



THE SITUATION OF HUMAN RIGHTS DEFENDERS

SINGAPORE

UPR Briefing Paper - June 2015

During its first Universal Periodic Review (UPR) in May 2011, the Republic of Singapore received and accepted one direct recommendation on Human Rights Defenders (HRDs). Singapore committed to continue to engage with United Nations special procedures and positively respond to invitation requests by the Special Rapporteur on the situation of HRDs and on extrajudicial, summary or arbitrary executions, respectively. Singapore also received four recommendations on the rights to freedom of association, peaceful assembly, opinion and expression; accepting one and noting three. Singapore committed to repealing or at least narrowing the restrictions on public discourse on the issue of ethnicity, language, race, religion and politically sensitive issues. Singapore received two recommendations on sexual orientation and gender identity, noting both.

RISKS FACING HUMAN RIGHTS DEFENDERS

- Madasamy Ravi, a lawyer who has played a central role in human rights cases in Singapore, has faced increasing government pressure since 2014. He has mounted constitutional challenges to the death penalty, caning, and several laws that discriminate against lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals and he has defended the right to counsel. Singapore's Attorney General issued a complaint against Ravi for releasing court documents to the media before they were fully reviewed by government prosecutors. He has also been subject to several investigations by the Law Society of Singapore and faced disciplinary action related to his public campaign on behalf of death row inmate Cheong Chun Yin.¹ In January 2015, he was fined for 'misconduct unbefitting for an advocate and solicitor' while representing Mr Wee Kim San in his case for constitutional protection against discriminations of homosexuals in the workplace. He was also charged for making statements to the media which were 'calculated to interfere with the fair proceedings or trial of the legal proceedings' during a judicial review against the deportation of a foreign worker who was involved in the Little India riot in December 2013.²
- On the 10th of September 2014, Singapore's Media Development Authority banned the film 'To Singapore, With Love' on grounds that it undermined national security. The film features

interviews with activists who fled Singapore rather than face political persecution and possible detention under the country's abusive Internal Security Act.³

- On the 25th of September 2014, the police notified activists Han Hui Hui and Roy Ngerng Yi Ling that permission had been withdrawn for their planned 27th of September event featuring speeches and a demonstration related to the management of Singapore's Central Provident Fund, the state pension fund. The demonstration went ahead and police investigated at least 15 persons connected with the protest before charging Ngerng and Hui with unlawful assembly for demonstrating without a permit, and with causing a public nuisance.⁴
- He Jun Ling, Gao Yue Qiang, Liu Xiangying, and Wang Xian Jie are HRDs who were employed by the state controlled public transport operator SMRT Ltd. They are currently facing charges of inciting an illegal strike among bus drivers, and could be sentenced to a fine of 2,000 Singapore dollars (approx €1,250), a 12-month prison sentence or both. He Jun Ling and Liu Xiangying revealed that police officials assaulted them while they were held in custody in December 2012. According to the information received, He Jun Ling was locked in a small room, handcuffed, and beaten in the stomach.⁵

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- Singapore is one of the few countries that retain the archaic legal offence of ‘contempt of court’. It has been used by the government to charge many of its own citizens as well as foreign journalists. Most notably, there is currently a pending case against leading Singaporean gay rights activist Alex Au Wai Pang who blogs under ‘Yawning Bread’.⁶ He has been campaigning to repeal of Section 377A of the Penal Code, which criminalises sex between men.⁷
- Singapore has not implemented the UPR recommendation it accepted on repealing or narrowing the restrictions on public discourse. Bloggers, cartoonists and filmmakers have all been subject to legal action. Satirical political cartoonist Leslie Chew is an example. Chew was charged with sedition and scandalising the judiciary for publishing an online cartoon strip. These charges were dropped a month later after Chew apologised and withdrew the cartoons.⁸
- The Millennium Development Authority (MDA) changed its licensing rules in March 2013, without public consultation. According to them, all news websites visited by more than 50,000 unique local IP addresses each month over a period of two months must put up a performance bond of \$50,000 and remove any content contravening the MDA’s standards within 24 hours.⁹
- Government-linked companies Singapore Press Holding and Mediacorp own all print and broadcast media in Singapore. Over the past four decades, government control of mainstream media has been aided by legislation such as the Newspaper and Printing Presses Act and the Broadcasting Act.¹⁰

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- HRDs asserting their right to freedom of speech and expression are particularly at risk in Singapore. Bloggers and cartoonists are an example of this. Defamation lawsuits are routinely filed against them for public comments that would be pretty ordinary in rights respecting democracies. They are at risk of losing their jobs as the government continues its unwillingness to let citizens have their say.¹¹

- Media censorship laws in Singapore create a skewed portrayal of LGBTI individuals in local and mainstream media. Male same-sex relations are still criminalised and a 24-hour takedown requirement for ‘material that advocates homosexuality or lesbianism’ on popular websites is being introduced, placing LGBTI HRDs and HRDs advocating for LGBTI rights at risk.¹²

- HRDs using visual media such as movies and music videos are at risk. An example is the music video ‘We’re All Different, Yet The Same’, which was recently banned due to its pro-LGBTI content. The MDA reportedly sent notices to televisions and radio stations informing them that the song and music video should not be aired as the lyrics were in conflict with local laws.¹³

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- Singapore has not reviewed the de facto ban on peaceful public demonstrations, the use of anti-defamation laws and the registration process for civil society and associations, as recommended during its last UPR. According to civil society, it is unlikely that the government will review the ban, as it is a powerful tool meant to control the people.¹⁴
- According to the 2013 Human Rights Watch World Report, HRDs in Singapore risk being fined, imprisoned, bankrupted, and banned from traveling outside the country without government approval.¹⁵
- HRDs in Singapore have consistently expressed concern about the shrinking space for public discussion on issues such as freedom of expression, the death penalty, LGBTI rights, labour rights, poverty and inadequate living standards. The government persists in silencing this discourse through defamation lawsuits against critics.¹⁶

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists and make recommendations to Singapore regarding the protection of HRDs. For further information on this briefing paper, contact Sarah Brooks s.brooks@ishr.ch.

RECOMMENDATIONS TO THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

- The Government of Singapore must review defamation laws and ensure that their application is not used to arbitrarily stifle freedom of opinion and expression, and that the de facto ban on public demonstrations is lifted.
- The Government of Singapore must ensure the full promotion and protection of the rights to

freedom of expression, assembly and association in line with international human rights standards.

- The Government of Singapore must immediately repeal their policy of the 24-hour takedown requirement for ‘material that advocates homosexuality or lesbianism’ on popular websites
- The legal offence of contempt of court should be repealed. It has repeatedly been used to charge foreign, as well as domestic citizens.

With the upcoming UPR of Singapore in January 2016, the government has the opportunity to review its restrictive laws and policies on free speech and to create a more open environment for HRDs and journalists. Taking these steps is vital, if the Republic of Singapore wants to be ranked on par with other liberal-democracies.

1. <http://www.hrw.org/world-report/2015/country-chapters/singapore?page=3>
2. <http://asianhrds.forum-asia.org/?events=singapore-human-rights-lawyer-fined-7000-for-misconduct>
3. <http://www.hrw.org/world-report/2015/country-chapters/singapore?page=1>
4. <http://www.hrw.org/world-report/2015/country-chapters/singapore?page=1>
5. <https://www.frontlinedefenders.org/node/21664>
6. http://www.upr-info.org/sites/default/files/document/singapore/session_11_-_may_2011/mia-singapore.pdf
7. <http://asianhrds.forum-asia.org/?events=singapore-court-convicts-activist-blogger-for-contempt>
8. http://www.upr-info.org/sites/default/files/document/singapore/session_11_-_may_2011/mia-singapore.pdf
9. http://www.upr-info.org/sites/default/files/document/singapore/session_11_-_may_2011/mia-singapore.pdf
10. <https://asianhrds.forum-asia.org/?p=11338>
11. <http://www.hrw.org/print/news/2014/06/24/dispatches-perils-blogging-singapore>
12. <http://www.hrw.org/print/news/2013/06/07/singapore-licensing-regime-chills-news-climate>
13. <https://globalvoicesonline.org/2015/05/26/singapore-bans-music-video-for-its-pro-lgbt-content/>
14. http://www.upr-info.org/sites/default/files/document/singapore/session_11_-_may_2011/mia-singapore.pdf
15. <http://www.hrw.org/world-report/2013/country-chapters/singapore?page=3>
16. <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>

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or contact us:

information@ishr.ch



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GENEVA OFFICE

Rue de Varembé 1, 5th floor
P.O. Box 16
CH-1211 Geneva 20 CIC
Switzerland

NEW YORK OFFICE

777 UN Plaza, 8th floor
New York, NY 10017
USA