

## Universal Periodic Review – Singapore

*This report is a joint submission by a coalition of 11 Civil Society Organisations (CSOs) in Singapore (listed in the Annex) for consideration by The Working Group as it reviews Singapore in the third cycle.*

### A. Introduction

Many societies, including Singapore, have strived to protect their most vulnerable groups from bearing the brunt of health, economic and social impacts wrought by the Covid-19 pandemic.

In Singapore, the exponentially higher numbers of Covid-19 infections among male migrant workers trapped in congested dormitories; the precarity of the poor due to lost work and wages; the heightened danger of domestic violence and abuse of domestic workers while everyone remained indoors; and the plight of a death row inmate who was scheduled to be hanged even though his relatives couldn't cross the border from Malaysia to see him for the last time, all brought into sharper focus the realities of those living on the margins of society. Their well-being – both during the pandemic and otherwise – is compromised by the lack of strong human rights protections in the country.

The public, independent journalists and human rights groups struggled to gain access to information about what was happening in migrant worker dormitories over the many months that workers were locked down. The fear of being censured by a new “fake news” law hangs over every effort to uncover and publish information not provided through government sources.

Since the last UPR of Singapore, the government has taken positive action on a number of recommendations made by the Committee, which we acknowledge and welcome. However, against a backdrop of shrinking civil and political liberties and high social and economic inequality, we worry that Singapore may not emerge from the pandemic a more just and resilient society.

The signatories to this report draw on their research, advocacy and the lived experience of the communities they represent to make recommendations for the strengthening of civil, political, social, cultural and economic rights in Singapore. These recommendations are by no means exhaustive, and are limited to the areas that each organisation, respectively, has expertise in.

### B. Civil & political rights

1. *Protection from Online Falsehoods and Manipulation Act 2019 (POFMA)*. In October 2019, POFMA came into effect in Singapore<sup>1</sup>, despite concerns highlighted by tech companies, media practitioners, lawyers, artists, academics, politicians and human rights groups that

---

<sup>1</sup> It was brought into force with four subsidiary legislation supplements, detailing selected exemptions for certain services provided by tech companies, including Baidu, Google, Twitter, WeChat and Facebook, Available at: <https://sso.agc.gov.sg/SL-Supp/S664-2019/Published/20191001?DocDate=20191001>; <https://sso.agc.gov.sg/SL-Supp/S663-2019/Published/20191001?DocDate=20191001>; <https://sso.agc.gov.sg/SL-Supp/S662-2019/Published/20191001?DocDate=20191001>; <https://sso.agc.gov.sg/SL-Supp/S661-2019/Published/20191001?DocDate=20191001>.

it could result in excessive government control and restriction of freedom of expression and information online.<sup>2</sup>

As of July 2020, the law has been used in 72 instances, the majority of which were correction directions issued against communications on Facebook.<sup>3</sup> These included posts discussing socio-political issues by opposition party Singapore Democratic Party<sup>4</sup> and opposition politician Brad Bowyer<sup>5</sup> during the 2020 general elections, and journalist

---

<sup>2</sup> ICJ, 'Singapore: Parliament must reject internet regulation bill that threatens freedom of expression', 4 April 2019, Available at: <https://www.icj.org/singapore-parliament-must-reject-internet-regulation-bill-that-threatens-freedom-of-expression/>; Thum Ping Tjin, Kirsten Han, 'Singapore's "Fake News" Bill: The FAQ', *New Naratif*, 9 April 2019, Available at: <https://newnaratif.com/research/singapores-fake-news-bill-the-faq/>; Asia Internet Coalition, 'Statement on the Singapore Protection from Online Falsehoods and Manipulation Bill', 1 April 2019, Available at: <https://aicasia.org/2019/04/01/aic-statement-on-the-singapore-protection-from-online-falsehoods-and-manipulation-bill-1-april-2019/>; Yahoo News Singapore, 'Singapore media practitioners voice concerns over proposed fake news law', 18 April 2019, Available at: <https://sg.news.yahoo.com/singapore-media-practitioners-voice-concerns-proposed-fake-news-law-030735076.html>; 'Journalists Call for Withdrawal of Singapore's "Fake News" Bill', 24 April 2019, Available at: <https://docs.google.com/document/d/16pVee1fGx9cU6qADARgfTtcV60-tVFpm46UGF1-i0o/edit>; Harpreet Singh Nehal SC, 'Strengthening the Online Falsehoods Bill: Some Practical Suggestions', April 2019, Available at: [https://www.singaporelawwatch.sg/Portals/0/1904-02%20Online%20Falsehoods%20Bill.pdf?fbclid=IwAR3\\_mN8yJRpaYLnK38U2eWO78Z1qim7-1N6ahOIMxnM9KAKRfHeIMb4x6KY](https://www.singaporelawwatch.sg/Portals/0/1904-02%20Online%20Falsehoods%20Bill.pdf?fbclid=IwAR3_mN8yJRpaYLnK38U2eWO78Z1qim7-1N6ahOIMxnM9KAKRfHeIMb4x6KY); 'Joint statement regarding the Protection from Online Falsehoods and Manipulation Bill', Available at: [https://docs.google.com/document/d/1yNCUHvJBOKZG\\_WbNt1W\\_8BAxzHKIjIBK1EJbMLu9Rr8/edit?fbclid=IwAR0uND0exPTHnzvgWiuxHhL75gccbUaCBU-7ZOA4IZSJ8EVMtwydsurxSlc#heading=h.gjdqxs](https://docs.google.com/document/d/1yNCUHvJBOKZG_WbNt1W_8BAxzHKIjIBK1EJbMLu9Rr8/edit?fbclid=IwAR0uND0exPTHnzvgWiuxHhL75gccbUaCBU-7ZOA4IZSJ8EVMtwydsurxSlc#heading=h.gjdqxs); Adrian Lim, 'NMPs suggest 4 amendments to fake news Bill, including having independent council to review Govt decisions', *The Straits Times*, 30 April 2019, Available at: <https://www.straitstimes.com/politics/nmps-suggest-four-amendments-to-draft-fake-news-law-including-having-independent-council-to?fbclid=IwAR1T1I5yxVd4XLqbyjMpWYcWZITdnxxJPgGuZss83TRw5IRr36yYuwrMPvs>; Johannes Tjendro, 'Academics raise concerns on proposed online falsehoods laws; MOE assures research unaffected', *Channel News Asia*, Available at: <https://www.channelnewsasia.com/news/singapore/academics-raise-concerns-on-proposed-online-falsehoods-laws-moe-11446818>

<sup>3</sup> POFMA'ed, 'POFMA'ed v2020.07.11', 11 July 2020, Available at: <https://pofmaed.com/pofmaed-v2020-07-11/>

<sup>4</sup> Lydia Lim, 'SDP granted leave to appeal POFMA challenge decision', *Channel News Asia*, 26 February 2020, Available at: <https://www.channelnewsasia.com/news/singapore/sdp-granted-leave-to-appeal-pofma-challenge-decision-12472480>

<sup>5</sup> Channel News Asia, 'POFMA Office directs Brad Bowyer to correct Facebook post in first use of 'fake news' law', 25 November 2019, Available at: <https://www.channelnewsasia.com/news/singapore/brad-bowyer-facebook-post-falsehood-pofma-fake-news-12122952>

Kirsten Han<sup>6</sup> and news outlet The Online Citizen<sup>7</sup> (“**TOC**”) with respect to allegations about the death penalty.<sup>8</sup>

The law has serious consequences for journalists. The Court of Appeal has reserved judgment on two applications to set aside correction directions under POFMA. One of the cases before the Court of Appeal involved a Correction Direction targeted at TOC, who republished allegations about the State. At the hearing, Singapore’s apex Court expressed some reservations about the idea that POFMA was intended to “protect Singaporeans from themselves” and on how POFMA may potentially stifle responsible journalism.<sup>9</sup>

2. *Media censorship of LGBT content.* The Media Development Authority Act, the Films Act and the Broadcasting Act empower the Info-communications Media Development Authority (IMDA) to ban, classify and media content. The IMDA effectuates these powers through conditions attached to licenses issued, and through media codes that prohibit and restrict material with LGBT characters and themes.

In the Concluding Observations issued by the CEDAW Committee in 2017 (para 41), the State was asked to “ensure that lesbians, bisexual and transgender women and intersex persons are effectively protected against all forms of discrimination in law and in practice ...including in its media policies”.<sup>10</sup>

However, media codes continue to prohibit positive or neutral portrayals of LGBT persons, stating that material depicting “the promotion of homosexuality”<sup>11</sup> may be refused classification, which is effectively a ban.

Depictions of LGBT characters in neutral or positive light, or any speech that advocates for their dignity and rights are routinely cut out or barred, which violates UDHR Article 19. Negative and stereotypical depictions of LGBT persons perpetuate stigma among the

---

<sup>6</sup> Channel News Asia, ‘Singapore invokes online falsehoods law against Malaysian rights group’s ‘preposterous’ claims on execution methods’, 22 January 2020, Available at: <https://www.channelnewsasia.com/news/singapore/pofma-malaysia-lawyers-for-liberty-drugs-execution-falsehoods-12299384>

<sup>7</sup> Nicole Chang, ‘Judge dismisses The Online Citizen’s POFMA challenge’, *Channel News Asia*, 19 February 2020, Available at: <https://www.channelnewsasia.com/news/singapore/the-online-citizen-toc-pofma-challenge-appeal-dismiss-12449826>

<sup>8</sup> Independent commentator Alex Tan was also targeted under the law. See Calvin Yang, ‘Facebook page run by Alex Tan barred from receiving financial benefit under Pofma’, *Straits Times*, 29 May 2020, Available at: <https://www.straitstimes.com/singapore/facebook-page-run-by-alex-tan-barred-from-receiving-financial-benefit-under-pofma>

<sup>9</sup> <https://www.straitstimes.com/politics/apex-court-examines-what-constitutes-responsible-journalism-when-reporting-on-allegations>

<sup>10</sup> United Nations Committee on the Elimination of Discrimination against Women, “Concluding observations on the fifth periodic report of Singapore”, CEDAW/C/SGP/CO/5, 21 November 2017

<sup>11</sup> Infocomm Media Development Authority, “Content Code for Nationwide Managed Transmission Linear Television Services”, pp. 28. Available from <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/Managed-Linear-TV-Services-Content-Code-updated-29-April-2019.pdf?la=en> (accessed 15 Sep 2020)

general public, and deprive LGBT persons of positive role models in the media, reinforcing low self-esteem, and subjecting them to discrimination and rights abuses.

3. Excessive discretion over access to public data. Access to public data in Singapore is limited to that which is made available by the discretion of public agencies. The pool of data being made publicly accessible is only a small proportion of data held by public agencies. For example, only 8% of about 2 million public government records held as public archives are available on the National Archives of Singapore (NAS) website.<sup>12</sup>
4. Difficulty in obtaining data for academic purposes and to counter misinformation. The lack of access to public data and information poses a number of issues. Firstly, academics and researchers in Singapore face obstacles when studying problems that affect the country. This makes it harder for policymakers to tap on evidence-based research for policy making. Secondly, it enables the spread of misinformation and falsehoods which often thrive in an information vacuum.
5. Continued retention of the Mandatory Death Penalty (MDP). The death penalty is most commonly used for drug trafficking and murder offences and is carried out in the form of long-drop hanging. Since the last Universal Periodic Review in 2015, there has been an alarming spike in executions, with 33 executions carried from 2015 to 2019.<sup>13</sup> In 2018 alone, 13 executions were carried out.
6. The death penalty regime for murder offences. For murder offences, the death penalty remains mandatory for murder with an intention to kill. For murder without an intention to kill, the judge has the discretion to sentence the offender to death or life imprisonment with caning.
7. The death penalty regime for drug offences. The death penalty remains mandatory for the manufacturing of certain quantities of Class A drugs. For the trafficking of certain quantities of Class A drugs, the death penalty remains mandatory unless two exceptions are fulfilled:
  - a. The offender must demonstrate that s/he was a drug courier ("courier exception"), and either;
  - b. The Public Prosecutor certifies that the offender has substantively assisted the authorities in disrupting drug trafficking activities within or outside Singapore ("the substantive assistance exception"), or;
  - c. The offender proves that s/he was suffering from an abnormality of mind at the time of the offence.
8. Problems with the exceptions to the MDP for drug offences. The courier exception is unduly rigid. An offender must first prove that his/her role is limited to that of a courier.

---

<sup>12</sup> 1 Tee Zhuo, "Parliament: Only 8% of 2 million public government records searchable on National Archives online portal", Channel NewsAsia, 4 September 2019, <https://www.straitstimes.com/politics/parliament-only-160000-of-two-million-public-government-records-have-metadata-on-nas-web> (accessed 1 January 2020)

<sup>13</sup> Singapore Prison Service Annual Reports from 2015 to 2019

Couriers are defined as those who transport drugs, offer to do so, or do any act in preparation for / for the purposes of doing so. This is an unnecessarily rigid definition since offenders who commit acts other than the abovementioned might nevertheless rank low on the drug syndicate's hierarchy and may thus have similar culpability. Moreover, by requiring "substantive assistance" to be provided, offenders would only be allowed to escape the MDP if they are useful to the state. The "substantive assistance" requirement is inappropriate because by nature of the limited role a courier plays, s/he is unlikely to have useful information to assist the authorities. Further whether the accused possess "useful" information is also dependent on factors and subjectivities outside the control of the accused, such as the rigour with which the police follow up on the information provided by the accused. Further, the Public Prosecutor's discretion over the granting of certificates is shrouded by a near total lack of transparency, despite it being determinative of an offender's fate. The decision to deny an offender the certificate cannot be reviewed by judges unless it can be shown that the Prosecutor acted in bad faith or malice. This is an almost impossible task for offenders especially because there is no obligation for the Prosecutor to give reasons for their denial of the certificate.

9. *Other problems with the death penalty.* First, there is no express legal prohibition against execution of accused persons who are mentally ill at the time of execution. Second, there is a persistent lack of important factual information on the death penalty (such as the number of individuals on death row, the profiles of death row inmates, impending executions) despite the government's consideration of Finland's recommendation to provide information on the death penalty during Singapore's last Universal Periodic Review in 2011. Third, there is a lack of sufficient notice of the date of execution given to inmates or their families. Inmates and their families are provided with less than 1 month's notice of the date of execution. Finally, no clemency pardon has been granted to death row inmates since 1998.

#### Recommendations on civil and political rights:

1. Repeal the Protection from Online Falsehoods and Manipulation Act 2019 (POFMA); or significantly amend provisions of the law to bring them in line with international law / international legal principles of legality, necessity and proportionality.
2. Halt all ongoing investigations of cases under POFMA and revoke, or otherwise reverse, administrative decisions on content moderation and penalties promulgated under the law which infringe on the right to freedom of expression and information.
3. Rectify media code guidelines that prohibit neutral or positive portrayals of LGBT persons.
4. Reverse the burden of proof concerning access to information. At present, citizens bear the burden of justifying their requests for information, and public bodies can reject those requests without any justifications.
5. Introduce legislation, such as a Freedom of Information Act (FOIA), establishing the right of citizens to request information from public agencies, and set requirements for public bodies to comply with these requests.
6. Remove the mandatory death penalty for all offences, and give judges full discretion in deciding whether to impose the death sentence, as an interim step towards the full abolition of the death penalty.
7. Statutorily prohibit the execution of those who are mentally ill at the time of execution.

8. Make publicly available relevant data and information pertaining to the death penalty, such as the number of persons on death row, information of upcoming executions, a breakdown of the profiles of death row inmates in terms of their nationality, ethnicity and gender.
9. Remove the requirement of the certificate of co-operation for capital drug trafficking cases before a convicted person may qualify for discretionary sentencing.
10. Abolish the death penalty.

### C. Social & cultural rights

1. Workplace discrimination. Multiple NGOs have documented reports of employment discrimination. The Association of Women for Action and Research's (AWARE) Workplace Harassment and Discrimination Advisory (WHDA) received over 57 calls of workplace discrimination against women from September 2019 to August 2020. A 2018 study by the Disabled People's Association found that disabled people were told directly that they would not be employed due to their disability.<sup>14</sup>

Rather than taking a legislative approach, the state continues to rely on “encouraging employers to adopt fair employment practices through the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP)”.<sup>15</sup> Recalcitrant employers are subject to administrative sanctions. TAFEP may investigate a complaint and speak to the employer, but many WHDA clients explicitly declined to approach them for fear of employer retaliation.

Since the last UPR, the government has set up The Tripartite Alliance for Dispute Management<sup>16</sup> to resolve wrongful dismissal claims through mediation. However, some WHDA clients have reported that their employers refuse to attend mediation, negotiate or settle despite evidence of discriminatory behaviour. Neither this nor TAFEP holds employers legally liable for discriminatory acts, or guarantees legal remedy for workers. The onus falls upon workers to look for a new job after being unfairly dismissed.

2. Gender wage gap and devaluation of women's work. Women are paid less than men for similar work performed: the adjusted gender pay gap in 2018 was 6%.<sup>17</sup> The unadjusted pay gap remained largely unchanged from 2002 to 2018, at 16%.<sup>18</sup> Sectors where women are concentrated are often lowly-paid, reflecting a devaluation of women's labour. The top three industries where women are overrepresented are: Health & Social Services (77.2%); Community, Social & Personal Services (56.8%); and Accommodation & Food Services

---

<sup>14</sup> Disabled People's Association and Institute of Policy Studies, *Discrimination Faced by People with Disabilities at the Workplace*, 2018. <https://www.dpa.org.sg/wp-content/uploads/2018/07/Discrimination-Faced-by-People-with-Disabilities-at-the-Workplace-Study-1.pdf>

<sup>15</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review Singapore Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, A/HRC/32/17/Add.1, 13 June 2016.

<sup>16</sup> More information on TADM can be found at <https://www.tal.sg/tadm/about>.

<sup>17</sup> Lin, E., Gan, G., and Jessica Pan, *Singapore's Adjusted Gender Pay Gap* (Ministry of Manpower, Singapore, 2020). Available at <https://stats.mom.gov.sg/Pages/Singapores-Adjusted-Gender-Pay-Gap.aspx>

<sup>18</sup> Ibid.

(55.8%). The latter two sectors are among the lowest paying ones in Singapore.<sup>19</sup> Women are also over-represented in three out of five of the lowest paying sectors (Accommodation & Food Services; Community, Social & Personal Services; Arts, Entertainment and Recreation).<sup>20</sup>

Gender discrimination and the gender wage gap affect retirement savings, which are drawn from monthly contributions from one's salary towards the Central Provident Fund (CPF). As Singaporeans are to rely primarily on CPF funds for retirement and old-age needs, women are at a disadvantage due to the gendered barriers they face in labour force participation, e.g. having to be caregivers. The table below shows that women have more difficulty than men in attaining the CPF Basic Retirement Sum (BRS)<sup>21</sup>:

Year that member turned age 55	Proportion of active CPF members of each gender who set aside their cohort BRS at age 55	
	Male	Female
2016	63%	52%
2017	66%	53%
2018	67%	56%

The difference in proportion is around 12% on average, suggesting that the gap has not improved significantly in recent years.<sup>22</sup> Schemes that the government has cited to support caregivers (mostly women) in old age are insufficient. The Pioneer Generation Package<sup>23</sup> is only accessible to one generation of older persons while the payout from Silver Support Scheme is much lower than average basic expenditure of households in

<sup>19</sup> Average wage in Community, Social & Personal Services is \$2,300 (the lowest), and \$3,250 in Community, Social & Personal services (fourth lowest).

Manpower Research and Statistics Department, *Labour Force in Singapore 2019*, (Ministry of Manpower, Singapore, 2019), T79-T80.

<sup>20</sup> Out of 15 defined categories in the national Labour Force Survey.

Manpower Research and Statistics Department, *Labour Force in Singapore 2019*, (Ministry of Manpower, Singapore, 2019), T34.

<sup>21</sup> The BRS determines how much CPF funds members can withdraw when they turn 55. Those unable to reach the BRS get to withdraw the entire amount when they turn 55 but would not receive any retirement payouts thereafter.

<sup>22</sup> Josephine Teo, Minister for Manpower, *Written Answer by Mrs Josephine Teo Minister for Manpower to Parliamentary Question on CPF members with and without Basic Retirement Sum in their Retirement Accounts on reaching 55 in the last three years*, (Ministry of Manpower, Singapore, 2019).

<sup>23</sup> The PGP is only available to Singapore Citizens who born on or before 31 December 1949 Obtained citizenship on or before 31 December 1986. Recipients enjoys healthcare subsidies and annual top-ups to an account within CPF that funds healthcare expenses (Medisave). More information on PGP can be found at <https://www.moh.gov.sg/cost-financing/healthcare-schemes-subsidies/pioneer-generation-package>

Singapore.<sup>24</sup> The latest introduction of a CPF matched savings schemes still retains a contributory aspect, limiting the ability of those with poor means to benefit from it.

3. *Discrimination against Muslim women*. Polygamy is allowed under the Administration of Muslim Law Act (AMLA). A Muslim man can enter into a polygamous marriage without any legal requirement to obtain consent from his existing wives. Muslim women require consent of a *wali* (male guardian) to enter into marriage, while there is no equivalent requirement for Muslim men. The minimum legal age for marriage is 18 years, under AMLA, but religious officials appointed to solemnise Muslim marriages can allow marriages with younger girls if they have attained puberty. From 2013 to 2017, 73 Muslim marriages involved at least one party below 18 years of age.<sup>25</sup> Under AMLA, male heirs are given two shares of inheritance to every share given to a female heir in the same degree of relationship to the deceased. Only Muslim husbands, not wives, have the right to unilateral divorce (*talaq*).
4. *Gender-based violence*. The rate of domestic violence increased after strict social distancing measures were introduced to curb the spread of Covid-19. During this period, AWARE's Women's Helpline received a significant increase in the number of calls relating to domestic violence:

Table 1: Number of calls on family violence received by AWARE's Helpline

	March	April	May
<b>2019</b>	66	59	76
<b>2020</b>	109	129	180
<b>Change</b>	65% increase	119% increase	137% increase

Public understanding of what constitutes domestic violence, apart from physical violence, is poor.<sup>26</sup> Migrant spouses of citizens are particularly vulnerable to domestic violence.<sup>27</sup> From 2016 to 2018, twice as many migrant women (27.5%) as Singaporean women (13%) called the AWARE Helpline for support with domestic violence. Migrant spouses are dependent on the citizen spouse to sponsor their right to reside here. Abusive spouses

<sup>24</sup> AWARE, *Budget for gender equality - AWARE's Budget recommendations 2018*, (AWARE, Singapore, 2018). Available at <https://d2t1lspzrtif2.cloudfront.net/wp-content/uploads/Budget-for-gender-equality-AWAREs-Budget-recommendations-2018-1.pdf>

<sup>25</sup> Desmond Lee, Minister for Social and Family Development, *Written Answer by Mr Desmond Lee Minister for Social and Family Development to Parliamentary Question on Marriages Under The Special Marriage Licence* (Ministry of Social and Family Development, Singapore, 8 May 2019). Available at <https://www.msf.gov.sg/media-room/Pages/Marriages-under-the-Special-Marriage-Licence.aspx>

<sup>26</sup> A 2019 national survey by IPSOS and United Women Singapore showed that about half of Singaporeans do not consider actions that cause a spouse to have lower self-esteem (44%), restricting a spouse's access to healthcare (45%) or financial freedom (52%) as domestic abuse. Available at <https://www.ipsos.com/en-sg/perceptions-singaporeans-domestic-abuse>

<sup>27</sup> AWARE, *Migrant Wives in Distress: issues facing non-resident women married to Singaporean men*, (AWARE, Singapore, 2020). Available at <https://d2t1lspzrtif2.cloudfront.net/wp-content/uploads/AWARE-Report-1-June-2020-Migrant-Wives-in-Distress.pdf>

use this to prevent their non-resident wives from seeking help or reporting them to the police.

From 2017-2019, AWARE's Sexual Assault Care Centre received more than 2,000 calls on sexual violence and harassment; but over 7 in 10 callers did not make formal reports. Clients shared grave concerns about reporting, including dealing with victim-blaming attitudes.

Rape myths also make their way into the Courts, particularly misconceptions on how victims react to sexual violence. In its follow-up report to CEDAW, the state elaborated on measures to train judges, judicial officers, police, etc in addressing such misconceptions.<sup>28</sup> However, comments in recent court cases made about victims' behaviour still reflect incomplete understanding.<sup>29</sup>

5. Criminalisation of sex between men. Section 377A of the Penal Code criminalises sex between consenting adult men. Despite government promises that it will not be enforced, Section 377A institutionalises a legislative and administrative framework of discrimination based on gender and sexual orientation, and stigmatizes all LGBT persons who remain unequal members of the population.
6. Legal gender marker change. Transgender Singaporeans face significant barriers to changing their legal gender marker on their National Registration Identity Card (NRIC). As of late 2017, the Immigration and Checkpoints Authority (ICA) requires applicants to provide evidence of a change of sex via a form that certifies that they have been examined by a licensed medical practitioner in Singapore and their genitalia has been "completely changed".<sup>30</sup>

Trans persons who do not wish to undergo, or cannot afford, genital surgery, are unable to change their legal gender. The costs of genital surgery become further prohibitive because these surgeries are not available in Singapore, requiring those who seek these surgeries to travel overseas.

Inconsistencies in legal documentation create a legal limbo for trans persons who live and present as one gender, but whose documents reflect a different gender marker. Many institutions are unable to recognise and cater to their needs, which engenders discrimination and unequal access to healthcare, housing, employment, and education. It

---

<sup>28</sup> Committee on the Elimination of Discrimination against Women, *Information received from Singapore on follow-up to the concluding observations on its fifth periodic report*\*, CEDAW/C/SGP/FCO/5, 17 December 2019.

<sup>29</sup> In one case, a complainant had reported that she "froze" while a male passenger allegedly molested her on a flight. The man was acquitted in part because the judge found it "entirely unbelievable" that the woman had not drawn attention to the incident while it happened. *Public Prosecutor v Wee Teong Boo* [2019] SGHC 198. Available at [https://www.supremecourt.gov.sg/docs/default-source/module-document/judgement/cc-85-2017-pp-v-wee-teong-boo-\(gd---final\)-pdf.pdf?fbclid=IwAR3ffjQw\\_nBupmcEktf8zgEaL5GX2QWeg-BAzia2I0-v\\_22uFrEq7ku5E5s](https://www.supremecourt.gov.sg/docs/default-source/module-document/judgement/cc-85-2017-pp-v-wee-teong-boo-(gd---final)-pdf.pdf?fbclid=IwAR3ffjQw_nBupmcEktf8zgEaL5GX2QWeg-BAzia2I0-v_22uFrEq7ku5E5s)

<sup>30</sup> Trans Legal Mapping Report – Recognition before the law  
[https://ilga.org/downloads/ILGA\\_Trans\\_Legal\\_Mapping\\_Report\\_2017\\_ENG.pdf](https://ilga.org/downloads/ILGA_Trans_Legal_Mapping_Report_2017_ENG.pdf)

also complicates law enforcement, application of gendered laws and access to gendered spaces.

The inability to change their legal gender marker discloses a person's trans status, which increases the risk of violence and discrimination at junctures where identity is verified.<sup>31</sup>

7. Exclusion of persons with psychosocial disabilities from disability framework. Although Singapore is a State Party to the Convention on the Rights of Persons with Disabilities (CRPD), Singapore does not recognise persons with psychosocial disabilities (PWPSD) as persons with disabilities. The Singapore state claims that its current definition is in line with the CRPD since the Convention does not explicitly define 'disability'.<sup>32</sup> However, it is clear that PWPSD is one of the rights holders under the CRPD. Organisations of PWPSD played a key role in the creation of the CRPD. The term 'mental impairment' was chosen because it was deemed to be more familiar language. The Committee's General Comments and Concluding Observations also make explicit references to PWPSD. According to customary international law, no derogation from the purposes of an international treaty is allowed when a country signs onto it, and Singapore is therefore in violation of its most basic obligations under this treaty by failing to adhere honestly to Article 1 Purpose, where the inclusive definition is laid out and it is emphasised that the Convention is meant to cover all persons with disabilities.
8. Denial of full legal capacity of persons with disabilities. The CRPD makes clear that full legal capacity should be guaranteed to all persons with disabilities.<sup>33</sup> However, Singapore's laws and legal system constitute a substitute decision-making regime that violates Article 12 of the CRPD. Singapore's Mental Capacity Act, Vulnerable Adults Act, and other statutes specify mental incapacity<sup>34</sup> as a reason why a person may be barred from exercising their legal capacity (right to make a decision and have it recognised by law) and instead have decisions made for them or forced on them. Meanwhile, the Mental Health (Care and Treatment) Act authorises hospitalisation and interventions against the will of people diagnosed with, or labelled as having, a 'mental disorder'.

---

<sup>31</sup> E.g. Immigration checkpoints, hospitals.

<sup>32</sup> "Definition of 'Disability' for Social Policies" (parliamentary question, July 8, 2019), <https://www.msf.gov.sg/media-room/Pages/Definition-of-'Disability'-for-Social-Policies.aspx>; Singapore's State Party report to the CRPD Committee also completely fails to mention PWPSD; Singapore insisted on not using the term "psychosocial disability" in its reply to the CRPD Committee's List of Issues questions about PWPSD.

<sup>33</sup> In General Comment 1 (2014), the CRPD Committee has made clear that legal frameworks involving functional capacity assessment (mental capacity), and where a decision can be made by another person on behalf of the person concerned even with respect to a single decision, constitute substitute decision-making regimes that strip disabled people of their inherent right to legal capacity, and are in violation of the CRPD. Use of the 'best interests' principle is in violation of the CRPD.

<sup>34</sup> Declaration of mental incapacity are made based on another person's assessments/perceptions of the decision-making skills of a person with a mental impairment.

9. Reservation on Article 12(4) of the CRPD. Singapore has placed a reservation on Article 12(4) of the CRPD, with no intention of withdrawing it.<sup>35</sup> Article 12 is central to the object and purpose of the Convention,<sup>36</sup> and pursuant to Article 46 of the CRPD, reservations that are contrary to the object and purpose of the CRPD are not permitted.
10. Arbitrary detention of persons with psychosocial disabilities. Using the definition laid out by the United Nations' Working Group on Arbitrary Detention, involuntary psychiatric hospitalisation is a form of arbitrary detention.<sup>37</sup> It is also a civil procedure with a criminal outcome. Further, so long as involuntary hospitalisation is authorised by law, a climate of fear is created for PWPSD who may be coerced into "voluntarily" admitting themselves to under threat of involuntary hospitalisation.<sup>38</sup>

Involuntary hospitalisation of PWPSD, authorised in Singapore under the Mental Health (Care and Treatment) Act, is a clear violation of the CRPD. It contravenes Articles 3, 5, 12, 14 and 25(d), amongst others. The CRPD Committee has consistently called for the repeal of legislative provisions that authorise mental health detention and forced psychiatric intervention in its General Comments, Guidelines on Article 14, and Concluding Observations. Special Rapporteurs, OHCHR and WHO have made the same call.<sup>39</sup>

Civil commitment to psychiatric settings creates a semi-lawless space, renders people powerless and extremely vulnerable, and sets the ground for practices that the CRPD Committee, UN Special Rapporteurs (SRs), and the global movement of PWPSD, amongst others, have ruled/declared to be cruel, inhuman or degrading treatment or

---

<sup>35</sup> See Singapore's response to the List of Issues from the CRPD Committee, CRPD/C/SGP/RQ/1, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSGP%2fRQ%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSGP%2fRQ%2f1&Lang=en).

<sup>36</sup> General Comment 1 (includes Corrigendum); "Legal Opinion on Article 12 of the CRPD", <<http://www.internationaldisabilityalliance.org/resources/legal-opinion-article-12-crpdc>>.

<sup>37</sup> A/HRC/22/44.

<sup>38</sup> For instance, PWPSD at general hospitals have been told that they either admit themselves voluntarily or be sent to the state psychiatric hospital, where involuntary admissions happen. Others have been told, when they expressed a desire to leave the psychiatric ward during a formally voluntary admission, that they will be sent to the state psychiatric hospital.

<sup>39</sup> See General Comments 1 and 7 and Guidelines on Article 14 (found in A/72/55); Special rapporteur on the rights of persons with disabilities Catalina Devandas Aguilar, A/HRC/40/54 and A/HRC/37/56; Special Rapporteur on the right of everyone to the enjoyment of the highest standard of physical and mental health Dainius Pūras, A/HRC/35/21; Office of the High Commissioner for Human Rights, A/HRC/34/32; World Health Organisation's QualityRights tool kit (2017). The International Disability Alliance compiles the CRPD Committee's Concluding Observations, which can be accessed at <https://www.internationaldisabilityalliance.org/resources/compilation-crpdc-committee%E2%80%99s-concluding-observations>.

punishment (CIDT) that may amount to torture.<sup>40</sup> SR Torture Manfred Nowak has also stated that psychiatric detention itself may also constitute CIDT or torture.<sup>41</sup>

Research has shown that PWPSD who have been hospitalised have significantly higher rates of completing suicide in the short-, medium- and long-term than people who have not.<sup>42</sup>

1. *Torture and other cruel, inhuman and degrading treatment or punishment of persons with psychosocial disabilities.* Torture and cruel, inhuman, degrading treatment and punishment (CIDT) takes place routinely and with impunity<sup>43</sup> in state and general hospital psychiatric wards in Singapore, enabled by the use or threat of involuntary hospitalisation. Such 'treatment' includes the use of restraints, forced or coerced drugging and electroconvulsive therapy,<sup>44</sup> a complete disregard for privacy,<sup>45</sup> and psychological torture.<sup>46</sup>

Such inhumane conditions do not facilitate healing. Conversely, they lead to deeper despair. Meanwhile, non-coercive alternatives to psychiatry have shown promise.<sup>47</sup>

---

<sup>40</sup> SR Disability Catalina Devandas Aguilar, A/HRC/40/54; SR Torture Manfred Nowak, A/63/175; SR Torture Nils Melzer, A/HRC/43/49; Tina Minkowitz, advocacy paper on forced interventions as torture (note that the numbering of the CRPD articles differed during the drafting period), [http://www.chrusp.org/media/AA/AG/chrusp-biz/downloads/29591/supplementary\\_paper\\_on\\_article\\_11.doc](http://www.chrusp.org/media/AA/AG/chrusp-biz/downloads/29591/supplementary_paper_on_article_11.doc); Hege Orefellen, "Urgent need for effective remedies, redress, and guarantees of non-repetition," [https://dk-media.s3.amazonaws.com/AA/AG/chrusp-biz/downloads/294485/Side\\_event\\_CRPD\\_Art15\\_March2015\\_Hege.pdf](https://dk-media.s3.amazonaws.com/AA/AG/chrusp-biz/downloads/294485/Side_event_CRPD_Art15_March2015_Hege.pdf).

<sup>41</sup> A/63/175.

<sup>42</sup> See "Intentional Peer Support: A Relational Approach When Discussing Suicide" in the annexe of "Feedback on the Proposed Expansion of the Mental Health (Care and Treatment) Act as Part of the Proposal to Repeal Section 309 of the Penal Code", [https://8818952e-e849-4594-94bc-003cafbdb7629.filesusr.com/ugd/accbdd\\_1f6a636e328848c58006ac5af6c5bbc3.pdf](https://8818952e-e849-4594-94bc-003cafbdb7629.filesusr.com/ugd/accbdd_1f6a636e328848c58006ac5af6c5bbc3.pdf).

<sup>43</sup> The level of impunity with which torture and ill-treatment takes place is evident in the way in which inpatients are restrained for actions such as walking around restlessly (restlessness being one of the adverse effects of psychotropic drugs), crying, or wanting to read instead of sleep. Restraints are extremely degrading and traumatising, and can re-traumatise victims of sexual assault.

<sup>44</sup> In addition to electroconvulsive therapy forced on people in the state psychiatric hospital which has led to permanent memory damage, we were informed of cases where the parents of minors were forced to choose between electroconvulsive therapy or a transfer from a general hospital psychiatric ward to the state psychiatric hospital (which many mental health professionals know has terrible conditions). Further, SR Torture Peter Kooijmans (E/CN.4/1986.15) has stated that the forced use of neuroleptics (antipsychotic drugs) is a form of torture, a statement reinforced by his successors.

<sup>45</sup> We have received information that inpatients have been put in diapers in full view of other patients. The women subject to this were extremely traumatised. One of the women, who was also restrained for 12 hours in the same instance and who is a rape survivor, had screaming nightmares for months.

<sup>46</sup> We know of a woman who, after being coerced into admitting herself for self-harm, was banned from using the washroom for days and told that she had to use a commode and be sponged instead of showered even though she was able to walk to the washroom without support. She was told that the washroom ban and sponging was part of standard procedure in the psychiatric ward for the restriction she was placed under. She became afraid of drinking water or eating, and experienced severe dehydration, hallucinations, delirium and trauma-induced dissociation. She had and has not experienced hallucinations before or after, and continues to have problems with drinking water.

<sup>47</sup> Non-coercive approaches that are peer-run and peer-controlled include the Alternatives to Suicide approach developed by the Western Massachusetts Recovery Learning Community (the Wildflower

The pervasiveness of torture and CIDT in psychiatric wards contravenes Articles 15, 16, 17, 25(d) of the CRPD, and has been condemned by SRs Torture, SR Health, and SR Disability.<sup>48</sup> WHO's QualityRights (2017) is also against forced treatment.

It is notable that many of the abovementioned practices, when done to prisoners, would not be questioned as a form of torture or CIDT, but are deemed to be acceptable, and even therapeutic, when done to PWPSD.

11. *Shortage of sign-language interpreters.* There is a severe shortage of interpreters in Singapore, with only 6 interpreters for 5,000 Deaf and Hard of Hearing people registered with the Singapore Association for the Deaf. This causes serious barriers for Deaf people, resulting in unequal access to education and employment, among other areas.

Recommendations on social and cultural rights:

1. Enact a comprehensive national anti-discrimination legislation to prohibit discrimination on the basis of gender, race or ethnicity, nationality religion, congenital or acquired disability, age, marital status, sexual orientation and family or caregiving responsibilities. Create an independent anti-discrimination commission to implement the legislation.
2. Prioritise the implementation of the Progressive Wage Model in sectors where women are concentrated, e.g. care-related services.
3. Compensate caregivers through cash and CPF contributions. Introduce more forms of, or improve on existing, non-contributory schemes to ensure that everyone attains Basic Retirement Sum (BRS).
4. Prohibit polygamy, or make the written consent of existing wives mandatory for future marriages.
5. Abolish the requirement of *wali* so adult Muslim women have the unrestricted right to choose when and whom to marry.
6. Disallow marriage for girls below the age of 18 in all circumstances.
7. Ensure that Muslim men and women in the same degree of relationship to a deceased are entitled to equal shares and equal rank in the order of succession.
8. Amend the laws to give Muslims the choice of opting out of being governed by Muslim inheritance laws when they pass away. Muslims should not be mandated by law to have their estate distributed according to Muslim laws when they pass away.
9. Ensure that Muslim men and women have equal rights to divorce.
10. Intensify public education on all forms of domestic violence.
11. Allow abused migrant spouses to renew their Long-Term Visit Pass independent of the abusive citizen spouse.

---

Alliance), the Community's Afiya peer respite, the peer support groups of Users and Survivors of Psychiatry – Kenya, and Hearing Voices support groups. While people are more likely to attempt suicide in the period following discharge from a psychiatric setting, there is no similar trend with people who have stayed in Afiya. See also note 45.

<sup>48</sup> SR Disability, A/HRC/40/54; SR Health, A/HRC/35/21; SR Torture Manfred Nowak, A/63/175; SR Torture Nils Melzer, A/HRC/43/49.

12. Set up a specialist court for cases of sexual violence and make basic trauma training mandatory for all personnel involved.
13. Include the concepts of gender-based violence and sexual consent into the national sexuality education curriculum.
14. Implement public education campaigns to combat rape myths.
15. Repeal Section 377A of the Penal Code.
16. Allow transgender Singaporeans to change their gender marker with or without genital surgery, through a legal declaration of intent to live as the gender they identify with.
17. Update the state's definition of disability by the time it is reviewed by the CRPD Committee in 2021. This definition must be reflected in the fourth Enabling Masterplan 2022–2026.
18. Replace the Mental Capacity Act with new legislation that guarantees full legal capacity to all PWD and amend all other relevant statutes to recognise full legal capacity for all PWD.<sup>49</sup>
19. Withdraw the reservation on Article 12(4) of the CRPD.
20. Repeal the Mental Health (Care and Treatment) Act.
21. Institute a moratorium on forced psychiatric interventions, and abolish and prohibit all forced psychiatric interventions.
22. Ensure that all treatment or support for mental distress or non-normative mental states is provided on the basis of free and informed consent.
23. Establish a National Human Rights Institution to monitor human rights in Singapore.
24. Train and make accessible a pool of sign language interpreters to approach the acceptable ratio of one interpreter to every 100 Deaf people in the country.
25. Establish an independent entity of sign language interpreters.<sup>50</sup>

#### D. Climate change and environmental rights

1. Inadequate climate pledges and lack of comprehensive environmental and climate legislation. The State acknowledges climate change as an existential threat.<sup>51</sup> However, Singapore's climate pledges and policies are inadequate. While it is promising that the State is moving beyond emissions intensity targets to absolute emission targets, it is still planning for increased emissions from now until the intended peak in 2030, and to halve emissions only by 2050,<sup>52</sup> against IPCC

<sup>49</sup> Singapore courts have referred to the negotiation archives of the CRPD in order to accurately interpret the CRPD (see *Yong Vui Kong v Public Prosecutor* [2015] SGCA 11). We call on Singapore's parliament to do the same if CRPD Article 1 seems unclear.

<sup>50</sup> This will enable the pool of sign language interpreters to be better mobilised, and facilitate the development of sign language interpretation in Singapore.

<sup>51</sup> Prime Minister's Office, 18 Aug 2019, National Day Rally 2019.

<https://www.pmo.gov.sg/Newsroom/National-Day-Rally-2019> Accessed 13 Sep 2020.

<sup>52</sup> Singapore's intended peak emissions are 65 MTCO<sub>2e</sub> by 2030, an increase of 24% from 52.5 MTCO<sub>2e</sub> in 2017 (the most recent national emissions figure made available by the State).

Singapore's Update of its First Nationally Determined Contribution (NDC), 31 Mar 2020.

<https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Singapore%20First/Singapore%27s%20Update%20of%201st%20NDC.pdf>.

Audrey Tan, 8 Oct 2019, "Parliament: Singapore generated 0.11% of global emissions in 2017".

<https://www.straitstimes.com/politics/singapore-generated-011-of-global-emissions-in-2017>. Accessed 13 Sep 2020.

recommendations.<sup>53</sup> Even though the State purports that Singapore only contributes 0.11% to global emissions,<sup>54</sup> Singapore's per capita consumption-based emissions are the 6th highest in the world.<sup>55</sup> Moreover, the State's planned climate-related expenditures focus on adaptation rather than mitigation. If states do not address the root causes of global warming, increased risks of climate tipping points may render adaptation efforts ineffective.<sup>56</sup> Furthermore, the State should resolve outstanding concerns about the impact of sand mining in Southeast Asia to supply Singapore construction needs before embarking on extensive seawall construction.<sup>57</sup>

Singapore's current climate policies do not address Singapore's fair share of emissions mitigation required to meet the goals of the Paris Agreement.<sup>58</sup> The State points to "national circumstances" such as limited land area as constraints on mitigation policies. However, Singapore has significant financial resources to initiate an equitable and holistic transition to a low-carbon economy, with per capita nominal GDP ranked 9th globally.<sup>59</sup>

Meanwhile, Singapore's fossil fuels and petrochemical industry capacity continues to expand,<sup>60</sup> with the State historically providing strong support.<sup>61</sup> While Singapore's carbon tax is touted as one of the most comprehensive, the cost of emissions are inadequately priced at S\$5-10/tonne, far short of the US\$75/tonne recommended by the IMF to meet Paris Agreement targets.<sup>62</sup> While there are commendable

---

<sup>53</sup> IPCC, 2018, "Special Report: Global Warming of 1.5°C", Summary for Policymakers, paragraph C.1. <https://www.ipcc.ch/sr15/chapter/spm/> Accessed 13 Sep 2020.

<sup>54</sup> This refers only to territorial emissions, which excludes emissions from international aviation and marine bunkering, emissions from activities financed by Singapore banks, and emissions from goods and services that were produced abroad. Both are significant given Singapore's role as a transport hub, financial hub, and our reliance on goods produced offshore.

<sup>55</sup> Global Carbon Atlas, <http://www.globalcarbonatlas.org/en/CO2-emissions> Accessed 13 Sep 2020.

<sup>56</sup> Bertrand Seah, Tim Min Jie, Sarah Ichioka and Wong Pei Chi, 27 Jul 2019, "Commentary: Singapore's climate change fight must be clear about these facts". <https://www.channelnewsasia.com/news/commentary/singapore-climate-change-petrochemicals-oil-industry-pollution-11752034> Accessed 13 Sep 2020.

<sup>57</sup> Sam Aung Moon, John Geddie, Poppy McPherson, 4 Mar 2020. "As Myanmar farmers lose their land, sand mining for Singapore is blamed". <https://www.reuters.com/article/us-myanmar-sand-singapore-insight/as-myanmar-farmers-lose-their-land-sand-mining-for-singapore-is-blamed-idUSKBN20R0C1> Accessed 19 Sep 2020.

<sup>58</sup> Climate Action Tracker, Singapore. <https://climateactiontracker.org/countries/singapore/> Accessed 17 Sep 2020.

<sup>59</sup> IMF, World Economic Outlook Database, October 2019 edition. <https://www.imf.org/external/pubs/ft/weo/2019/02/weodata/index.aspx> Accessed 15 Sep 2020.

<sup>60</sup> Sue-Ann Tan, 31 Mar 2020, "ExxonMobil holds virtual foundation-laying ceremony as it expands presence in Singapore with investment and new tech". <https://www.straitstimes.com/business/companies-markets/exxonmobil-holds-virtual-foundation-laying-ceremony-as-it-expands> Accessed 13 Sep 2020.

<sup>61</sup> Prime Minister's Office, 8 Jan 2014, "Transcript of Speech By Prime Minister Lee Hsien Loong at the Opening of Exxonmobil's Chemical Plant Expansion on 8 January 2014, 11.30am, at Jurong Island". <https://www.pmo.gov.sg/Newsroom/transcript-speech-prime-minister-lee-hsien-loong-opening-exxonmobils-chemical-plant> Accessed 17 Sep 2020.

<sup>62</sup> Ian Parry, Dec 2019, "Putting a Price on Pollution". <https://www.imf.org/external/pubs/ft/fandd/2019/12/the-case-for-carbon-taxation-and-putting-a-price-on-pollution-parry.htm> Accessed 17 Sep 2020.

environmental support measures within the S\$193b of supplementary budget measures announced by the State to tackle the economic crisis in the wake of Covid-19, “green stimulus” was estimated at only 10.8% of total spending.<sup>63</sup> More decisive and progressive policies and allocation of resources are needed to accelerate our transition to a climate-safe and ecologically sustainable society and economy.

2. Lack of community representation in policy-making. When it comes to climate policymaking, representation of community interests is given lower priority than State engagement with firms.<sup>64</sup> This is concerning as firms are more likely to be driven by short-term profits over long-term climate mitigation measures.

A local Minister said that “future generations” should “shoulder their share of the responsibility”<sup>65</sup> and youth climate protestors were investigated by police for peaceful expression.<sup>66</sup> There are no specific efforts or policy interventions to address the needs and views of more vulnerable groups. For example, rank-and-file workers in industries which may be phased out, migrant workers less able to negotiate work conditions, workers exposed to extreme heat outdoors, and poor households have less say over policies, even though they will disproportionately suffer the negative effects of global warming. Climate change mitigation and adaptation take a long time to implement and take effect. Effective policies must be set in place now to protect the right of all persons to a future with a stable climate.

#### Recommendations on climate change and environmental rights:

1. Set absolute emissions targets in line with IPCC recommendations, to halve emissions by 2030 and reach net zero by 2050.
2. Enact comprehensive umbrella legislation addressing the climate crisis as a national emergency, with interconnections and opportunities to tackle other social issues and achieve equity. Give the Ministry of Sustainability and Environment and the National Climate Change Secretariat the mandate to drive the agenda across all levels of government to align regulations, policies and practices with social, environmental and climate goals, in partnership with civil society, the private sector and other actors.

---

<sup>63</sup> ING, Aug 2020, “Asia’s lamentable green response to Covid-19”. [https://think.ing.com/uploads/reports/Asias\\_green\\_response\\_100820\\_AOT.pdf](https://think.ing.com/uploads/reports/Asias_green_response_100820_AOT.pdf) Accessed 17 Sep 2020.

<sup>64</sup> Audrey Tan, 16 Jun 2020, “Call for representatives of vulnerable and environmental groups to be included in Emerging Stronger task force”. <https://www.straitstimes.com/singapore/health/call-for-representatives-of-vulnerable-and-environmental-groups-to-be-included-in> Accessed 17 Sep 2020.

<sup>65</sup> Vanessa Liu, 30 Jan 2020, “Future generations should share climate change burden: Sam Tan”. <https://www.straitstimes.com/singapore/environment/future-generations-should-share-climate-change-burden-sam-tan> Accessed 17 Sep 2020.

<sup>66</sup> Agence France Presse, 3 Apr 2020, “Singapore investigates solo climate protesters, after online photos of them waving signs”. <https://www.scmp.com/news/asia/southeast-asia/article/3078302/singapore-investigates-solo-climate-protesters-after> Accessed 17 Sep 2020.

Kirsten Han, 10 Apr 2020, “Climate change activists test strict Singapore protest laws”. <https://www.aljazeera.com/news/2020/04/climate-change-activists-test-strict-singapore-protest-laws-200409082537461.html> Accessed 17 Sep 2020.

3. Ensure that the transition to a low-carbon economy does not result in economic hardship and unequal burdens felt by marginalised groups. Ensure that climate policies place the onus for action on the largest polluters, share costs equitably across society, and do not result in further environmental degradation, through robust legislation, institutionalisation of Environmental Impact Assessments, meaningful carbon taxes, and allocation of resources to support those most affected by transition costs. e.g. poor households affected by carbon tax hikes, frontline communities inside and outside Singapore, and retirement financing for workers in industries facing phase-out.
4. Take responsibility for Singapore's role in facilitating emissions that are not accounted for in our national emissions reporting – such as emissions from aviation, bunkering, and financed emissions arising from our banking sector – by enacting climate policies which enable, incentivise and oblige such sectors to be ecologically sustainable and socially responsible in their activities inside and outside of Singapore.
5. Strengthen freedom of expression, assembly and information, and give members of the public and vulnerable communities representation within decision-making bodies and mandate that their concerns are given equal, if not more, weightage than corporations.

## E. Economic Rights

1. Wage discrimination. Wage discrimination according to nationality is rampant. All low-wage migrant workers are paid less than local workers, with low-wage South Asian workers across all sectors of the economy being paid the least.<sup>67</sup> Migrant worker NGOs like Humanitarian Organisation for Migration Economics (HOME) observe that domestic workers from the Philippines and Indonesia receive the highest salaries, followed by those from Myanmar and South Asia. In the construction industry, workers from China receive higher wages than those from South Asia, for the same work. Given that unequal wage structures are not a statutory offence, there remains no legal recourse for the discriminated worker earning low wages. There is also no minimum wage law.
2. Exorbitant recruitment fees for migrant workers. Together with the employer-sponsor model of employment where the employer possesses much power over the worker's situation, large recruitment fees are demanded from migrant workers in both source countries and Singapore, which can amount to several thousand dollars. The government has said that they are unable to regulate these costs because most of the fees are paid in the worker's countries of origin. However, based on the experience of migrant worker NGOs, a substantial amount of these fees are also paid to agents, employers and other intermediaries in Singapore. Such exorbitant recruitment fees only reinforce the economic vulnerability of workers and facilitates exploitative conditions.

---

<sup>67</sup> Based on casework experience assisting approximately 2,000 workers a year, and Wessels, A. (2015). *Home sweet home? Work, life and well-being of foreign domestic workers in Singapore*. HOME Research Report. doi: 10.13140/2.1. 4090.1922.

3. No right to switch employers freely. Employers of migrant workers have absolute discretion to terminate employment and deny alternative job opportunities. Like the middle east *kafala* system, workers cannot switch employers freely. Migrant domestic and construction workers require a letter of consent from their employers in order to transfer jobs. Those from other industries do not even have this option. Additionally, employers can unilaterally cancel a work permit and immediately repatriate the worker, in response to complaints filed by workers. This system offers limited redress in cases of wrongful dismissal, restricts job mobility, and has fostered conditions of forced labour and exploitation.
4. Exclusion of migrant domestic workers from the Employment Act. Since migrant domestic workers are not covered by the Employment Act, which furnishes basic labour conditions, they are compelled to work unregulated hours and are not entitled to official sick leave, mandatory rest days, overtime pay and public holidays. The live-in nature of their work makes them particularly vulnerable to exploitation.

Recommendations on economic rights:

1. Review the practice of wage discrimination by nationality and take steps to address the issue, including instituting a minimum wage for workers across nationalities.
  2. Ratify ILO C111.
  3. The government should reform the migrant worker recruitment system in a way which ensures that workers are not overcharged, and that there is greater transparency and access, so that migrant workers do not have to use unlicensed job brokers.
  4. Review the system whereby migrant workers are not allowed to switch employers freely, and allow them a generous period of time to do so, especially for those who have resigned or lost their jobs, without being repatriated.
  5. Ratify ILO C105 and review existing labour protections for Migrant Domestic Workers, with the aim of ensuring they are offered protection comparable to other workers, e.g. ensuring a weekly 24-hour rest day.
  6. Ratify ILO's Convention on Domestic Workers (C189) and bring domestic workers under the protection of the Employment Act.
-

## **Annex: About the Coalition Members**

### **A. Contributing signatories<sup>68</sup>**

#### **Association of Women for Action and Research (AWARE)**

AWARE is Singapore's leading women's rights and gender-equality advocacy group. It works to identify and eliminate gender-based barriers through research, advocacy, education, training and support services. AWARE embraces diversity, respects the individual and the choices she makes in life, and supports her when needed.

#### **Freedom of Information Singapore (FOISG)**

FOISG is a non-partisan, student-led movement dedicated to promoting transparency and the right of access to information.

#### **Humanitarian Organization for Migration Economics (HOME)**

HOME is a Singapore-based charity founded in 2004. HOME is dedicated to empowering and supporting migrant workers who find themselves victims of human rights violations and suffer abuse and exploitation. HOME also seeks to promote the diverse voices of migrant workers in Singapore through outreach projects, and public education on issues affecting them.

#### **Sayoni**

Sayoni is a Singapore-based feminist, volunteer-run organisation that works to uphold human rights protections for queer women, including lesbian, bisexual and transgender women. Sayoni organises and advocates for equality in well-being and dignity regardless of sexual orientation, gender identity/expression and sex characteristics.

#### **SG Climate Rally**

SG Climate Rally is a movement to stop climate change and achieve ambitious climate policy. SG Climate Rally aims to bring about a bold, just and necessary transition to net zero emissions in Singapore by 2050 by mobilising broad support from the public, policymakers and businesses.

#### **We Believe in Second Chances**

We Believe in Second Chances is a group committed to raising awareness on issues surrounding the death penalty in Singapore, as well as trying to build a community of support around families of death row inmates. It advocates for the abolition of the Mandatory Death Penalty, and a moratorium on the Death Penalty in Singapore.

#### **We Who Witness**

We Who Witness is a group of people in Singapore who experience or have experienced distress, fears, or extreme or altered states of mind, or who have been psychiatrically labelled. We advocate for the full realisation of our rights.

#### **Women and Law in Islam (WALI)**

WALI is a group that promotes gender equality in Islam through conversation, public awareness and debate.

---

<sup>68</sup> Contributing signatories contributed content to the report based on their respective areas of expertise.

## **B. Signatories<sup>69</sup>**

### **Function 8**

Function 8 is an initiative by a group of Singaporeans who believe that there is a need to facilitate the sharing of social, political and economic experiences of those who had, or are eager to contribute to society through reflection and civic discussion.

### **New Naratif**

New Naratif is a member-funded multimedia website for Southeast Asian journalism, art and research. New Naratif wants to build a community of curious and engaged individuals who believe that the media has a role in fighting for democracy, for freedom of thought and speech, and for speaking truth to power at a time when it is most imperilled.

### **350 Singapore**

350 Singapore is a ground-up volunteer group that aims to inspire the public, policymakers, and industry to get Singapore on track to a world within 1.5 degrees Celsius of warming, through a just transition to a net-zero carbon future by 2050.

---

<sup>69</sup> (Non-contributing) signatories did not contribute to the content, but endorse the report.