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الدورة السابعة عشرة

البند ٩ من جدول الأعمال

العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك
من أشكال التعصب، متابعة وتنفيذ إعلان وبرنامج عمل ديربان

تقرير المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز
العنصري وكره الأجانب وما يتصل بذلك من تعصب، السيد
غيثو مويغاي

إضافة

البعثة التي قام بها إلى سنغافورة*

موجز

تلبيةً لدعوة من الحكومة، أجرى المقرر الخاص المعني بالأشكال المعاصرة للعنصرية
والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب زيارة إلى سنغافورة في الفترة
من ٢١ إلى ٢٨ نيسان/أبريل ٢٠١٠.
ويستنتج المقرر الخاص، عقب زيارته، أن التعايش السلمي بين المجتمعات المحلية
المختلفة في سنغافورة إنجاز باهر في حد ذاته.

* يُعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بالموجز، فيُعمم باللغة التي قُدم
بها فقط.

ونتيجةً للموروث من التوترات الطائفية عبر التاريخ، فإن حكومة سنغافورة تدرك تمام الإدراك التهديدات التي تشكلها العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب. وفي هذا الشأن، تم اتخاذ العديد من التدابير لمكافحة هذه الآفات وتقوية التماسك الاجتماعي والتسامح الديني وما يُعرف بـ "الوثام بين الأعراق". ومع ذلك، قد يكون الهدف المشروع المتمثل في السعي إلى تحقيق الوثام بين الأعراق قد أحدث بقعاً عمياء في التدابير التي تتبعها الحكومة وربما يكون قد أدى بالفعل، إلى حد ما، إلى زيادة تمهيش بعض الأقليات الإثنية.

وفي هذا الصدد، يتناول المقرر الخاص مسائل تتعلق بالقيود المفروضة على حرية التعبير والتجمع، ومعنى الهوية الإثنية، وبالوضع القائم في مجالات السكن والتعليم والعمل، إلى جانب مسائل حقوق الإنسان التي تهم العمال المهاجرين.

ويقدم المقرر الخاص عدة توصيات. فيوصي الحكومة، مثلاً:

- بإلغاء الأحكام التشريعية التي تقيد دون وجه حق الحق في حرية التعبير والحق في حرية التجمع وتمنع الأفراد المقيمين في سنغافورة من تنظيم مناقشات علنية مفتوحة ومثمرة تتناول المسائل المتعلقة بالإثنية.
- الكف عن الإشارة إلى الخلفية الإثنية في وثائق الهوية، حتى لا يؤبّد تصنيف السنغافوريين حسب إثنياتهم وحتى تقلل أهمية الهوية الإثنية في تفاعلات الفرد مع الدولة وداخل المجتمع السنغافوري ككل.
- إنشاء هيئة وطنية، عوض مجموعات التكامل على النفس ذات الأساس الإثني، لتنسيق الجهود وتزويد المقيمين في سنغافورة بالخدمات الاجتماعية التكميلية بشكل يحقق المساواة بينهم.
- النظر في إدخال تعديلات صغيرة على نظام التعليم العمومي، عن طريق تقديم برامج خاصة مؤقتة، مثلاً، كي تتاح للطلاب الملاويين فرصة اللحاق بنظرائهم الصينيين.
- استعراض المبادئ التوجيهية والسياسات والممارسات التي قد تعيق توظيف الأفراد من أقليات إثنية في مؤسسات ينبغي أن تكون مرآةً لتنوع سنغافورة، كالقوات المسلحة، والشرطة، والقضاء.
- التصرف بسرعة من أجل ضمان حماية تمتع العمال المهاجرين بحقوق الإنسان. وهو يوصي، في هذا الشأن، بتحسين تنفيذ قانون العمالة وتوسيع نطاقه كي يشمل خدم المنازل؛ كما يوصي ببذل الجهود بغية ضمان إيجاد حل سريع للمنازعات العمالية؛ وكذلك بإحداث قانون يعيّن حداً أدنى للأجر الذي يتقاضاه العمال المهاجرون المعرضون للاستغلال بوجه خاص.
- الانضمام إلى الصكوك الدولية لحقوق الإنسان التي تتضمن أحكاماً تعيد تأكيد مبدئي المساواة وعدم التمييز وهما مبدآن أساسيان من مبادئ حقوق الإنسان.

Annex

Report submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, on his mission to Singapore (21–28 April 2010)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Singapore from 21 to 28 April 2010.

2. During his mission, the Special Rapporteur held meetings with representatives of the Government and members of the legislative and judicial branches, in order to obtain their views concerning racism, racial discrimination, xenophobia and related intolerance in Singapore, the adequacy of the existing legal and institutional human rights framework and the programmes and policies adopted by the authorities to fight these problems. A list of official meetings held during the visit is contained in the appendix.

3. Apart from the agenda with the Government and State institutions, the Special Rapporteur also had meetings with representatives of civil society, including community members, academics, lawyers and other organizations and private individuals.

4. The Special Rapporteur wishes to express his sincere gratitude to the Government of Singapore for its full cooperation and openness in the preparation and conduct of his visit, including for the organization of a rich programme. The Government's readiness to organize a last-minute visit to the Changi Prison was much appreciated. He also wishes to convey his deep appreciation to all civil society stakeholders who provided him with information and assistance throughout the visit. The Special Rapporteur was particularly honoured to be the first special procedures mandate holder invited to visit the country in nine years. He hopes that many more special procedures will follow after his visit.

5. In order to assess the main challenges that lie ahead in the fight against racism and xenophobia in Singapore, the Special Rapporteur brought to the attention of the authorities some key concerns, including those expressed by civil society actors. In this regard, he aimed to better understand the Government's responses to those challenges and, in addition, how it identified existing problems and devised solutions thereto. The conclusions and recommendations in the present report are based on these rich exchanges with Singapore-based interlocutors and the Special Rapporteur's own analysis. He hopes that they will contribute to finding concrete ways and means of addressing the challenges raised in the present report in an effective and human rights-compliant manner.

6. The present report is structured as follows: in chapter II, the Special Rapporteur briefly refers to the general background. He then examines the legal and institutional human rights framework to combat racism in chapter III. In chapter IV, the Special Rapporteur addresses a number of key issues in the fight against racism, presenting the views shared with the Special Rapporteur both by government officials and civil society. Finally, conclusions and recommendations are presented in chapter V.

II. General background

A. Geography and history

7. Singapore consists of one main island and about 60 small ones, covering a land area of 682.7 km². It is located between Malaysia and Indonesia, being separated from them by the Straits of Johor and the Straits of Singapore, respectively.

8. In 1963, Singapore (formerly a British colony) joined the Federation of Malaya, Sarawak and Borneo to form Malaysia. In 1964, deadly communal riots erupted between the ethnic Chinese and ethnic Malays. Over thirty lives were lost and hundreds of people injured during these riots, which were by far the worst and most prolonged in Singapore's post-colonial history. Singapore eventually separated from Malaysia and became a fully independent and sovereign State in 1965.

B. Demographic and ethnic composition

9. In 2009, the total population (comprising Singapore residents and non-residents) was just below 5 million and the resident population (comprising Singapore citizens and permanent residents) was about 3.75 million.¹

10. According to the Government of Singapore, the ethnic composition of the population is as follows: ethnic Chinese constitute the majority of the population with 74.2 per cent; ethnic Malays represent 13.4 per cent; ethnic Indians represent 9.2 per cent; and other ethnic groups, including Eurasians, represent 3.2 per cent.² According to the 2000 Singapore census of the population, 85 per cent of Singapore residents professed to have some religious faith or spiritual belief: 43 per cent were Buddhists, 15 per cent were Muslims, 15 per cent were Christians, 9 per cent were Taoists and 4 per cent were Hindus.³ During his mission, the Special Rapporteur was told that there is a significant conflation of ethnic origin and religion in Singapore. Indeed, almost all Buddhists and Taoists are Chinese, about 80 per cent of Muslims are Malays and almost all Hindus are Indians.

III. Legal and institutional human rights framework

A. International human rights instruments

11. At the international level, Singapore is a State party to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Singapore is however not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights.

12. The Special Rapporteur would like to reaffirm that a solid and robust legal framework is crucial to counter racism, racial discrimination, xenophobia and related intolerance in the most effective manner. While he understands that the Government of Singapore wishes to ensure that it is in a position to fully implement the obligations

¹ Singapore, Department of Statistics, Time Series on Population. Available from www.singstat.gov.sg/stats/themes/people/hist/popn.html.

² Singapore, Department of Statistics, *Yearbook of Statistics Singapore* (2010). Available from www.singstat.gov.sg/pubn/reference/yos10/yos2010.pdf.

³ See the fourth periodic report of Singapore submitted to the Committee on the Elimination of Discrimination against Women (CEDAW/C/SGP/4), para. B.9.

contained in an international treaty before ratifying it, he nonetheless takes the view that Singapore should accede to international human rights instruments which enshrine the fundamental principles of non-discrimination and equality and which would help to ensure the domestic legislation's conformity with international human rights law. These include the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Rights of All Migrant Workers and Members of Their Families.

B. Constitutional provisions

13. Part IV of the Constitution of the Republic of Singapore, on fundamental liberties, contains provisions of particular relevance to the mandate of the Special Rapporteur. These include article 12, which states that “all persons are equal before the law and entitled to the equal protection of the law” (paragraph 1) and that “except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment” (paragraph 2); and article 16, paragraph 1, which provides that “without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth: (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or (b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore)”. In addition, other human rights relating to, inter alia, liberty of the person, slavery and forced labour, freedom of movement, freedom of speech, assembly and association and freedom of religion, are also guaranteed by the Constitution.

14. Part XIII of the Constitution, on general provisions, also contains relevant provisions. These include article 152 on minorities and special position of Malays, which states that “it shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore” and that “the Government shall exercise its functions in such manner as to recognize the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language”; and article 154 on impartial treatment of Government employees, which provides that “all persons of whatever race in the same grade of the service of the Government shall, subject to the terms and conditions of their employment, be treated impartially”.

15. While expressing his appreciation that a range of human rights are protected by the Constitution, the Special Rapporteur is concerned by the fact that some human rights are granted to Singaporean citizens, but not to non-citizens residing on Singapore's national territory. For instance, the above-mentioned article 12, paragraph 2, and article 16, paragraph 1, specifically refer to rights granted to Singaporean citizens only. In addition, article 14 on freedom of speech, assembly and association stipulates that “(a) every citizen of Singapore has the right to freedom of speech and expression; (b) all citizens of Singapore have the right to assemble peaceably and without arms; and (c) all citizens of Singapore have the right to form associations”.

16. According to International human rights law only a limited number of rights may be made dependent on citizenship, including the right to enter and reside permanently within the territory of a State and the right to be protected by the State when one is outside its territory. In its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee on the Elimination of Racial Discrimination recalled that although some rights, such as the rights to participate in elections, to vote and to stand for election, may be confined to citizens, human rights are, in principle, to be enjoyed by all persons. Differential treatment based on citizenship or immigration status therefore constitutes discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim.

17. Consequently the Special Rapporteur would like to recommend that the aforementioned constitutional provisions relating to equal protection, freedom of speech, assembly and association, as well as rights in respect of education be equally guaranteed to non-citizens. It is indeed of crucial importance in a country like Singapore, where non-citizens represent a sizeable part of the population, that all individuals enjoy the same human rights without discrimination.

C. Stand-alone law dedicated to the prohibition of racism, racial discrimination, xenophobia and related intolerance

18. As mentioned above, the Constitution contains provisions referring to the human rights principles of equality and non-discrimination. In addition, Singapore has a number of domestic legislative provisions relating to racism and racial discrimination and there exist enhanced penalties for racially aggravated offences (see section 74 of Singapore's penal code). However, the Special Rapporteur was informed that there exists no stand-alone law dedicated to the prohibition of racism, racial discrimination, xenophobia and related intolerance in Singapore. When asked whether it would consider drafting such a law, the Government answered that existing provisions were sufficient to prevent and combat racism and discrimination and that a non-discrimination statute of a general nature might not be the best option for Singapore.

19. In this context, the Special Rapporteur would like to refer to paragraph 68 of the Durban Programme of Action, which urges States "to adopt and implement, or strengthen, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Discrimination". The Government should therefore consider enacting a stand-alone legislation prohibiting racial discrimination in all areas of life, including employment, education and health. The benefits of a stand-alone legislative act include specific reporting, reviewing and enforcement mechanisms, as well as specific funding, which usually allows for more effective policies against racism. The enactment of a stand-alone legislative act also clearly demonstrates the State's political commitment in the fight against racism. Moreover, it allows enhanced visibility and accessibility of the law for all individuals, thereby enabling them to resort to the law more easily and more effectively.

D. Institutional human rights framework

20. Part VII of the Constitution establishes the Presidential Council for Minority Rights (PCMR). As stated in article 76, paragraph 1, of the Constitution, the general function of PCMR is to "consider and report on such matters affecting persons of any racial or religious

community in Singapore as may be referred to the Council by the Parliament or the Government”. According to article 77, the particular function of PCMR is to “draw attention to any bill or to any subsidiary legislation if that bill or subsidiary legislation is, in the opinion of the Council, a differentiating measure”. Article 68 defines a “differentiating measure” as “any measure which is, or is likely in its practical application to be, disadvantageous to persons of any racial or religious community and not equally disadvantageous to persons of other such communities, either directly by prejudicing persons of that community or indirectly by giving advantage to persons of another community”.

21. Given its constitutional status, PCMR, which is chaired by the Chief Justice of Singapore, appears to be the highest organ within the Government mandated with the task of protecting the rights of members of ethnic minorities. However, as noted above, PCMR is not generally empowered to act on its own initiative. Indeed, with very few exceptions,⁴ all Bills and subsidiary legislation must be referred to it by the Speaker of Parliament or the appropriate Minister. As such, the Special Rapporteur was surprised to learn that in 40 years of existence, PCMR had never issued an adverse report on any particular legislation or public policy that may have affected the rights of members of ethnic minorities. Moreover, the Special Rapporteur noted a potential conflict of interest between the dual role of the Chief Justice as head of an independent judiciary, to which a case may be filed on measures that have an adverse impact on members of a particular ethnic group, and as Chairperson of PCMR, who may issue an adverse report on a particular legislation or public policy which amounts to a differentiating measure.

22. Consequently, the Special Rapporteur would like to encourage the authorities to review the mandate conferred to PCMR, so that the latter may consider, on its own initiative, any legislation or public policy and their impact on the rights of members of ethnic minorities. Moreover, he would like to suggest that the authorities ensure that the Chairperson of PCMR is not faced with potential conflict of interests and that the independence of PCMR is ensured.

IV. Main challenges in the fight against racism, racial discrimination, xenophobia and related intolerance

23. Singapore is rightly proud of its richly diverse society, where individuals from a wide range of ethnic, religious and cultural backgrounds manage to cohabit and interact with each other on a small portion of territory. Considering that violent communal riots occurred just a few decades ago, the Special Rapporteur would like to emphasize that the peaceful coexistence of the diverse communities is a remarkable achievement in itself.

24. The historical legacy of ethnic and religious tensions still casts a long shadow over the social and political life of Singapore today. To address this, the authorities have continuously and actively promoted social cohesion, religious tolerance and what they refer to as “racial harmony”,⁵ as fundamental pillars of the city State. They have done so through a number of commendable policies and measures emphasizing tolerance, understanding and respect among the diverse ethnic and religious groups living in Singapore. The wide range of organizations providing common space for people to dialogue and learn about the

⁴ See art. 78, para. 7, of the Constitution of the Republic of Singapore.

⁵ “Racial harmony” is one of Singapore’s five shared values. The other four shared values are: nation before community and society before self; family as the basic unit of society; community support and respect for the individual; consensus, not conflict.

cultural traditions and practices of the main ethnic groups in Singapore testify to the recognition that social harmony must not be taken for granted and that continuous efforts are needed to preserve it. In this regard, the Special Rapporteur was deeply impressed by the work achieved by, inter alia, the National Steering Committee on Racial and Religious Harmony, the National Integration Council, the People's Association, OnePeople.sg, as well as the Inter-Racial and Religious Confidence Circles. In this regard, the Special Rapporteur was very much impressed by the level of community engagement by the population in fostering understanding and maintaining social cohesion, which undoubtedly constitute essential elements of nation-building in a young country like Singapore.

25. The wide-ranging measures taken by the authorities to foster racial harmony, discourage intolerance and preserve political stability and prosperity are widely appreciated by all sectors of the society. They indeed demonstrate that the Government is committed to confronting these challenges in an open manner. Yet, various interlocutors pointed out that the legitimate goal of searching for racial harmony may have created some blind spots in the policies and measures pursued by the Government. The Special Rapporteur would like to highlight some of these concerns in the following sections.

A. Restrictions on freedoms of expression and assembly

26. During his mission, the Special Rapporteur was informed that there exist several legislative provisions which deal with the promotion of feelings of "enmity", "ill-will" or "hostility" between members of the different ethnic groups in Singapore. These legislative provisions include sections 298 and 298A of Singapore's Penal Code, sections 3 and 4 of the Sedition Act, section 4 of the Undesirable Publications Act and section 7 of the Public Order Act.

27. For instance, according to section 298A of the Penal Code, "whoever (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquillity, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both". Section 4 of the Undesirable Publications Act states that "for the purposes of this Act, a publication is objectionable if, in the opinion of any controller, it ... describes, depicts, expresses or otherwise deals with ... (b) matters of race or religion in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups". Section 7 of the Public Order Act provides that the police may refuse to grant a permit for a public assembly or public procession if it has reasonable ground for apprehending that the proposed assembly or procession may "cause feelings of enmity, hatred, ill-will or hostility between different groups in Singapore."

28. It appears that the above-mentioned restrictions are aimed at framing and limiting any public debate or discourse on issues that are regarded as highly sensitive. Given Singapore's historical legacy, the concerns of the authorities with regard to communal tensions are understandable. Yet, the Special Rapporteur takes the view that it is absolutely necessary in a free society that restrictions on public debate or discourse and the protection of racial harmony are not implemented at the detriment of human rights, such as freedom of expression and freedom of assembly. During his mission, many interlocutors assured the Special Rapporteur that the Singaporean society had evolved substantially from the days of the violent confrontations 45 years ago, and that it was now able to hold open public debate on a sensitive issue like ethnicity in a dispassionate and fruitful manner. The Special

Rapporteur therefore believes that the time is ripe for the authorities to review any undue legislative restrictions that may exist in the statute books in order to allow all individuals living in Singapore to share their views on matters related to ethnicity, to identify potential issues of discomfort and above all, work together to find solutions.

B. Significance of ethnic identity

29. Despite the existence of various policies and institutions seeking to provide all ethnic groups with equal opportunities, it would appear that the significance of ethnic identity has not diminished. Some of the Special Rapporteur's interlocutors said it has even increased in one's interactions with the State and within the Singaporean society at large. Consequently, he notes that individuals find themselves classified into distinct categories defined along ethnic lines. As an illustration, the ethnic identity of all Singaporeans is indicated on their identification documents and is used in a variety of purposes, including the choice of mother tongue instruction in schools and the ethnic quotas in the field of public housing (see sections below on housing and education).

30. Another example of ethnic categorization relates to the existence of "self-help groups" funded by the Government along ethnic or religious lines. While the Special Rapporteur was informed by the Government that there were various national schemes and programmes providing help to communities, including financial assistance to the needy through, for example, the Community Care Endowment Fund, these self-help groups seem to play a critical role in the provision of complementary social services, in particular in the field of education. Thus, the Yayasan Mendaki is to assist members of the Malay community, the Chinese Development Assistance Council has been established for members of the Chinese community, the Singapore Indian Development Association for members of the Indian community, the Eurasian Association for members of the Eurasian community and the Association of Muslim Professionals for members of the Muslim community.

31. According to the Government, these self-help groups provide tailored responses to the needs of each community, because they draw on and mobilize deep-seated ethnic, linguistic and cultural loyalties. Yet, various interlocutors questioned the compatibility of these officially endorsed self-help groups with the multi-ethnic, multi-religious and multicultural ideals promoted by the Government. Besides fears about the emphasis put on ethnic differences, concerns have been expressed that the smaller organizations are actually unable to compete with the Chinese self-help group, owing to its substantially larger financial resource base.⁶ Hence, it is felt that a more effective strategy might be to have a national body, instead of ethnically-based ones, to co-ordinate efforts and provide assistance to all individuals living in Singapore in an equal manner.

32. While the Special Rapporteur acknowledges that the self-help groups have occasionally pooled their resources to launch joint initiatives and that organizations such as OnePeople.sg provide valuable common space to all self-help groups, he nonetheless supports the idea of having a national body. In this regard, he takes the view that a national body would lessen the significance of ethnic identity in one's interactions with the State and within Singaporean society at large. Such a body would also help remedy the challenges faced by individuals of mixed origins or those who do not belong to the main

⁶ Self-help groups mainly rely on financial contributions by members of their respective communities. Since the Chinese community is the largest in Singapore, the Chinese Development Assistance Council is therefore the one endowed with the most significant resources.

ethnic groups, who seem to have difficulty in relating to any of the existing self-help groups.

33. During his mission, the Special Rapporteur was informed about the system of group representation constituencies (GRCs),⁷ which was introduced to “ensure the representation in Parliament of Members from the Malay, Indian and other minority communities”, according to article 39A of the Constitution. The official and laudable rationale behind the 1988 introduction of GRCs was to ensure that the needs, concerns and views of minority groups would not be ignored or neglected in an ethnically Chinese-dominant Singapore. Further, the authorities claimed that this measure would help counter the tendency of voters to vote along ethnic lines. Under the GRC scheme, voters therefore elect on a “one person, one vote” basis a team of Members of Parliament (rather than an individual Member of Parliament), of which there must be at least one minority candidate from a designated ethnic background. While the Special Rapporteur understands the well-intentioned rationale behind the GRC system, he was told that this scheme had actually institutionalized and entrenched the minority status of certain ethnic groups within Singaporean society. It was underlined that the system reinforced the views that members of minority groups were not electable on their own and that they needed to be part of a group of Members of Parliament to be able to get a seat in the Parliament of Singapore.

34. The Special Rapporteur would like to express his concerns vis-à-vis the above-mentioned schemes. Indeed, he takes the view that they may tend to reinforce and perpetuate ethnic categorization, which in turn may lead to certain prejudices and negative stereotypes held against certain minority groups taking root. The Special Rapporteur believes that the benefits of a society that allows for more permeability between delimited ethnic categories and in which social interactions are not predetermined by ethnic identity cannot be overemphasized. In this context, he would like to suggest, as a starting point, that the identification documents should not indicate the ethnic background of individuals. While he was informed during his mission that this practice had been made more flexible to enable individuals of mixed origins to display several ethnic backgrounds, the Special Rapporteur nonetheless would like to emphasize that removing the ethnic background of individuals from identification documents would represent an important step in order to accord less significance to the ethnic identity in one’s interactions with the State and within Singaporean society at large.

C. Housing

35. In 1989, the Government introduced the Ethnic Integration Policy in order to prevent the formation of ethnic enclaves and, more generally, to promote racial harmony. Under this policy, each of the main ethnic groups, i.e. Chinese, Malays, Indians and Eurasians, has a maximum quota of homes that may be rented or purchased by them in each public housing block and neighbourhood. Once the maximum quota has been reached for a particular ethnic group, no further sale or rental of apartments to members of that group will be allowed, unless the transaction is between members of the same ethnic group. Flexibility may be exercised vis-à-vis mixed couples, so that they may choose if they want to be considered as pertaining to one ethnic group or the other. During his mission, the

⁷ Members of Parliament consist of elected, non-constituency and nominated Members. Most Members are elected to Parliament during a general election and represent either single member or group representation constituencies (GRCs). Parties must field a team of five or six candidates in each GRC; the winning team is elected “en bloc” under a first-past-the-post system, as are individual Members of Parliament.

Special Rapporteur was informed that a quota for permanent residents had been introduced in March 2010.

36. The Special Rapporteur was told by almost all his interlocutors that this policy had been generally successful in terms of social integration. Indeed, it allows the great majority of Singaporeans⁸ from diverse ethnic backgrounds to mix together. As a result, almost every neighbourhood may be seen as a thumbnail representation of Singapore as a whole. Each precinct contains flats of different sizes so that households of different income and social profiles live together. Common spaces and shared facilities such as playgrounds or fitness corners enable all communities to regularly interact and to gain entrance into each other's world of food, festivals or social customs. In particular, the Special Rapporteur's attention was drawn to the "void decks" situated on the ground floor of each public housing block. These shared open spaces, where weddings, funerals or group games frequently take place, were highlighted as representing an important element of multi-ethnic, multi-religious and multicultural life in Singapore.

37. While the rationale and objectives of the Ethnic Integration Policy may be laudable, the Special Rapporteur was informed that its implementation had actually created new problems. For instance, it was alleged that the existing public housing quotas may prevent members of ethnic minorities from finding accommodation close to their families. Moreover, since this policy prevents individuals from selling their flats to members of other ethnic groups if the maximum quota for these ethnic groups is reached, ethnic minorities seem to encounter greater difficulties in reselling their apartments in the secondary market to members of their minority group. In this regard, several civil society interlocutors stressed the fact that, for ethnic minorities, the pool of potential buyers was smaller and therefore the selling price would be lower than if they were allowed to sell their properties to members of the ethnic Chinese group, for instance. In addition, some civil society interlocutors expressed their concerns that this policy based on ethnic grounds may contravene article 12, paragraph 2, of the Constitution with regard to the acquisition, holding or disposition of property (see para. 13 above).

38. Although the implementation of the Ethnic Integration Policy may already be of a rather complex nature, the Special Rapporteur would therefore like to suggest that more flexibility be allowed in its implementation, so that members of ethnic minorities may be able to find accommodation close to their families, for instance. Moreover, while there seems to be general agreement that this policy has benefited Singapore society as a whole, the Special Rapporteur would like to encourage the authorities to keep it under constant review, so as to take into account the evolving needs of the population living in Singapore.

D. Education

39. The Singaporean public education system has been successful in allowing all children, regardless of their backgrounds, to learn and play together. It has also been successful in preserving the languages of the main ethnic groups by allowing pupils to be taught both in English and in their mother tongue, i.e. Mandarin, Malay or Tamil. During his mission, the Special Rapporteur was informed about various education policies and programmes fostering tolerance, understanding and respect among the youth. For instance, school curricula include topics on social cohesion and harmony; interschool partnerships are organized for schools that are rather homogenous so that pupils may experience the

⁸ The Special Rapporteur was informed that more than 80 per cent of Singaporeans live in public housing.

existing ethnic and religious diversity in Singapore; and classroom arrangements are monitored so as to avoid any ethnic congregation. In addition, the Racial Harmony Youth Ambassador Programme seeks to develop a dynamic generation of youths from different backgrounds who participate actively in the development of a cohesive community.⁹ To that effect, it appoints Racial Harmony Ambassadors, whose tasks are, inter alia, to spread the message of multi-ethnic harmony among their families and friends, and to organize multi-ethnic activities. Another initiative relates to the yearly celebration in schools of the Racial Harmony Day on 21 July to mark the anniversary of the 1964 communal riots. According to the Ministry of Education, this day serves to remind Singaporean pupils that promoting social cohesion and racial harmony requires constant effort. It is a day for schools to reflect on and celebrate the success of Singapore as a harmonious nation and society built on a rich diversity of cultures and heritages.

40. The Special Rapporteur would like to commend the Government for these fruitful policies and programmes. He indeed takes the view that they have very much contributed to the peaceful coexistence of the diverse communities in Singapore and as such, constitute good practices that may be shared with other States.

41. According to Government officials, the principle of meritocracy, which is at the core of the public educational system and Singaporean society more generally, ensures that all children are offered equal opportunities. On the face of it, meritocracy appears to be a laudable and legitimate principle. However, the Special Rapporteur notes that where there are acknowledged historical inequalities, as is the case with Malay students, this principle may contribute to entrenching these inequalities, rather than to correcting them. Despite statistics showing that great progress has been made in the last decades, Malay students seem to always remain below national average. As an illustration, the Special Rapporteur was informed that since Singapore's independence, only two Malay students had been granted the President's Scholarship, which is awarded to the best students in the country. Moreover, although the proportion of Malay pupils with at least five O-level passes has increased from 46 per cent in 1998 to 59.4 per cent in 2007 and the proportion of a Malay Primary One cohort admitted to post-secondary education institutions has increased from 62.6 per cent in 1998 to 83.5 per cent in 2007, the performance of their Chinese counterparts has consistently remained better over the years.¹⁰

42. The Special Rapporteur was told during his mission that all communities adhered to the principle of meritocracy and that none would support the introduction of ethnic quotas. Yet, he would like to stress that Malay students who are persistently left behind may find it difficult to continue to adhere to the principle of meritocracy in the future. Indeed, if this principle is not perceived as benefiting all individuals living in Singapore in an equitable manner, members of the Malay community may well start to feel some resentment in the years or decades to come.

43. In addition to the above, the Special Rapporteur was informed that Special Assistance Plan (SAP) schools had been established in 1979 to provide an enriched teaching and learning environment for academically gifted students, who are destined to form the cultural elite of the country. He was also informed by the Ministry of Education that there exist equivalent programmes to nurture gifted Malay and Tamil students, albeit not in a whole-school setting. While English is the primary language of instruction in SAP schools and the latter appear to be open to all students, these schools are de facto restricted to Mandarin speakers. Indeed, the Special Rapporteur was told by various interlocutors that

⁹ For more information on the Programme, see www.rhya.com.sg/.

¹⁰ Singapore, Ministry of Education, *2009 Education Statistics Digest*, pp. 53-55. Available from www.moe.gov.sg/education/education-statistics-digest/files/esd-2009.pdf.

SAP schools seek to promote Mandarin as a tool for cultural transmission, but also for its economic advantage in terms of trade and investment in mainland China. This has led to some resentment among non-Mandarin speakers. Critics argue that these schools favouring Chinese language and culture are a visible symbol of the marginalization of ethnic minorities, and that they create the impression that there is a hierarchy of cultures in Singapore. In this context, critiques have also been expressed vis-à-vis the fact that non-Chinese students were not allowed to study Mandarin in schools. They are compelled to take courses in their mother tongue and must ask for special permission from the Ministry of Education before they can study Mandarin. This policy has been perceived by some interlocutors as denying access to the Mandarin language, which is regarded as an economically useful language.

44. Education is undoubtedly one of the most efficient tools to create a cohesive and tolerant society, in which all children may be taught how diverse ethnic and national groups can coexist peacefully. Consequently, the Special Rapporteur would like to encourage the authorities to ensure that the educational interests of Malay students are protected and promoted, in accordance with article 152 of the Constitution and international human rights standards. While there can be no doubt that meritocracy guarantees equality of opportunities, special measures within clearly defined timelines may help to address historical inequalities. In this context, he would like to encourage the authorities to consider making small adjustments to the educational system, for instance with special temporary programmes allowing Malay students to catch up. He also would like to suggest that all special programmes subsidizing tuition fees for Malay students be supported directly by the Government, rather than through the Yayasan Mendaki self-help group. In this manner, the Government could reinforce the message that the persistent lagging behind of the Malay community in the field of education is not an issue to be addressed in isolation by the Malay community, but rather an issue that should be dealt with at the national level.

45. In addition to the above, the Special Rapporteur takes the view that in a society based on meritocracy, special schools for the most deserving students should be open to all, so that students from all communities may develop their skills in a non-discriminatory manner. On the question of the mother tongue taught at school, the Special Rapporteur acknowledges that this is a complex issue and that there is therefore no ready-made solution to it. He appreciates the Government's willingness to preserve the cultural features, including language, of each main ethnic group. However, he takes the view that the Government may consider ways of implementing its educational policy in a more flexible manner, so as to allow children to choose what language other than English they would like to take at school.

E. Employment

46. During his official meetings, the Special Rapporteur was informed of the promotional approach taken to address problems of discrimination against job-seekers and workers from certain ethnic or religious backgrounds. In this regard, he welcomes the initiatives taken by the Ministry of Manpower and the Tripartite Alliance for Fair Employment Practices aimed at educating employers and employees about the principle of non-discrimination or at resolving labour issues related to discrimination through mediation. In particular, the Special Rapporteur would like to emphasize the Tripartite Guidelines on Fair Employment Practices, aimed at promoting merit-based employment practices and preventing discrimination at the workplace. These guidelines clearly state that "race should not be a criterion for the selection of job candidates as multiracialism is a fundamental principle in Singapore. Selection based on race is unacceptable and job advertisements should not feature statements like 'Chinese preferred' or 'Malay

preferred”¹¹. These guidelines also touch upon the issue of language requirements; for instance, they provide that “if a job entails proficiency in a particular language, employers should justify the need for the requirement. This would reduce ambiguity and minimise incidence of misunderstanding between the job seekers and the recruiting party”.¹² Other fruitful initiatives include the organization of various workshops on how to, inter alia, handle grievances, create an inclusive workplace, manage diversity and understand assumptions.

47. According to information provided by the Tripartite Alliance, the promotional approach aimed at changing mindsets among employers, employees and the general public to adopt fair and equitable employment practices has had good results. For instance, whereas before 1999 the ethnic criterion was referred to in 34 per cent of job ads, there is almost no mention of it in job ads today. Likewise, the Tripartite Alliance argues that the language criteria used to be mentioned in 20 per cent of job ads before 2006 and that this percentage has now been reduced to 1 per cent.¹³ In addition, the media allegedly also examines the content of job advertisements and may refuse to publish them if they are not compliant with the Tripartite Guidelines on Fair Employment Practices.

48. Notwithstanding these achievements, the Special Rapporteur’s attention was drawn to the difficulties and negative stereotypes faced by members of the Indian and Malay communities in the field of employment. For instance, the Special Rapporteur received reports indicating that Indian individuals applying for professional positions had been dismissed because they were not regarded as being hard workers. He was also told that Malay individuals continue to be underrepresented in senior positions in critical institutions that should reflect the diversity of Singapore, such as the armed forces, the police and the judiciary. Perceived lack of loyalty from members of the Malay community would appear to explain why they remain unable to gain access to sensitive positions in these institutions. While guidelines, policies and practices leading to the underrepresentation of the Malay community in these institutions may have found some political legitimacy during the few years immediately following the independence of the country, the Special Rapporteur would like to encourage the authorities to urgently review all of them, so as not to perpetuate the views that Singaporean citizens of Malay background cannot be trusted. In a diverse society like Singapore, it is all the more important for the authorities to ensure sufficient representation of the ethnic minorities in all employment sectors. In addition, the Special Rapporteur would like to suggest that the authorities consider adopting legally binding provisions prohibiting discrimination of all kinds, including on the grounds of ethnic or national origin, in the field of employment.

¹¹ Tripartite Alliance for Fair Employment Practices, *Tripartite Guidelines on Fair Employment Practices* (2009), p. 5. Available from www.fairemployment.sg/assets/Files/documents/Resources%20-%20Tripartite%20Guidelines%20on%20FEP%20Booklet%20-%28English%29.pdf.

¹² *Ibid.*, p. 6.

¹³ In 1999, the Tripartite Alliance for Fair Employment Practices issued the Tripartite Guidelines on Non-Discriminatory Job Advertisements. These guidelines were revised in 2006. Available from www.fairemployment.sg/assets/Files/documents/Publications%20-%20Non-discriminatory%20job%20ads%20brochure.pdf.

F. Migrant workers

1. Integrating recent migrants into Singaporean society

49. In order to satisfy the demands of a fast-growing economy and counter a declining birth rate and ageing population, the Government has supported a significant influx of foreign workers – both skilled and unskilled – over the last decades. These foreign workers, who represent today about one third of the workforce residing in Singapore, have undoubtedly contributed to the building and the prosperity of this young nation. Yet, their presence has also created challenges for the Singaporeans. The Special Rapporteur was told both by Government officials and civil society actors that the recent immigration of individuals coming mainly from China and India had led to some resentment in the Singaporean population. Indeed, these recent migrants had in some instances been perceived as taking away jobs from Singaporean citizens, threatening Singaporean families, affecting the fragile national demographic balance or raising security concerns when foreign workers' dormitories are built close to residential areas. In fact, whereas numerous interlocutors recognized that there were today fewer tensions between the so-called “old” communities (i.e., ethnic Chinese, ethnic Malays, ethnic Indians and others) residing in Singapore since independence, they also acknowledged that new challenges had surfaced in terms of interactions between the old and newly arrived communities.

50. There was also a perception among some civil society interlocutors that the Government seemed to favour migrant workers from certain countries, in particular from China. According to these interlocutors, the rationale behind this policy would be to maintain the ethnic Chinese population above the critical threshold of 75 per cent. In this context, the interlocutors would like the authorities to provide them with more information, so that the parameters used to design immigration policy, in particular when relating to employment, may be more open and transparent.

51. The Special Rapporteur believes that the concerns described above, if unaddressed in a timely and open manner by the Government, could alter the peaceful coexistence of the great variety of ethnic and national groups residing in the country. This could indeed lead to generalized resentment against foreigners in Singapore and thus to overt xenophobic attitudes. In this regard, the Special Rapporteur would like to support the work undertaken by the National Integration Council (NIC), set up in 2009, which seeks to promote and foster social integration among Singaporeans and new immigrants. To that effect, NIC encourages collaborative social integration efforts among the people, the public and the private sectors, through various initiatives at schools, workplaces, in the media and at the community level. According to some civil society interlocutors, however, NIC would mainly focus its work on the social integration of skilled migrant workers and would therefore not pay sufficient attention to those who were unskilled or semi-skilled, who often live in isolation from the rest of the Singaporean society. The Special Rapporteur therefore would like to encourage NIC to include unskilled and semi-skilled migrant workers – who sometimes stay for several years – in their programmes, so that they may also enjoy the benefits of social integration into Singaporean society.

2. Enhancing the living and working conditions of unskilled and semi-skilled migrant workers, including domestic workers

52. While the mandate of the Special Rapporteur does not specifically relate to migrant workers, it is nonetheless concerned with discrimination on the grounds of national or ethnic origin preventing individuals from enjoying, *inter alia*, just and favourable conditions of work, equal pay for equal work, as well as equality before the law. In this regard, the living and

working conditions of migrant workers, in particular of the unskilled and semi-skilled ones commonly referred to as “transient workers”, were frequently raised during the mission.

53. The Special Rapporteur was told by virtually all his interlocutors that the authorities had taken numerous and commendable initiatives to prevent and address the manifold human rights violations and sometimes physical abuse suffered by unskilled and semi-skilled migrant workers, including domestic workers. These include awareness-raising and education programmes both for employers and employees; the conduct of random interviews of domestic workers during their initial months of employment; the monitoring of employers who change domestic workers frequently; assistance from the Ministry of Manpower in resolving labour disputes through mediation; the imposing of sanctions on employers when workers’ wages are unpaid; and the enhancement of penalties by one and a half times for offences committed by employers against their domestic workers.

54. Yet unskilled and semi-skilled migrant workers continue to face a number of difficulties. These include the abuses by labour-recruitment agencies in Singapore and in the countries of origin; the sponsorship system, which places migrant workers in a highly dependent relationship with their employer and severely limits labour mobility; unpaid salaries; unilateral cancellations of work permits by their employers; poor and unhygienic living conditions; or denial of medical insurance by their employers contrary to official policy. Concerns relating to migrant workers being trafficked into the country were also raised by some civil society representatives.

55. Migrant domestic workers, who constitute about one fifth of the migrant workforce,¹⁴ also face a number of additional difficulties due to their exclusion from the Employment Act and to their isolated working environment. For instance, migrant domestic workers are not always accorded a day of rest per week; in practice they are not always granted annual or medical leave; they are automatically deported if found pregnant and are prohibited from marrying Singaporean men. Migrant domestic workers may also be prevented from leaving the house, due to the employer’s fear of losing the S\$ 5,000 compulsory security bond, which seeks to ensure that the employers repatriate their work-permit holders once the term of employment ends.

56. While the Special Rapporteur received assurances from relevant authorities that these issues are under review, he would like to strongly urge the Government to act swiftly to ensure the protection of migrant workers’ human rights, as this is one area where the situation is dire. In this regard, he particularly welcomes the fact that the enforcement of a standard contract offering enhanced protection to migrant domestic workers is currently under review by the Ministry of Manpower. The Special Rapporteur also would like to suggest that the Government extend and enhance the effective implementation of the Employment Act; that efforts be undertaken to ensure that labour disputes are resolved expeditiously through accessible and effective mechanisms; and that a minimum wage for unskilled and semi-skilled migrant workers particularly vulnerable to exploitation, such as construction and domestic workers, be introduced.

3. Countering ethnic stereotypes concerning migrant workers

57. The Government has, to a large extent, determined the employment areas in which members of certain foreign communities can work. In this regard, the Special Rapporteur was informed that for each sector of employment, there exists a list of “approved source countries or territories” from which employers may hire foreign workers. For instance,

¹⁴ It is roughly estimated that one in seven households in Singapore employs a foreign domestic worker whose tasks are to cook, clean, tidy and take care of the children and the elderly.

domestic workers may originate from Indonesia, Myanmar or the Philippines, but not from China; the construction sector may hire migrant workers only from Bangladesh, China, India, Malaysia, Sri Lanka, Thailand, and a few other Asian countries; and service sector companies may recruit workers from China; Hong Kong, China; Macao, China; Malaysia; the Republic of Korea; and Taiwan Province of China. This policy of approved source countries or territories implemented by the Ministry of Manpower has raised concerns among civil society actors. They argue that this policy may entrench ethnic stereotypes within Singaporean society by associating certain low-skilled professions with certain nationalities and that this may taint the rest of the employment system. For instance, women from Indonesia and the Philippines would in most cases be perceived as being domestic workers. The Special Rapporteur therefore would like to suggest that the authorities consider reviewing their policy concerning the list of approved source countries or territories, so as to prevent and address the negative stereotypes applied to certain ethnic or national groups which are associated with unskilled or low-skilled professions.

58. In addition, the Special Rapporteur received reports concerning ethnic or national bias in salaries. As such, it appears that the principle of meritocracy would not apply to domestic workers and that, as a consequence, a maid from the Philippines would earn more than a maid from Indonesia, for instance. While these economic differences between national or ethnic groups do not stem from a deliberate governmental policy, some civil society interlocutors were nonetheless of the view that this economic differentiation was backed up by a range of prejudices and stereotypes affecting particular ethnic or national groups among unskilled and semi-skilled migrant workers.

V. Conclusions and recommendations

59. **Singapore is rightly proud of its richly diverse society, in which individuals from a wide range of backgrounds manage to cohabit and interact with each other on a small territory. Considering that violent communal riots occurred just a few decades ago, the peaceful coexistence of the diverse communities in Singapore is a remarkable achievement in itself.**

60. **Due to the historical legacy of communal tensions, the Government of Singapore is acutely aware of the threats posed by racism, racial discrimination, xenophobia and related intolerance. In this regard, the authorities have endeavoured to establish laws, policies and institutions that seek to actively combat these scourges and to continuously promote social cohesion, religious tolerance and what they refer to as “racial harmony”. The numerous measures taken by the authorities to preserve political stability and foster understanding among the diverse ethnic and religious groups living in Singapore testify to the recognition that social harmony must not be taken for granted and that continuous efforts are needed to preserve it. As such, these measures are widely appreciated by all sectors of the society.**

61. **Yet, the Special Rapporteur notes that the legitimate goal of searching for racial harmony may have created some blind spots in the measures pursued by the Government and may in fact, and to a certain extent, have further marginalized some ethnic minorities. Even if there is no institutionalized racial discrimination in Singapore, the Special Rapporteur emphasizes that the marginalization of ethnic minorities must be acknowledged and acted upon in order to safeguard the stability, sustainability and prosperity of Singapore. In this regard, he would like to make the following recommendations.**

On restrictions to freedom of expression and assembly

62. The Special Rapporteur recommends that the Government review undue legislative restrictions on public debate or discourse related to matters of ethnicity. Given Singapore's historical legacy, the Special Rapporteur understands that matters related to ethnicity may be regarded as highly sensitive. Yet the protection of racial harmony should not be implemented at the detriment of human rights, such as freedom of expression and freedom of assembly. The Special Rapporteur therefore recommends that the Government remove legislative provisions preventing all individuals living in Singapore from holding open public debate on matters related to ethnicity, so that they may share their views, identify potential issues of discomfort and above all, work together to find solutions.

On the significance of ethnic identity

63. Despite the existence of various policies and institutions seeking to provide all ethnic groups with equal opportunities, it appears that Singaporeans find themselves classified into distinct categories defined along ethnic lines. As such, strong emphasis is put on the significance of ethnic identity, which is indicated on Singaporeans' identification documents.

64. The establishment of officially endorsed self-help groups providing complementary social services to the main ethnic groups in Singapore also testifies to the significance of ethnic identity. While the Special Rapporteur acknowledges that these self-help groups may provide tailored and effective responses to the needs of each community, he nonetheless recommends that the Government consider setting up a national body, instead of ethnically-based ones, to coordinate efforts and provide people living in Singapore with assistance in an equal manner. Such a national body would lessen the significance of ethnic identity in one's interactions with the State and within Singaporean society at large and also help remedy the challenges faced by individuals of mixed origins or those who do not belong to the main ethnic groups, who seem to have difficulty in relating to any of the existing self-help groups.

65. Although the Special Rapporteur understands the well-intentioned rationale behind the system of group representation constituencies, which aims to ensure that the needs of minorities are not neglected in an ethnically Chinese-dominant Singapore, he takes the view that this system has actually institutionalized and entrenched the minority status of certain ethnic groups within Singaporean society. Further, it reinforces the views that members of ethnic minorities may sit in Parliament only if they belong to a larger group of Members of Parliament.

66. The Special Rapporteur emphasizes that the self-help groups and group representation constituency schemes may tend to reinforce and perpetuate ethnic categorization, which in turn may lead to prejudices and negative stereotypes held against certain ethnic minorities taking root. Taking into account the fact that a society may only benefit from social interactions that are not predetermined by ethnic identity, the Special Rapporteur recommends as a starting point that ethnic identity be removed from Singaporeans' identification documents.

On housing

67. The Ethnic Integration Policy, aimed at preventing the formation of ethnic enclaves, has been generally successful in terms of social integration. However, the Special Rapporteur recommends that the Government implement it in a more flexible manner, to ensure that members of ethnic minorities are not disadvantaged vis-à-vis

ethnic Chinese individuals when seeking an accommodation close to their families or when trying to sell their accommodation in the secondary housing market.

On education

68. The principle of meritocracy, which is at the core of the public educational system and of Singaporean society more generally, ensures that all children are offered equal opportunities. However, where there are acknowledged historical inequalities – as is the case with Malay students who consistently remain below their Chinese counterparts – meritocracy may contribute to entrenching these inequalities, rather than to correcting them. The Special Rapporteur therefore recommends that the Government consider making small adjustments to the educational system, for instance with special temporary programmes allowing Malay students to catch up. He also recommends that the programmes subsidizing tuition fees for Malay students be supported directly at national level, rather than through the Yayasan Mendaki self-help group.

69. In addition, the Special Rapporteur recommends that Special Assistance Plan schools be open to all, including to non-Mandarin native speakers, so that academically gifted students from all communities may have the opportunity to develop their skills in an environment that seeks to nurture the best talents of the country.

On employment

70. The promotional approach taken by the Ministry of Manpower and the Tripartite Alliance for Fair Employment Practices to address problems of discrimination against job-seekers and workers from certain ethnic or religious backgrounds appears to have had good results. Nonetheless, the Special Rapporteur recommends that the authorities adopt a firmer approach through legally binding provisions prohibiting discrimination of all kinds, including on the grounds of ethnic or national origin, in the field of employment.

71. In a diverse society like Singapore, it is essential to ensure sufficient representation of the ethnic minorities in all employment sectors. The Special Rapporteur therefore recommends that the Government urgently review all guidelines, policies and practices which may prevent members of ethnic minorities to be employed in institutions that should reflect the diversity of Singapore, such as the armed forces, the police and the judiciary.

On migrant workers

72. The significant influx of foreign workers supported by the Government to satisfy the demands of a fast-growing economy and counter a declining birth rate and ageing population has significantly contributed to the building of the country. Yet, it has also created some resentment by the population, which at times perceives these migrant workers as taking away jobs from Singaporean citizens, threatening Singaporean families, affecting the fragile national demographic balance or raising security concerns. The Special Rapporteur recommends that these concerns be addressed in a timely and open manner by the Government, so as to prevent generalized resentment against foreigners, which could lead to overt xenophobic attitudes. In this regard, he recommends that the National Integration Council treat the social integration of unskilled and semi-skilled migrant workers – who often live in isolation from Singaporean society – as a priority.

73. While numerous and commendable initiatives have been taken to prevent and address the manifold human rights violations and sometimes physical abuse suffered by unskilled and semi-skilled migrant workers, their situation remains dire. Difficulties faced by these migrant workers include the sponsorship system, which places them in a highly dependent relationship with their employers; unpaid salaries; unilateral cancellations of work permits by their employers; poor and unhygienic living conditions; or denial of medical insurance by their employers. The Special Rapporteur strongly urges the Government to act swiftly to ensure the protection of migrant workers' human rights. In this regard, he recommends that the Government enhance the effective implementation of the Employment Act and extend it to cover domestic workers; that efforts be undertaken to ensure the expeditious resolution of labour disputes through accessible and effective mechanisms; and that a minimum wage for migrant workers particularly vulnerable to exploitation, such as construction and domestic workers, be introduced.

74. The Special Rapporteur also recommends that the authorities consider reviewing their policy concerning the list of "approved source countries or territories", so as to prevent and address the negative stereotypes applied to certain ethnic or national groups, which can be associated with unskilled or low-skilled professions.

On the legal and institutional human rights framework

75. While the Special Rapporteur understands that the Government wishes to be in a position to fully implement the obligations contained in an international treaty before ratifying it, he nonetheless urges it to accede to international human rights instruments that contain provisions reaffirming the fundamental human rights principles of non-discrimination and equality. These include the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

76. In the light of general recommendation No. 30 (2004) on non-citizens of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur recommends that the constitutional provisions restricting certain human rights to Singaporean citizens – including the right to non-discrimination on the ground of religion, race, descent or place of birth in any law or in the appointment to any employment under a public authority, the rights in respect to education and the freedom of speech, assembly and association – be revised to extend equal human rights protection to all individuals residing in Singapore, including non-citizens.

77. While taking into account that the principles of equality and non-discrimination are included in various domestic legislative acts, the Special Rapporteur recommends that the Government adopt a stand-alone law dedicated to the prohibition of racism, racial discrimination, xenophobia and related intolerance. Such legislation would clearly demonstrate Singapore's political commitment in the fight against racism and allow for enhanced visibility and accessibility of the law for all individuals, thereby enabling them to resort to the relevant provisions more easily and more effectively.

78. In order to strengthen the existing institutional human rights framework, the Special Rapporteur recommends that the Government review the mandate of the Presidential Council for Minority Rights, so that the latter may act on its own initiative. This Council should be empowered to consider and report on matters

affecting the rights of members of ethnic minorities, without having to wait for the Speaker of Parliament or an appropriate Minister to refer such matters to it. Moreover, the Special Rapporteur recommends that the authorities take all necessary measures to guarantee the independence of this Council, including by ensuring that its Chairperson may not be faced with potential conflicts of interest.

Appendix

List of official meetings

Ministry of Foreign Affairs

Ministry of Community Development, Youth and Sports

Ministry of Home Affairs (including the Changi Prison)

Ministry of National Development (including the Housing and Development Board)

Ministry of Education

Ministry of Manpower

Ministry of Health

Ministry of Information, Communications and the Arts

Ministry of Law

Attorney General's Chambers

Supreme Court and Subordinate Courts

Presidential Council for Minority Rights

National Steering Committee on Racial and Religious Harmony

Inter-Racial and Religious Confidence Circles

Self-help groups (including the Yayasan Mendaki, the Chinese Development Assistance Council, the Singapore Indian Development Association, the Eurasian Association and the Association of Muslim Professionals)

Islamic Religious Council of Singapore

Minister-in-charge of Muslim Affairs

Members of Parliament

Singapore's Representative to the Association of Southeast Asian Nations
Intergovernmental Commission on Human Rights
