

UNIVERSAL PERIODIC REVIEW – SINGAPORE
JOINT SUBMISSION OF COSINGO (COALITION OF SINGAPORE NGOS)

A. Executive Summary

1. This is a joint submission of a coalition of Singapore NGOs (COSINGO),¹ comprising the following NGO stakeholders: AWARE; Challenged People's Alliance and Network (CAN!); Deaf and Hard of Hearing Federation; Humanitarian Organization for Migration Economics; MARUAH (Working Group for an ASEAN Human Rights Mechanism, Singapore); People Like Us; Singaporeans for Democracy; and Transient Workers Count Too. MARUAH (maruahsg@gmail.com) is coordinating this submission by COSINGO.²

2. The Singapore Government has provided well for the majority of Singaporeans from an economic perspective. But there remain communities that face difficulties, especially since policy-making is rarely rights-oriented. Communities such as the disabled, the lower-income, people living with HIV, and migrant workers have to make do with welfare-based and goodwill-oriented policies, which provide limited and often inadequate protection. COSINGO believes that a rights-based approach in policy-making is essential to establishing a more level playing field in the long run. To this end, COSINGO makes a number of recommendations for the strengthening of social, cultural and economic rights.

3. In addition, Singapore's singular focus on economic progress has adversely affected the space for expression and other aspects of civil liberties. Many unduly restrictive laws have been passed. COSINGO believes that the time has come to seriously consider whether these laws remain appropriate, and to allow Singaporeans more room to grow and mature politically. We therefore also make recommendations for the enhanced protection of civil and political rights.

B. Brief Background

4. Singapore is a signatory to the following human rights treaties, with reservations in certain aspects: the Genocide Convention; the Convention on the Rights of the Child; and the Convention on the Elimination of All Forms of Discrimination Against Women. Singapore has not signed any of the other core human rights treaties and conventions. Singapore does not have a National Human Rights Institution.

5. Since 2007, Singapore has seen increased discussion on human rights, mirroring the developments in the region to establish in ASEAN two regional human rights bodies, viz., the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on Women and Children. With these developments, the Singapore Ministry of Foreign Affairs has become more amenable to hosting discussions with civil society actors to discuss these regional bodies, as well as the Universal Periodic Review process.

C. Civil and Political Rights

6. *Freedom of expression.* Article 14(1)(a) of the Singapore Constitution guarantees freedom of speech and expression.³ However, this constitutional right is expressly subject to such

¹ COSINGO is a loose and informal grouping of Singapore NGOs with specific thematic concerns. Each NGO has contributed to this process as a part of this informal grouping.

² MARUAH conducted a workshop on the UPR process for civil society in April 2010, where the concept of a joint submission by NGOs was first discussed. Two further consultations were conducted, one with the NGOs involved and the other a public consultation open to all, and feedback received from these consultations has been incorporated into this submission.

³ See Appendix Section A.

restrictions as Parliament may impose for certain stipulated purposes.⁴ COSINGO accepts that freedom of expression is not absolute (e.g. right to free speech does not extend to shouting “fire” in a crowded theatre), but views many of the restrictions imposed by the state on freedom of expression as being non-transparent and arbitrary either in their formulation, or in their application by governmental agencies. The result is that the constitutional right to free expression has been unreasonably limited.

7. *Media regulation.* The Government enacted the Newspapers and Printing Presses Act in 1974, implementing a regime whereby all printing presses had to be licensed and all newspapers had to apply for an annual permit, all subject to the Minister’s discretion.⁵ The stated aim was to prevent newspapers from being funded by foreign sources with hidden agendas. The law essentially throttled the previously lively media scene. In 1984, Singapore Press Holdings Ltd (SPH), the dominant (and for a long time, sole) newspaper publisher in Singapore, was established through the merger of three newspaper publishers. The Government can control the appointment of the SPH management, by way of special management shares with enhanced voting powers. The Act was further amended in 1986, to empower the Minister to gazette any foreign newspaper as “*a newspaper engaging in the domestic politics of Singapore*” and thereafter restrict the sale and distribution of such newspapers.⁶

8. *Censorship and films.* In Singapore, censorship is experienced in a broad range of areas of expression, including film and the performing arts.⁷ With the advent of Web 2.0 technologies and proliferation of video-recording devices, the restrictions on video and film are of particular concern. Prior to 2009, the Films Act prohibited the making, distribution and exhibition of so-called “party political films”.⁸ The broad definition meant that any film with a political subject-matter risked being found illegal.⁹ In March 2009, the Act was amended to allow for “factual” party political films, such as factual documentaries and recordings of actual events. Since then, some films have been successfully rated (and hence permitted to be exhibited), including *Singapore Rebel* by Singaporean filmmaker Martyn See (a documentary on opposition politician Chee Soon Juan). On the other hand, See’s *Zahari’s 17 Years* and *Dr Lim Hock Siew*, on ex-political detainees Said Zahari and Lim Hock Siew respectively, were banned under a different provision for being “contrary to the public interest”,¹⁰ for purportedly giving a “distorted and misleading portrayal” of Said’s and Lim’s arrests and detentions.¹¹

9. *Contempt of court.* Section 7(1) of the Supreme Court of Judicature Act¹² empowers the High Court and the Court of Appeal to punish for contempt of court; however, there is no statutory provision for what constitutes contempt. The Attorney-General is not reluctant to commence civil proceedings for contempt of court.¹³ The result is that critical commentary about judicial decisions is rare outside of academic journals.

⁴ Article 14(2)(a) of the Constitution of the Republic Of Singapore. See Appendix Section A.

⁵ Section 3(1) of the Newspapers and Printing Presses Act. See Appendix Section B.

⁶ Sections 21 and 22 of the Newspapers and Printing Presses Act. See Appendix Section C. For affected foreign newspapers and magazines, see Appendix Section D.

⁷ For a non-exhaustive survey, see Appendix 1 of the 2010 Arts Community Position Paper on Censorship and Regulation (<http://sites.google.com/site/artsengagesg/news/positionpaperwithsignatoriesavailablefordownload>, accessed on 30 Oct 2010).

⁸ Section 2(1) of the Films Act, Cap.107 defines party political films to mean either any advertisement by a political party or political organization, or any film made by any person and directed towards any political end in Singapore. See Appendix Section E.

⁹ For instance, in 2001, the censors classified a documentary about the late opposition politician Mr J.B. Jeyaretnam titled “*A Vision of Persistence*” as a party political film, compelling its withdrawal from a film festival.

¹⁰ Section 35 of the Films Act, Cap.107. See Appendix Section F.

¹¹ The Straits Times, “Ban on Video Recording of Lim Hock Siew Speech” (Jul 13, 2010). See also Appendix Section G, and paragraph 16 of this submission.

¹² See Appendix Section H.

¹³ For instance, in November 2008, the AGC filed contempt proceedings against three persons (two of whom were activists, and the third an opposition politician), when they wore T-shirts depicting what appeared to be a kangaroo in a judge’s robes to an ongoing defamation trial by the Prime Minister Lee Hsien Loong and Minister Mentor Lee Kuan Yew against opposition politicians Chee Soon Juan and Chee Siok Chin. They were eventually jailed for up to 15 days (The Straits Times, “T-shirt trio found in contempt” (Nov 25, 2008), and Channel News Asia, “Jail term for 3 Singaporeans found guilty of contempt of court”, (Nov 27, 2008,

10. *Sedition.* It is an offence to do, attempt to do or conspire with someone to do a seditious act; to utter seditious words; and to produce, distribute or import a seditious publication.¹⁴ This has been used to prosecute cases of offensive statements on race and religion, including where there was no incitement to violence, when there are more appropriate provisions in the Penal Code that specifically address such cases while carrying lesser sentences.¹⁵

11. *Defamation lawsuits.* Politicians from the ruling party have instituted a number of lawsuits against opposition politicians.¹⁶ These lawsuits in all likelihood have contributed significantly to a chilling effect on dissenting speech, both for the general populace (in emphasising the very real personal risks of speaking up against the ruling party) and for opposition politics (in deterring citizens from joining opposition parties). Some opposition politicians have been bankrupted by such lawsuits, and accordingly disqualified from standing for Parliamentary elections. Foreign publications such as the International Herald Tribune and the Far Eastern Economic Review, and their editors and journalists, have also been sued for defamation.

12. *Freedom of assembly.* Article 14(1)(b) of the Singapore Constitution guarantees freedom of assembly.¹⁷ As with the right to freedom of speech, the right to freedom of assembly is subject to such restrictions as Parliament may impose for certain stipulated purposes.¹⁸

13. *Registration of societies.* Any association of 10 or more persons must be registered under the Societies Act, failing which it becomes an unlawful assembly, membership of which is a criminal offence.¹⁹ The Registrar of Societies has some discretion on whether to refuse registration. There are at least two publicly documented instances where this discretion was exercised, in an arbitrary and unconstitutional manner, to deny the registration applications of the gay rights group People Like Us in 1997 and 2004.²⁰

14. *Demonstrations and public processions.* Under the Public Order Act 2009, cause-related outdoor activities may be carried out only with prior permits from the police. Permits appear to have been granted only to groups allied or affiliated with the ruling party.²¹ Applications by opposition parties are routinely denied.²² Furthermore, members and sympathizers with the opposition Singapore Democratic Party have been prosecuted and convicted for various public demonstrations and protests, including the so-called “Tak Boleh Tahan” protests to commemorate

<http://www.channelnewsasia.com/stories/singaporelocalnews/view/392576/1/html>, accessed on 24 Oct 2010). In addition, at the time of writing of this submission, a British journalist named Alan Shadrake is facing contempt proceedings arising out of certain passages in his book on the death penalty in Singapore (*Once A Jolly Hangman: Singapore Justice in the Dock* (2010, Strategic Information and Research Development Centre).

¹⁴ Section 4(1) of the Sedition Act (Cap.290). See Appendix Section I.

¹⁵ See Sections 298 and 298A of the Penal Code (Cap.224). In 2005, three bloggers who had posted racist and anti-Muslim comments online were convicted of sedition; two were imprisoned, the third placed on probation. In 2009, a Christian couple was convicted of sedition and imprisoned for deliberately sending religious tracts attacking and misrepresenting Islam, Catholicism and other religions to Muslim recipients. Most recently, in January 2010, three youths were arrested under the Sedition Act for allegedly posting racist comments against Indians on Facebook, although they were released with warnings.

¹⁶ Opposition politicians who have been sued for defamation include the late Joshua Benjamin Jeyaretnam (thrice, filed in 1988, 1995 and 1997), Tang Liang Hong (filed in 1997) and Chee Soon Juan (filed in 2001 and 2006).

¹⁷ Article 14(1)(b) of the Singapore Constitution: see Appendix Section A.

¹⁸ Article 14(2)(a) of the Singapore Constitution, see Appendix Section A.

¹⁹ Section 14 of the Societies Act (Cap.311). See Appendix Section K.

²⁰ See the “About Us” page on the People Like Us website (http://www.plu.sg/society/?page_id=2, accessed on 25 Oct 2010).

²¹ For instance, permits were granted to the National Trade Unions Congress (whose secretary-general is also a Minister in the Prime Minister’s Office) in 1988 to demonstrate against the United States for the alleged interference in Singapore’s domestic politics by a U.S. diplomat E. Mason Hendrickson, who was subsequently deported; and to CASE, a consumer rights association constituted under the auspices of the NTUC, in 2007 for a public procession to commemorate World Consumer Rights’ Day.

²² For instance, the Workers’ Party had their application for a cycling event to celebrate the party’s 50th anniversary rejected: see Jeremy Au Yong, “Outdoor events by political parties banned” (Aug 28, 2007, <http://wpsn.wordpress.com/category/2007-08/>, accessed on 25 Oct 2010). A similar event by the PAP Community Foundation, the charitable arm of the ruling People’s Action Party, with the Prime Minister Lee Hsien Loong as guest of honour, was permitted by the police: see Channel News Asia, “No change in government’s stand on political parties organizing outdoor activities” (Sep 16, 2008, http://www.channelnewsasia.com/stories/specialreport/news/376325_79/1/html, accessed on 25 Oct 2010). Applications by the Singapore Democratic Party have also been consistently denied, for instance see footnote 23 below.

World Consumer Rights Day.²³ The notable exception to these restrictions is Speakers' Corner,²⁴ where permits may be applied for online and are issued almost immediately. However, only citizens and permanent residents of Singapore may participate in events at Speakers' Corner.

15. *“Move on” powers.* The Public Order Act 2009 gave the police the power to order a person to “move on” from a certain area and not to return to the designated spot for 24 hours.²⁵ Failure to comply is a criminal offence. This power was first used in October 2009 against Mr Chua Eng Chwee, a 69-year-old Falungong practitioner arrested for disobeying a written move-on order issued to him by the police while he was staging a protest with eight placards under the Esplanade Bridge.

16. *Preventive detention without trial.* The Internal Security Act (ISA) and the Criminal Law (Temporary Provisions) Act (CLTPA) provide for preventive detention without trial, which could be renewed indefinitely. The longest serving detainee was Chia Thye Poh.²⁶ There have been published reports of torture and physical assaults during interrogation,²⁷ although the Government has repeatedly denied these charges. Since the detentions of the alleged “Marxist conspirators” in 1987, there have been no known political detentions under the ISA; ISA detentions have been in connection with alleged terrorist-related activities and alleged radicals. The CLTPA appears to have been used exclusively to fight organized crime, specifically against triads, loansharks and drug traffickers. COSINGO also draws attention to the separate submission made by MARUAH, which considers preventive detention without trial in greater detail.

17. *Death penalty.* Despite an international trend towards abolition, Singapore has steadfastly defended its use of the death penalty. Most notably, drug trafficking attracts a mandatory death penalty under the Misuse of Drugs Act. The mandatory death penalty is clearly inconsistent with international human rights norms, by preventing judges from considering all factors relevant to the question of whether to impose a death sentence. The presumption in the Misuse of Drugs Act, that possession of drugs beyond a certain quantity is for purposes of trafficking, also detracts from the right to be presumed innocent in Article 11 of the Universal Declaration of Human Rights (UDHR).²⁸ COSINGO notes the separate submission made by MARUAH, which also considers the death penalty in greater detail.

18. *Free and fair elections.* COSINGO appreciates that the actual voting and vote-counting systems in Singapore are probably free from tampering,²⁹ although this is impossible to verify without an independent elections commission.³⁰ However, the electoral system overall may not be consistent with the requirement for “genuine elections” under Article 21(3) of the UDHR. Examples of barriers against opposition parties include the need for, the number and size of Group Representative Constituencies (GRCs);³¹ the constant redrawing of electoral boundaries;

²³ See for instance The Straits Times, “8 fined over SDP assembly” (Oct 20, 2010).

²⁴ Speaker's Corner is a gazetted area in a park near the Central Business District in Singapore.

²⁵ Section 36 of the Public Order Act 2009, Act 15 of 2009. See Appendix Section L.

²⁶ Chia was an opposition Member of Parliament who was arrested and detained in 1966. He was granted unconditional release only in 1998, capping a 32-year period of incarceration and travel restrictions.

²⁷ Teo Soh Lung, *Beyond the Blue Gate* (2010, Strategic Information and Research Development Centre); .pp 103-107.

²⁸ See for instance the comments of Philip Alston, then the Special Rapporteur on extrajudicial, summary or arbitrary executions of the United Nations Human Rights Council, on the case of Iwuchukwu Amara Tochi in 2007 (http://web.archive.org/web/20070208194301/http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/E7E258697043C2C6C125726E003A3E23?OpenDocument, accessed 26 Oct 2010).

²⁹ US State Department, “2009 Human Rights Report: Singapore”, para.3 (<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136008.htm>, accessed on 26 Oct 2010).

³⁰ The Elections Department is part of and under the supervision of the Prime Minister's Office.

³¹ This operates on a one-vote many-MPs system. Some GRCs are represented by up to six MPs, usually led by a sitting Minister. The sheer size of GRCs tends to benefit incumbents and disadvantage the opposition, and has likely contributed significantly to the large number of uncontested wards and consequent walkovers. The stated objective of GRCs is to ensure minority representation in Parliament, as each GRC team is required to include a member from a designated minority race; however, COSINGO notes that prior to the introduction of GRCs, there were numerous instances in Singapore's electoral history, of candidates of minority races from both the ruling party and the opposition winning against opponents from the majority race (Chinese).

and the inordinately short time given for parties to prepare for elections. A recently-enacted mandatory one-day cooling-off period immediately prior to election day (when campaigning is prohibited) has been widely criticized as being advantageous to the ruling party.³² COSINGO is also perturbed that prisoners serving their sentences are deprived of the right to vote.³³ COSINGO draws attention to the separate submission made by Singaporeans for Democracy, which considers general elections in greater detail.

19. *Discrimination against homosexuals.* Section 377A of the Penal Code³⁴ criminalises private consensual sex between adult men. However, the same acts by an opposite-sex heterosexual couple are legal. Section 377A is therefore discriminatory and violates Articles 7 and 12 of the UDHR, as well as Article 12(1) of the Singapore Constitution.³⁵ Despite the Government’s public promise not to “proactively” enforce Section 377A, as at the time of writing of this submission, there is at least one active prosecution under Section 377A before the courts.³⁶

20. *Recommendations on civil and political rights.* COSINGO calls for greater overall compliance with international human rights norms pertaining to civil and political rights, specifically greater transparency and accountability in all decisions relating to the grant of permits, licences and preventive detentions, such as in the registration of societies and the grant of permits for demonstrations; the amendment of defamation laws to require proof of malice for defamation lawsuits by public figures to succeed; the repeal of the licensing requirement for newspapers under the Newspapers and Printing Presses Act; the repeal of the restrictions on the making, exhibition and distribution of party political films; the introduction of legislation on what constitutes civil contempt of court, so that commentators are cognizant of the boundaries of what is permissible; the removal of any discretion for the Registrar of Societies to withhold registration of a society, save where the object of the society is clearly to commit illegal acts; the introduction of a mandatory requirement for police to permit demonstrations and public processions, save where it is to promote an unlawful purpose or for clear, demonstrable public security concerns; the repeal of the “move on” powers under the Public Order Act; the amendment of the ISA and the CLTPA, to comply with international norms pertaining to transparency and natural justice in cases of preventive detention; the repeal of all GRCs and return to a system of one-vote for one-candidate in elections; and repeal Section 377A of the Penal Code.

D. Social and Cultural Rights

21. COSINGO recognizes the Government’s emphasis on, and successes in, education, health and housing policy. Singapore has experienced spectacular economic growth in the decades since independence. However, one consequence of this emphasis on economic growth has been an apparent prioritization of economic efficiency and growth over social welfare. This has been aggravated by the official preference for persons in need to rely on the family and community (instead of the state) for assistance.³⁷ Despite the stated intents of the Government, there remain overlooked, marginalized and vulnerable communities.

22. *Persons with disabilities.* Singapore is one of two countries in ASEAN yet to ratify the Convention on the Rights of People with Disabilities; the other is Myanmar. COSINGO

³² On the eve of polling day, political parties use television to make one last broadcast and airtime is given in proportion to the number of candidates fielded. The ruling party has historically fielded the most candidates and hence has had the most airtime.

³³ Section 6(1)(b) of the Parliamentary Elections Act (Cap. 218). See Appendix Section M.

³⁴ Section 377A of the Penal Code (Cap.224). See Appendix Section N.

³⁵ See Appendix Section O.

³⁶ AFP, “Gay Singaporean charged over sex act in public toilet” (Sep 9, 2010, <http://news.xin.msn.com/en/singapore/article.aspx?cp-documentid=4324854> accessed on 25 Oct 2010).

³⁷ Chua Beng Huat; “Welfare Developmentalism in Singapore and Malaysia” in Huck-Ju Kwon; *Transforming the Developmental Welfare State in East Asia*; Palgrave Macmillan; 2005

acknowledges the Government's effort to meet the needs of persons with disabilities through its programme called the Enable Masterplan.³⁸ However, the approach in Singapore remains welfare-oriented, and not rights-based.³⁹ Sustainable living and social security remain particularly significant issues, as many persons with disability and their caregivers either do not work or are in low-paying jobs. COSINGO also draws attention to the separate submission by Challenged People's Alliance and Network (CAN!).

23. *Persons with psychiatric disabilities.* Up to 16% of Singaporeans have some form of mental health problem other than anxiety and depression.⁴⁰ Mental illness is apparently viewed as being less serious or less worthy of assistance or protection than physical illness, with insurance for mental illness being generally unavailable.⁴¹ In particular, the state-mandated health insurance scheme called Medishield specifically excludes coverage for mental illnesses and personality disorders in totality.⁴² As noted above, there are no general anti-discrimination laws in Singapore.

24. *Migrant workers.* Singapore is dependent on foreign workers who comprise a third of the workforce.⁴³ COSINGO notes that the Government has made significant improvements to the legal protections for foreign workers.⁴⁴ There have also been prosecutions against employment agencies and employers for breaching the relevant regulations. However, foreign workers continue to face abuse, and they remain vulnerable to poor work conditions.⁴⁵ They are also subject to a number of unreasonable restrictions.⁴⁶ In addition, FDWs continue to be excluded from the Employment Act and the Work Injury Compensation Act (which provides for workman's compensation), and are also not allowed to unionise. COSINGO also directs attention to a separate joint submission by H.O.M.E. and Transient Workers Count Too on the conditions faced by foreign workers in Singapore.

25. *Persons with HIV.* Persons Living With HIV (PLWHIV)⁴⁷ face discrimination in Singapore, especially given the lack of general anti-discrimination laws. Non-citizens found to be HIV-positive become "prohibited immigrants" under Section 8 of the Immigration Act.⁴⁸ However, the Government has since 2000 ceased to deport HIV-infected non-Singaporean spouses of Singaporeans. Mandatory testing is carried out on certain persons (including all work

³⁸ <http://appl.mcys.gov.sg/PressRoom/RecommendationsOfThe5YearEnablingMasterplan.aspx>, accessed 24 Oct 2010.

³⁹ For instance, while Article 26 of the UDHR provides for the right to education, Singapore's Compulsory Education Act mandates primary education for all children except for those with disabilities, apparently because of the high cost that would be required to ensure primary education for such children. In addition, despite some Government initiatives for barrier-free access, the physical infrastructure remains mostly unfriendly to persons with disabilities, who also continue to face difficulties in accessing affordable transportation (many disabled persons depend on public transport, and they need to apply for subsidies instead of being given concessionary rates as of right) and recreation. There are also no general anti-discrimination laws in Singapore.

⁴⁰ <http://www.moh.gov.sg/mohcorp/speeches.aspx?id=25046>, accessed 30 Oct 2010.

⁴¹ The Straits Times, "Mentally ill's insurance quandary" (Mar 28, 2009).

⁴² http://ask-us.cpf.gov.sg/Home/Hybrid/themes/CPF/Uploads/Healthcare/MSH_List%20of%20Excluded%20Treatments.pdf, accessed on 26 Oct 2010.

⁴³ Many are in low-wage occupations such as the construction, cleaning, maritime services, manufacturing, manufacturing and lower-end workers in healthcare. As of December 2009, there are 856,000 foreigners in low- or semi-skilled manual jobs, including 196,000 women employed as live-in domestic workers: The Straits Times, "Foreign worker levy to increase over 3 years" (Feb 23, 2010).

⁴⁴ Examples include amending the Penal Code in 1998 to introduce enhanced penalties for the abuse of foreign domestic workers (FDWs); introducing clearer standard contract guidelines as schedules in the Foreign Worker Employment Act; and mandating employers to provide basic medical insurance coverage for foreign workers.

⁴⁵ Examples include inconsistent wage payments; unsafe and unsanitary work conditions; limited access to recreational spaces; unsafe transport conditions, especially for construction workers who are commonly seated on the backs of trucks, which increases the risk of deaths and injuries when those trucks are in accidents; and invasion of privacy.

⁴⁶ Examples include the withholding of foreign workers' passports by employers; the unlawful detention of workers with terminated or expired contracts by security firms, to ensure that they leave Singapore; legal regulations that diminish the dignity of foreign workers, such as mandatory pregnancy and HIV tests for FDWs; pregnant FDWs being deported simply for being pregnant; and FDWs who marry Singapore citizens or permanent residents not being granted the right to stay in Singapore, simply because they were once FDWs (see Employment of Foreign Manpower Act (Cap.91A); First Schedule: see Appendix Section P).

⁴⁷ The first cases of HIV/AIDS in Singapore were recognized in 1985. Since then, there has been a steady rise in the number of new infections and the number of people living with AIDS. The ministry of health reported that there were 463 newly diagnosed cases of HIV/AIDS in 2009, 3,126 people living with HIV/AIDS and 1037 deaths from AIDS since the start of the epidemic. (<http://www.moh.gov.sg/mohcorp/diseases.aspx?id=420> accessed 9 Sep 2010).

⁴⁸ Immigration Act (Cap. 133). See Appendix Section Q. They are then prohibited from entering or remaining in Singapore, even if their livelihoods and/or partners are in the country.

permit holders, prisoners, new healthcare workers and military servicemen). COSINGO is concerned that non-Singaporeans found to be HIV-positive will be deported with no regard to counseling and access to treatment.⁴⁹ The Infectious Diseases Act criminalises unsafe sex amongst individuals, regardless of whether they knew they had HIV at that point in time;⁵⁰ to date, there has been at least one prosecution under this law.⁵¹ While the Government does provide subsidized healthcare to PLWHIV, the subsidies do not cover most anti-retroviral therapy (ARV), which are deemed to be non-standard drugs. There is very limited financial aid available for PLWHIV who cannot afford the medication.⁵² The right to information is not being met by the Government's official position on education, which advocates "Abstinence and Being Faithful" and does not officially permit education on condom use. Finally, the continued existence of Section 377A of the Penal Code⁵³ makes effective outreach to men who have sex with men very difficult, as it could be seen as promoting or advocating the commission of an illegal act.

26. Women's rights. COSINGO notes the progress made by women in Singapore.⁵⁴ Article 12(2) of the Constitution prohibits discrimination on certain grounds, but excludes gender.⁵⁵ Women in Singapore have faced and continue to face discrimination. For example, women earn 72% of what men earn for performing similar job functions.⁵⁶ Despite high educational levels attained by women, they are severely under-represented at senior management levels.⁵⁷ There are also instances of sexual harassment against women.⁵⁸ Unmarried mothers are given substantially less benefits than married mothers.⁵⁹ Pregnant women remain vulnerable to discriminatory employment practices,⁶⁰ especially if they fall outside the Employment Act.⁶¹ Foreign spouses of low-income Singaporean men are particularly discriminated against.⁶² Muslim women in Singapore also face discrimination under inheritance laws (with women most likely to receive half of the share awarded to Muslim men), and divorce laws (with husbands being able to divorce wives by saying "talaq" thrice). Unlike countries such as Sweden or the UK, there is currently no legislation requiring employers to offer flexible work arrangements or part-time work to pregnant workers, under the principle that in the context of pregnant workers, the right to work should include access to flexible work. COSINGO also points out that the Concluding Comments from CEDAW recommended legislation on both direct and indirect discrimination. Furthermore, marital rape is still lawful except in certain limited exceptions, such as where the wife had already applied for a personal protection order.⁶³ While numerous international reports cite Singapore as a transit country for sex trafficking, the Government has consistently denied this, relying on its own figures based on a narrow definition of trafficking, thereby understating the problem. In the few

⁴⁹ The International Labour Organisation has also strongly criticized mandatory testing without appropriate counselling and access to affordable treatment: http://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--sro-bangkok/documents/publication/wcms_112972.pdf accessed on 30 Oct 2010.

⁵⁰ <http://www.afa.org.sg/news/2007/0929/2007%2009%2029%20Ignorance%20no%20longer%20an%20excuse%201.pdf>

⁵¹ Parliament Question - Case of Mr Chan Mun Chiong (Charge under section 377A of Penal Code). See Appendix Section R.

⁵² Channel News Asia, "Around 50 AIDS patients benefitted since Medifund extended to help defray medical costs" (Jul 13, 2010, <http://news.xin.msn.com/en/singapore/article.aspx?cp-documentid=4217402>, accessed on 30 Oct 2010).

⁵³ See also paragraph 19 of this submission.

⁵⁴ Singapore has made progress in achieving low rates of maternal and infant mortality, long life expectancy and high literacy rates for women and providing access to all levels of education - Concluding Comments from CEDAW Committee.

⁵⁵ Article 12(2). See Appendix Section O.

⁵⁶ <http://app1.msys.gov.sg/ResearchRoom/ResearchStatistics/GenderWageGap.aspx>, accessed on 30 Oct 2010.

⁵⁷ For instance, a Watson Wyatt Report in 2008 showed that of the largest 100 companies in Singapore, 72 did not have a single non-executive director on their Board.

⁵⁸ <http://www.aware.org.sg/ati/wsh-site/14-statistics/>, accessed on 30 Oct 2010.

⁵⁹ Single mums are not entitled to Baby Bonus, the 4 month maternity leave, 6 days of paid child care leave and other benefits that married mothers are entitled to.

⁶⁰ <http://theonlinecitizen.com/2010/09/sia-making-a-mockery-of-government-policies/>, accessed on 30 Oct 2010.

⁶¹ The Employment Act covers workers, excluding, amongst others, domestic workers and persons employed in an executive or managerial position. The Act provides for paid maternity leave and protection from dismissal for pregnant women. Those outside the Act have little statutory protection against unfair dismissal. As recently as August 2009, a letter appeared in the newspapers of a case of a more than six-month pregnant woman who was dismissed by her employer (a US MNC) and then refused maternity benefits.

⁶² Such foreign spouses face arbitrary, protracted and non-transparent processes in acquiring citizenship, which limits access to work as well as protection from abuse, because the women fear losing their children arising out of cross-border custody issues.

⁶³ Penal Code; Section 357(4) (Cap.224). See Appendix Section S.

prosecutions to date, the punishments actually imposed seem inadequate in light of the provisions of the Women’s Charter.⁶⁴

27. *Rights of Minorities.* COSINGO believes Singapore should become a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination and to the 1992 Amendment (Article 8). Article 12(1)(2) of the Singapore Constitution already provides for equality regardless of race, language or religion. However, there remains certain discriminatory practices in public policy on housing and education.⁶⁵ There are also incidents of race-related discrimination at the workplace, directed at Muslim women wearing headscarves to work. The Government’s response to these issues seems limited to education and mediation.⁶⁶

28. *Recommendations on social and cultural rights.* COSINGO calls for the Government to introduce general anti-discrimination laws; ratify the International Convention on the Rights of People with Disabilities; extend the Compulsory Education Act to cover children with disabilities; withdraw its reservations to Articles 2, 11 and 16 of CEDAW; ratify the Convention on the Protection of Rights of All Migrant Workers and Members of their Families; extend the Employment Act to cover FDWs; review the application of the Employment of Foreign Manpower Act, in particular the regulations which diminish the dignity of foreign workers; improve access to ARV treatment for PLWHIV, including by classifying ARV drugs that are on the World Health Organisation’s list of essential medicines as standard drugs that are eligible for government subsidies; provide counselling and reasonable access to treatment for persons discovered to have HIV as a result of mandatory testing; repeal the partial marital rape immunity that remains in force in the Penal Code; amend Article 12(2) of the Constitution, to bar discrimination on the grounds of gender and sexuality; implement stronger protections for pregnant women against discriminatory employment practices; offer citizenship as of right to foreign women who are married to Singaporean men; update its definition of trafficking to conform to international norms and review the Women’s Charter; review the application of inheritance laws to Muslim women; and review policies that seek to discriminate or make distinctions on the basis of race, religion or language.

E. Economic Rights

29. *Social welfare.* The Government provides social welfare only to a limited extent, preferring instead to promote self-reliance by Singaporeans. Assistance is provided on a charitable basis, and is not provided to Singaporeans as of right, thereby creating strong negative connotations around assistance.⁶⁷ The Government has advocated a framework for assistance called the “Many Helping Hands” approach,⁶⁸ where family networks⁶⁹ and voluntary welfare organizations take the lead in providing a social safety net, with the Government filling identified gaps.

30. *Right to an adequate standard of living: general.* Article 25 of the UDHR provides for the right of a person to an adequate standard of living. There is no minimum wage in Singapore, and no constitutional or statutory provision on social security. By one estimate in February 2007, 35%

⁶⁴ Women’s Charter (Cap.353). See Appendix Section T.

⁶⁵ There are ethnic quotas that limit housing choices for minority races. There are also certain specified schools (known as Special Assistance Schools) which receive significant state resources, that cater primarily to children who excel in Mandarin as their Mother Tongue.

⁶⁶ Mr Githu Muigai, Special Rapporteur on Racism and Racial Discrimination, made an official visit to Singapore and his initial report he covered these aspects too. UN Press release (28 April 2010), “Press Statement of UN Special Rapporteur in Singapore”; <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10002&LangID=E>, accessed 30 Oct 2010.

⁶⁷ For some time politicians referred to those seeking assistance often as having a “crutch mentality”.

⁶⁸ See for instance <http://app1.mcys.gov.sg/Portals/0/Files/ComCare.pdf>, accessed 30 Oct 2010.

⁶⁹ See for instance the opening paragraphs of the speech by Dr Vivian Balakrishnan, Minister for Community Development, Youth and Sports: <http://app1.mcys.gov.sg/PressRoom/COS2010DebatesMinCYSOpeningSpeech.aspx>, accessed 30 Oct 2010.

of households experience absolute poverty, and 27% of households experience relative poverty.⁷⁰ Low-income workers, with an average monthly income of less than S\$1,700, are entitled to Workfare Income Supplement⁷¹ (WIS) payments if they meet certain requirements; however, a large part of the WIS payment is paid into the Central Provident Fund,⁷² and hence workers are unable to use these amounts for day-to-day expenses.

31. *Right to an adequate standard of living: elderly persons.* COSINGO notes that the right of elderly persons (defined as being above 60 years of age) to an adequate standard of living is not being fulfilled. Such elderly persons are expected to form 20% of the population by 2030.⁷³ While employment rates of those in their early 60s have increased from 30% in 1998 to 48% in 2009,⁷⁴ there is little protection for older workers. The Retirement Age Act permits companies to cut a worker's pay at age 60,⁷⁵ and it is estimated that as many as 80% of unionized companies implement such age-based pay cuts.⁷⁶ Many older women and men are less educated and have been homemakers or low-paid semi-skilled workers, and are at severe risk of not having an adequate standard of living. Many elderly persons work as casual workers (with its attendant risks of exploitation) in menial jobs, such as cleaners and collectors of cardboard boxes for recycling.

32. *Right to social security.* Article 22 of the UDHR provides for a right to social security. CPF is mandatory for citizens and permanent residents, and the contribution rate currently pegged at up to 34.5% of a worker's monthly wages; however, CPF alone is inadequate to meet the retirement needs of the elderly.⁷⁷ There is a lack of clarity about how CPF funds are being used or invested by the CPF Board, and whether CPF account holders are reaping the full benefits of CPF funds being invested with the Government of Singapore Investment Corporation (GIC), one of Singapore's sovereign wealth funds.⁷⁸

33. *Public Assistance.* Public Assistance (PA) is Singapore's version of welfare; only those who are unable to work, whether because they are too old or due to health reasons, qualify for payments. PA payments range from S\$360 per month for a single-person household, to S\$1,210 for a household of four or more persons. Only about 3,600 Singaporeans are on for PA. Recipients of PA frequently require additional assistance to make ends meet, but their ability to obtain such assistance is dependent on the successful functioning of the "Many Helping Hands" approach.

34. *Universal health insurance.* There is no universal health insurance in Singapore. While the public healthcare system is generally well-regarded by international standards, it operates on a co-payment model, and hence patients are usually asked to pay at least part of their bills. The state-

⁷⁰ See slide 30 of presentation by Mukul G. Asher, "An Assessment of Singapore's Policy Responses to Ageing, Inequality and Poverty" (presented at the International Conference on Social Policy in Asia, Tokyo, Feb 9-10, 2007) (<http://www.econ.hit-u.ac.jp/~kokyo/sympo-feb07/paper/asher-Tokyo.pdf>, accessed 30 Oct 2010).

⁷¹ http://mycpf.cpf.gov.sg/Members/Gen-Info/WIS/FAQs_WIS.htm, accessed 30 Oct 2010.

⁷² CPF is a provident scheme whereby employer and employee both make contributions to the employee's personal account. CPF funds were originally meant to fund retirement expenditures, but over the decades the usage of CPF funds has been "liberalized" such that they can now be used for housing, healthcare, tertiary education and stock investment. This has resulted in concerns that CPF funds may not be adequate for retirement needs.

⁷³ Singapore Ministry of Community Development, Youth and Sports, "Report of the Committee on Ageing Issues, 2006" (<http://app1.mcsys.gov.sg/Publications/ReportoftheCommitteeonAgeingIssuesP2006.aspx>, accessed 30 Oct 2010).

⁷⁴ The Straits Times, "Unjust pay cut for older workers hurts" (May 14, 2010).

⁷⁵ Retirement Age Act (Cap.274A). See Appendix Section U.

⁷⁶ The Straits Times, "Unjust pay cut for older workers hurts" (May 14, 2010).

⁷⁷ Chia, N.C. and Tsui, K.C. (2003), "Life annuities of compulsory savings and income adequacy of the elderly in Singapore", Journal of Pension Economics and Finance, 2(1), 41-65. See also slides 17, 18 and 20 of presentation by Mukul G. Asher, "An Assessment of Singapore's Policy Responses to Ageing, Inequality and Poverty" (presented at the International Conference on Social Policy in Asia, Tokyo, Feb 9-10, 2007) (<http://www.econ.hit-u.ac.jp/~kokyo/sympo-feb07/paper/asher-Tokyo.pdf>, accessed 30 Oct 2010).

⁷⁸ The CPF Board uses account holders' funds to purchase government bonds, which are then invested by GIC: see Asher, "The Role of the Global Economy in Financing Old Age: The Case of Singapore" (2002) (http://www.adbi.org/files/2002.05.rp37_old.age.singapore.pdf, accessed 30 Oct 2010). GIC has reported a 20-year average rate of return of 7.1% in USD terms (TODAY, "Lift GIC's cloud of opacity", 29 Sep 2010). By comparison, the CPF Board pays account holders a return of only 2.5% on Ordinary Accounts (generally about two-thirds of CPF contributions) and about 4% on Special (retirement) and Medisave (health) Accounts (about one-third of CPF contributions).

mandated health insurance scheme called Medishield also has significant exclusions.⁷⁹ The Government has promised that no Singaporean will be denied healthcare because of an inability to pay, but Singaporeans have been known to face financially ruinous bills due to the lack of insurance.

35. *Right to housing.* Article 25(1) of the UDHR recognizes one’s right to housing. The Government encourages home ownership through an extensive public housing programme premised on ownership. There is a very limited supply of public rental flats available at very highly subsidized rates, which are subject to strict eligibility requirements,⁸⁰ and so for most Singaporeans, housing means purchasing a public flat. However, COSINGO’s view is that housing may be getting beyond the reach of a growing number of Singaporeans.⁸¹ The Government also practices discrimination in its housing policy, by not permitting HDB flats to be sold to singles unless they are 35 years old. There are also numerous conditions to HDB flat ownership, such as restrictions on when and how they may be sold, and such conditions are subject to change without prior notice. Policy changes can be relatively frequent when the property market is rising, as the Government intervenes to prevent asset bubbles from forming.

36. *Recommendations on economic rights.* COSINGO urges the Government to implement measures to improve social security for the elderly, including such measures as may be necessary to enable them to live with dignity in their old age; proactively sanction (including by way of blacklisting from government contracts) employers who take undue advantage of or otherwise exploit vulnerable workers including elderly workers and casual workers; provide greater transparency and accountability over national investments, and in particular investments directly or indirectly funded by CPF funds; review the operations of GIC and Temasek to determine how CPF account holders may more equitably share in the investment returns directly or indirectly derived from CPF funds; expand the scope of PA to provide a more adequate level of payments and to extend assistance to more needy recipients; review the existing “Many Helping Hands” framework, with a view towards ensuring dignity for individuals who need help as fellow citizens and taxpayers, instead of treating them as charity cases to be pitied; and further expand the stock of public rental flats and review the eligibility requirements to ensure that all Singaporeans who require housing have it, regardless of their home ownership history.

⁷⁹ http://ask-us.cpf.gov.sg/Home/Hybrid/themes/CPF/Uploads/Healthcare/MSH_List%20of%20Excluded%20Treatments.pdf , accessed on 26 Oct 2010.

⁸⁰ See <http://www.hdb.gov.sg/fi10/fi10323p.nsf/w/RentDirectHDBEligibility?OpenDocument>, accessed on 30 Oct 2010. In particular, persons who had previously owned a public flat and sold it in the preceding 30 months for any reason, are as a rule ineligible for public rental flats. Some Singaporeans who sold their flats to raise funds (for instance, to pay off debts) have subsequently become homeless, as they are unable to afford a new flat and are not eligible for rental housing: see for instance The Straits Times, “Meet Singapore’s nomad families” (Jun 24, 2008), and Asia Calling, “Singapore Homelessness”, 24 Apr 2010 (http://www.asiacalling.org/index.php?option=com_content&view=article&id=1335:singapore-homelessness&catid=105:others&Itemid=388&lang=en, accessed 30 Oct 2010).

⁸¹ Public flats are priced on a “market subsidy” basis, meaning that the Housing Development Board (the public housing authority, HDB) computes the putative market price of its new public housing flats, and then offers them for sale at a discount to that putative market price. This is in contrast to the more common “cost plus” approach to pricing subsidized public goods. Owners may sell their HDB flats on the open market after a minimum period of five years. In a rising market, the “market subsidy” pricing approach means that the prices of public flats will keep increasing; in the 5 years from Q4 2005, resale flat prices rose over 60% (<http://www.hdb.gov.sg/fi10/fi10321p.nsf/w/BuyResaleFlatResaleIndex?OpenDocument>, accessed 30 Oct 2010). In addition, the HDB does not disclose the costs of building its flats, so it is impossible to determine the extent to which the actual “market-subsidized” price of a flat exceeds the cost of building it. As a potential proxy for the affordability of public flats, the public housing loan delinquency rate in January 2009 was 7.8% for loans that were in arrears for over three months: The Straits Times, “HDB home loan defaults on the rise” (Jan 5, 2009).