights institute in accordance with the Paris Principles, to ensure that these standards are translated into a concrete reality expressed in all sectors of society and do not remain mere paper aspirations.

Access to Information

One of the major concerns that cut across most CSOs' work in Singapore is their inability to access critical information that would help them assess or monitor violations of human rights in the country. Without independent institutions or legislations that balance the need for the State to keep information secret on grounds of national security on the one hand, and peoples' right to information held by public authorities on the other, it is not possible to fully realize safeguards against government abuse, independence of the courts, rule of law, legislative oversight, media freedom and open government. The over-invocation of national security concerns by the State undermines main institutional safeguards.

Death Penalty & Corporal Punishment

¹Alliance of Like-Minded Civil Society Organisations in Singapore (ALMOS) associates itself with this Statement. ALMOS is made up of Association of Women for Action and Research (AWARE), Function 8, Humanitarian Organisation for Migrant Economics (HOME), Project X, Sayoni, Singapore Anti-Death Penalty Campaign, Think Centre, The Online Citizen, We Believe in Second Chances, and WWF (Singapore). Think Centre is a member of Asian Forum for Human Rights and Development (FORUM-ASIA).

²Report of the Working Group on the Universal Periodic Review of Singapore (A/HRC/32/17), available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/078/42/PDF/G1607842.pdf?OpenElement>

We reiterate our call on the Singapore government to adopt recommendations that a moratorium be imposed on all executions as a step towards the abolition of the death penalty. The government should immediately make available information relating to the use of capital punishment in Singapore – such as information on those who have already been executed this year, as well as timely announcements of future scheduled executions. This is in line with a recommendation the government accepted at Singapore's previous UPR in 2011. Despite having accepted this recommendation, our attempts to seek information from the authorities have been futile thus far. We would like to express our grave concern at the government's accusations of abuse of process, made against lawyers who had acted on behalf of death row inmate Kho Jabing and his family in filing last-minute applications to the court seeking a reprieve. Finally, we strongly condemn the government's execution of Kho Jabing within four hours of the dismissal of his final appeal, which was a break from the prison's own protocol of executing inmates at dawn on Fridays.

The government should also make available important information relating to the use of corporal punishment, such as publishing the total number of canings carried out each year, with detailed breakdowns in age, ethnicity, nationality, crime, etc.

Internal Security Act

Singapore's response to recommendations from Slovenia and Canada that she reviews the law pertaining to detention without trial and ensures that she does not violate the right to fair trial was "Noted". It is unlikely that the government will repeal the Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act (CLTPA), both of which allow indefinite imprisonment without trial. The ISA has been used against political opponents, foreign workers and alleged Muslim terrorists. There are 23 persons now imprisoned under the ISA, three of whom have now been detained for more than 14 years. There were 136 detained under the CLTPA in 2014. There is a total lack of transparency and accountability in the use of these laws. The prisoners are denied the right to a fair and open trial. The ISA and the CLTPA must be abolished.

LGBTIQ

The Singapore government has continuously claimed that there is no discrimination towards LGBTQ persons in Singapore and that Section 377A of the Penal Code, a law that criminalize sex between consenting men, are not proactively enforced. The state is deliberately ignoring the cascading and intersectional effects of 377A on the entire LGBTQ community. The continuing criminalisation of sexual activity between men, together with legislative and administrative framework of discrimination that targets all LGBTQ persons, constitute violations by Singapore of a number of rights under international human rights law. These include the right to privacy, equality and non-discrimination. Positive or neutral portrayals of LGBTQ characters in all forms of media and any speech that advocates for their dignity and rights are routinely cut or banned by the media authority. This stereotypical, negative and skewed depiction of the community to the public represents a perpetuation of violence, prejudice and stigma of the LGBTQ. Such censorship policies mean that LGBTQ persons are deprived of positive role models in the media as it reinforces their low self-esteem and pushes them to accept the discrimination and abuse of their rights. We reiterate our call for the state to repeal 377A, remove all media censorship on LGBTQ content and to eliminate all direct and indirect discriminatory policies that target LGBTQ persons in Singapore.

Sexual Violence and Gender Discrimination

We welcome the state's declaration that marital immunity for prosecution for rape and sexual penetration of a minor are under review. We urge the immediate and complete abolition of these immunities. We reiterate our call for comprehensive legislation prohibiting employment discrimination on the basis of sex, gender, race, ethnicity, religion, age, sexual orientation, gender identity, marital status or disability. We urge the state to go beyond its recent positive moves to offer unmarried mothers equal maternity leave entitlements, by further abolishing discriminatory rules that deny them equal access to public housing and disadvantage their children in inheritance law. We urge the state to introduce transparent immigration processes for non-citizen spouses of Singapore citizens, including publishing concrete criteria and timelines for obtaining permanent residence, and a guaranteed right of residence for non-citizen parents of citizen children.

Labour and Migrant Workers Rights

We call on Singapore to ensure all workers including migrant workers are entitled to workplace rights and other fundamental rights without discrimination. Domestic workers should also benefit from the Work Injury Compensation Act. This means that medical benefits and compensation, which are enjoyed by all other workers, would become accessible to them too. The government should ensure all workers including migrant workers have easy access to comprehensive and affordable health services. Employers should be banned from deporting workers when they are ill or are in need of medical treatment. Workers must be allowed to seek redress when they are ill or injured. Government should review and streamline the process for claims of unpaid salaries to workers, ensuring that they are rightfully compensated. They must step up enforcement efforts, investigations and prosecution of errant employers who violate the Employment Act.
