

# **SINGAPORE 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Singapore is a parliamentary republic where the People's Action Party, in power since 1959, dominates the political scene. The Elections Department declared Halimah Yacob president in 2017; she was the only candidate who qualified for the ballot, which was reserved that year for an ethnic Malay. Observers considered the general election held in July to be free and open; the People's Action Party won 83 of 93 parliamentary seats with 61 percent of the vote. The president subsequently reappointed party leader Lee Hsien Loong as prime minister.

The Singapore Police Force, under the direction of the Ministry of Home Affairs, maintains internal security. The Singapore Armed Forces, under the Ministry of Defense, have trained for deployment alongside the Home Affairs Ministry for certain domestic security operations, including joint deterrence patrols with police in instances of heightened terrorism alerts. Civilian authorities maintained effective control over the security forces. Members of the security forces did not commit abuses.

Significant human rights issues included: preventive detention by the government under various laws that dispense with regular judicial due process; monitoring private electronic or telephone conversations without a warrant; serious restrictions on the press and internet, including criminal libel laws; substantial legal and regulatory limitations on the rights of peaceful assembly and freedom of association; and existence of a law criminalizing consensual same-sex sexual conduct between men, although not enforced.

The government prosecuted officials who committed human rights abuses. There were no reports of impunity for such abuses as of November.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from**

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### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings. Killings by law enforcement officers and military personnel are investigated by the Special Investigation Section of the Singapore Police Force, prosecuted by the Attorney General's Chambers, and tried in civilian courts. If the killing occurred overseas and the deceased was subject to military law or the offense was committed while the offender was on active service, the case is investigated by the Special Investigation Branch of the Singapore Armed Forces, prosecuted by the Military Prosecutor, and tried in a military court.

Two Singapore Civil Defense Force officers were convicted in September and sentenced to 10 weeks in prison for their involvement in the 2018 death of Corporal Kok Yuen Chin, who drowned when he was pushed into a pump well at a fire station during hazing celebrations. Three other officers were imprisoned in 2019 for their actions in the same incident.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and the government generally respected these prohibitions.

The law mandates imprisonment and mandatory caning for approximately 30 offenses, such as certain cases of rape, robbery, and drug trafficking. Caning is discretionary for convictions on other charges involving the use of force, such as kidnapping or voluntarily causing grievous hurt. Caning also may be used as a punishment for legally defined offenses while in prison, if a review by the Institutional Discipline Advisory Committee deems it necessary and the commissioner of prisons approves. Women and girls, men older than 50 years and boys younger than 16, men sentenced to death whose sentences were not

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commuted, and persons determined medically unfit were exempt from punishment by caning.

Impunity was not a significant problem in the security forces. The government took active steps to investigate and file charges against members of the security services when it deemed their behavior inappropriate or illegal.

In September police Staff Sergeant Mahendran Selvaragoo was sentenced to 24 months' imprisonment for seeking sexual favors in 2019 from two subjects of interrogation, as well as accessing the subjects' personal devices for personal purposes without authority.

In November, Central Narcotics Bureau officer Vengedesh Raj Nainar Nagarajan went on trial for three counts of voluntarily causing hurt to extort a confession about drugs found in a suspect's possession in 2017. The trial continued at year's end.

### **Prison and Detention Center Conditions**

There were no reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** There were no major concerns about physical conditions or inmate abuse in prisons and detention centers.

**Administration:** Prisoners may file complaints alleging mistreatment or misconduct with judicial authorities without censorship and may request investigation of credible allegations of problematic conditions. When called upon, the Provost Unit investigates complaints. Criminal charges may be brought against government officials.

The Board of Visiting Justices, composed of justices of the peace appointed by the home affairs minister, examines the prison system and has oversight of any investigations undertaken by the Provost Unit. The board conducts regular prison inspections to provide for prisoners' basic welfare and adherence to prison regulations. It may also conduct random visits. All inmates have access to the visiting justices. Authorities documented the results of investigations in a publicly

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accessible manner. Members of the Board of Visiting Justices visited prisons at least once a month.

The Institutional Discipline Advisory Committee renders an opinion to the commissioner of prisons on whether an instance of corporal punishment (which is permitted) was excessive.

The status of the suspect or convict determined the frequency and type of permitted visits. In general authorities allowed family members and close relatives to visit inmates. Prison authorities must approve visits from nonrelatives.

**Independent Monitoring:** Authorities allowed members of the press to visit the prisons with prior approval. The Ministry of Home Affairs also appointed a nongovernmental body composed of citizens to conduct regular prison inspections.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention. The law permits arrest without warrant and detention without trial in defined circumstances. Persons detained under these circumstances have a right to judicial review of their case but the scope is limited by specific legislation. The government generally observed the laws.

### **Arrest Procedures and Treatment of Detainees**

In most instances, the law requires issuance of an authorized warrant for arrests, but some laws, such as the Internal Security Act (ISA), provide for arrest without a warrant if the government determines the suspect acted in a manner prejudicial to the security of the country. The law specifies that some offenses, such as robbery or rape, do not require an arrest warrant.

Those arrested according to regular criminal procedure must appear before a magistrate within 48 hours or be released. Authorities expeditiously charged and brought to trial the majority of those arrested. A functioning bail system existed.

Persons who face criminal charges are allowed access to counsel within a “reasonable,” but undefined, period of time. Any person accused of a capital crime is entitled to free counsel assigned by the state. The government also funded a

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Criminal Legal Aid Scheme run by the Law Society that covers additional, but not all, criminal offenses.

**Arbitrary Arrest:** Some laws, such as the ISA and the Criminal Law (temporary provisions) Act (CLA), have provisions for arrest and detention without a warrant, trial, or full judicial due process in defined circumstances where there is evidence that a person is associated with any of the criminal activities listed in the law that pose a threat to public safety, peace, and good order. ISA cases are subject to review by the courts to provide for compliance with its procedural requirements. Authorities invoked the ISA primarily against persons suspected of posing a security threat and employed the CLA mostly against persons suspected of organized crime activity or drug trafficking.

**Pretrial Detention:** Pretrial detention was not excessively long. Some individuals, however, were in prolonged detention without trial and with minimal judicial due process under laws that allowed for such detention.

The ISA and the CLA permit preventive detention without trial for the protection of public security, safety, or the maintenance of public order.

The government used the CLA against serious criminal activities involving narcotics, loan sharks, or criminal organizations. The government revised the law in 2019 to specify the criminal activities for which individuals could be detained without trial or placed under police supervision. Before issuing a CLA detention for an initial period of one year, the home affairs minister must obtain consent of the public prosecutor. A Supreme Court judge chairs a committee that reviews all cases and conducts hearings at which detainees or their lawyers are present. The country's president considers the committee's recommendations when deciding whether to cancel, confirm, or amend the detention. The president may extend detention for unlimited additional periods of up to one year at a time. Each detention, however, is reviewed by a separate advisory committee on an annual basis. The CLA lapses unless parliament renews it every five years.

The CLA allows for supervision within the community through means such as curfews, residence limitations, requirements to report regularly to authorities, and limitations on travel.

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The ISA authorizes the home affairs minister, with the consent of the cabinet and with formal endorsement from the president, to order detention without filing charges if the minister determines that a person poses a threat to national security. The initial detention may be for a maximum of two years, after which the minister may renew the detention indefinitely. ISA detainees are permitted legal counsel. An independent advisory board consisting of a Supreme Court judge and two other presidential appointees reviews each detainee's case within three months of initial detention and at intervals of no longer than 12 months thereafter. If the advisory board recommends that the detainee be released but the minister disagrees, the president has discretion over the detainee's continued detention.

As of September the government held 18 persons under ISA orders of detention for alleged involvement in terrorism-related activities.

In January authorities detained a minor, age 17, under the ISA for supporting the Islamic State, the youngest individual to be arrested under the act. He was first investigated in 2017 for posting an image of President Halimah Yacob on social media and calling for her beheading. Authorities stated that, despite receiving religious counseling, he remained supportive of the Islamic State and was subsequently detained.

In November authorities detained a 26-year-old construction worker from Bangladesh under the ISA for suspected terrorism-related activities. The worker was reportedly radicalized by online ISIS propaganda, donated funds to a Syria-based organization, shared terrorist propaganda on social media, and intended to undertake armed violence once he returned to Bangladesh, according to the Ministry of Home Affairs.

Early in the year, three Indonesian women held under ISA detention orders in September 2019 for activities in support of the Islamic State were convicted of terrorism financing in normal criminal proceedings. In February, Retno Hernayani and Turmini (one name only) were imprisoned for 18 months and three years and nine months, respectively, while Anindia Afiyanti was sentenced in March to two years in prison. They were the first foreign domestic workers to be detained under the ISA and the first jailed for terrorist financing.

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In addition to detention, the ISA allows for issuance of restriction orders that require an individual to seek official approval for a change of address or occupation, overseas travel, or participation in any public organization or activity. Individuals subject to restriction orders could be required to report regularly to authorities. As of September, 27 persons were subject to such restrictions. This number included both released ISA detainees and alleged terrorists whom authorities never detained.

In February the Ministry of Home Affairs announced that Abu Thalha bin Samad was released on a restriction order when his detention order expired in September 2019. Abu Thalha, a Singaporean, was deported to Singapore by a regional government in 2017 and detained for being an alleged member of the terrorist group Jemaah Islamiyah.

There is also a category of restriction called “suspension direction” that replaces a suspended order of detention and may prohibit association with specified groups or individuals and overseas travel without prior written government approval. Suspension directions also include reporting conditions. As of September no individuals were subject to them for terrorism-related conduct.

The drug laws permit detention without judicial approval of drug addicts in an approved institution for treatment and rehabilitation. If a suspected drug abuser tests positive for an illegal drug or displays signs of drug withdrawal, the director of the Central Narcotics Bureau may commit the person to a drug rehabilitation center for a six-month period, which a review committee of the institution may extend for a maximum of three years. By law the bureau director may order treatment as long as six months of a person determined by blood test or medical examination to be an abuser of intoxicating substances. The detained individual has the right to file a complaint to a magistrate who can issue an order to release the individual from the institution.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** The constitution provides the right of habeas corpus in regular criminal law, although not in ISA or CLA cases.

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Under the CLA, the minister for home affairs' decision on a suspect's engagement in criminal activities is final and not subject to appeal, as is the minister's subsequent decision on whether detention is necessary for reasons of public safety, peace, and good order, once concurrence by the public prosecutor is secured. The courts can review the decision, but only based on the tests of illegality, irrationality, and procedural impropriety.

Persons detained under the CLA and remanded for trial may apply to the courts for a writ of habeas corpus. Persons detained without trial under the CLA may challenge the substantive basis for their detention only to the CLA advisory committee, which is chaired by a Supreme Court judge.

Under the ISA, detainees may challenge their detention in the judicial system only by seeking judicial review of whether their detention complied with procedural requirements of the ISA; they have no right to challenge the substantive basis for their detention through the courts. Detainees under the ISA have a right to legal counsel and to make representations to an advisory board chaired by a past or sitting judge of the Supreme Court. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence. Some civil society activists and government critics expressed concern about undue government influence in the judicial system. Laws limiting judicial review, moreover, permitted restrictions on individuals' constitutional rights.

The ISA and CLA explicitly preclude normal judicial due process and empower the government to limit, on broadly defined national security grounds, other fundamental liberties provided for in the constitution.

### **Trial Procedures**

The law provides for a fair and public trial, except for persons detained under the ISA, CLA, and similar legislation. The judiciary generally enforced this right when applicable. Some commentators observed a small number of exceptions in



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cases involving direct challenges to the government or the ruling party. The judicial system generally provided an efficient judicial process.

In most circumstances the criminal procedure code requires that when a defendant is first charged in court, the charges must be framed, read, and explained to the defendant. After the charges are filed in court, the accused may seek advice of counsel before deciding whether to plead guilty or request a trial. At a pretrial hearing no earlier than eight weeks after criminal charges have been made, a judge determines whether there is sufficient evidence to proceed to trial and sets a court date.

Criminal defendants enjoy a presumption of innocence in most cases. Cases involving narcotics are an exception; the law stipulates that a person who possessed narcotics shall be assumed to be aware of the substance and places the burden on the defendant to prove otherwise. The law also stipulates that if the amount of the narcotic is above set limits, the defendant must prove he or she did not have the drug for trafficking purposes.

Trials are public and heard by a judge; there are no jury trials. Defendants have the right to be present at their trials and to be represented by an attorney. The Law Society administered a legal aid plan for persons facing criminal charges who could not afford an attorney. The state did so for anyone facing a capital charge. Defense lawyers generally had sufficient time and facilities to prepare an adequate defense. Criminal defendants who do not speak or understand English, or who have limited proficiency, are provided with translation services at no cost. Defendants have the right to question prosecution witnesses and to provide witnesses and evidence on their own behalf.

Defendants enjoy the right of appeal, which must be filed within 14 days in most cases. The criminal procedure code provides for an automatic appeal process for all death sentence cases. Those sentenced to death may ask for resentencing under certain circumstances, and judges may impose life imprisonment instead. The courts may offer nonviolent offenders the option of probation or paying a fine in lieu of incarceration.

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Persons detained under the ISA or CLA are not entitled to a public trial. Proceedings of the ISA and CLA advisory boards are not public.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Access to the courts is open, and citizens and residents have the right to sue for infringement of human rights.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution does not address privacy rights; statutory or common law provide remedies for infringement of some aspects of privacy rights. Several laws safeguard privacy, regulate access to and processing of personal data, and criminalize unauthorized access to data. Public agencies, however, are exempted from data protection requirements, can intercept communications, and can surveil individuals if it is determined to be in the national interest or necessary for investigations or proceedings. The government generally respected the physical privacy of homes and families. Normally, police must have a warrant issued by a court to conduct a search but may search a person, home, or property without a warrant if they decide that such a search is necessary to preserve evidence or permissible according to discretionary powers of the ISA, CLA, and other laws.

Law enforcement authorities have broad powers to search electronic devices without judicial authorization, including while individuals are in custody. According to Privacy International, “Singapore has a well-established, centrally controlled technological surveillance system.” Law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Bureau, had extensive networks for gathering information and conducting surveillance and highly sophisticated capabilities to monitor telephone, email, text messaging, or other digital communications intended to remain private. No court

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warrants are required for such operations and the law gives police access to computers and decryption information under defined circumstances.

### **Section 2. Respect for Civil Liberties, Including**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression but allows parliament to impose such restrictions on freedom of speech as it “considers necessary or expedient in the interest of the security of the country or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence.”

**Freedom of Speech:** The government significantly restricted any public statements that it contended would undermine social or religious harmony, or that did not safeguard national or public interest. Government pressure to conform influenced some journalists and users of the internet. Freedom House reported that self-censorship occurred in media and among academics.

International and regional human rights organizations criticized the government’s use of the law to bring contempt of court charges as a means to curtail speech. In March activist Jolovan Wham refused to pay a fine of 5,000 Singapore dollars (S\$) (\$3,700) for a 2018 Facebook post claiming that “Malaysia’s judges are more independent than Singapore’s for cases with political implications.” Instead Wham served a one-week jail sentence starting March 31.

Also in March police raided the offices of lawyer Ravi Madasamy and of Terry Xu, editor of alternative media website *The Online Citizen Asia*, after the website published a story questioning why the government extradited one of Madasamy’s clients to Malaysia. Authorities initiated an investigation for contempt of court against Madasamy, Xu, and two others. The case was ongoing at year’s end.

In July the high court found Li Shengwu, a nephew of Prime Minister Lee Hsien Loong, guilty of contempt and fined him S\$15,000 (\$11,000). Li paid the fine but he refused to admit guilt. He had posted private Facebook comments in 2017

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criticizing the “litigious” nature of the government and claiming that it “has a pliant court system,” screenshots of which were later shared publicly.

The law gives the minister for home affairs discretion to authorize special police powers if a “serious incident” such as a terrorist attack is occurring or there is a threat of one. These powers allow the commissioner of police to prohibit anyone from taking or transmitting photographs or videos in a defined area, or from making text or audio messages about police operations if these actions could compromise the effectiveness and safety of the law enforcement operations. A breach of the order may lead to imprisonment for up to two years, a substantial fine, or both. Some civil society groups expressed concern that authorities could use the law to stop activists documenting the abuse of police powers, such as when authorities use force to break up a large but peaceful demonstration.

The law prohibits the public display of any foreign national emblems, including flags or symbols of political organizations or leaders. The law restricts the use of the coat of arms, flag, and national anthem.

The government-approved Speakers’ Corner was the only outdoor venue where citizens could give public speeches without a public entertainment license. Speakers’ Corner may be used for exhibitions, performances, assemblies and processions, and citizens do not need a police permit to hold these events. All event organizers must, however, preregister online with the National Parks Board and must provide the topic of their event. Regulations state that the event should not be religious in nature or cause feelings of enmity, ill will, or hostility between different racial or religious groups. The commissioner of parks and recreation has the right to cancel or disallow any event or activity that he or she believes may endanger, cause discomfort to, or inconvenience other park users or the general public. Only citizens or permanent residents of the country are allowed to attend events at Speakers’ Corner.

Citizens need a permit to speak at indoor public gatherings outside of the hearing or view of nonparticipants if the topic refers to race or religion. Indoor private events are not subject to the same restrictions. Organizers of private events, however, must prevent inadvertent access by uninvited guests, or they could be cited for noncompliance with the rules regarding public gatherings.

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**Freedom of Press and Media, Including Online Media:** According to the ISA and other legislation, the government may restrict or place conditions on publications that incite violence, counsel disobedience to the law, have the potential to arouse tensions in the country's diverse population, or threaten national interests, national security, or public order.

Government leaders openly urged news media to support the government's goals and help maintain social and religious harmony. The government enforced strict defamation and press laws, including in cases it considered personal attacks on officials, likely resulting in journalists and editors moderating or limiting what they published. The government also strictly enforced laws protecting racial and religious harmony.

There were no legal bans on owning or operating private press outlets, although in practice government managerial and financial control strongly influenced all print and some electronic media. Two companies, Singapore Press Holdings Limited and Mediacorp, owned all general circulation newspapers in the four official languages of English, Chinese, Malay, and Tamil. Singapore Press Holdings is a publicly listed company with close ties to the government, which must approve (and may remove) the holders of management shares, who appoint or dismiss the firm's management. The government investment company Temasek Holdings wholly owned Mediacorp. As a result, coverage of domestic events and reporting of sensitive foreign relations topics usually closely reflected official policies and views.

Government-linked companies and organizations operated all domestic broadcast television channels and almost all radio stations. Only one radio station, the BBC's World Service, was completely independent of the government. Residents could receive some Malaysian and Indonesian television and radio programming, but with a few exceptions, authorities prohibited satellite dishes. Cable television was widespread, and subscribers had access to numerous foreign television shows and a wide array of international news and entertainment channels. The government did not censor international news channels but entertainment programs must meet the content codes of the state's Infocomm Media Development Authority (IMDA). Broadcasters often censored or edited content they anticipated

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would breach the IMDA code, such as content that normalized or positively portrayed lesbian, gay, bisexual, transgender, and intersex (LGBTI) relationships. Residents routinely accessed uncensored international radio and television content via the internet.

The government may limit broadcasts or the circulation of publications by “gazetting” (listing) them under the Broadcasting Act and may ban the circulation of domestic and foreign publications. The law empowers the minister for communications and information to gazette or place formal restrictions on any foreign broadcaster it assesses to be reporting on domestic politics in a one-sided or inaccurate manner.

The government may require a gazetted broadcaster to obtain express permission from the minister to continue broadcasting in the country. The government may impose restrictions on the number of households receiving a broadcaster’s programming and may impose a substantial fine on a broadcaster for failing to comply.

**Censorship or Content Restrictions:** The IMDA, under the Ministry of Communications and Information, regulates broadcast, print, and other media, including movies, video materials, computer games, and music. Most banned publications were sexually oriented materials but also included some religious and political publications. The IMDA develops censorship standards including age appropriate classification of media content with the help of various citizen advisory panels. The law allows the banning, seizure, censorship, or restriction of written, visual, or musical materials if authorities determine that such materials threaten the stability of the state, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. The law gives IMDA officers power to enter and search premises and seize evidence without a warrant for “serious offenses,” such as those involving films prohibited on public interest grounds or the unlicensed public exhibition of a film. The IMDA has the power to sanction broadcasters for transmitting what it believes to be inappropriate content. All content shown between 6 a.m. and 10 p.m. must be suitable for viewers of all ages.

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**Libel/Slander Laws:** Defamation is a criminal offense, and may result in a maximum prison sentence of two years, a fine, or both. Critics charged that government leaders used defamation lawsuits or threats of such actions to discourage public criticism, coerce the press, and intimidate opposition politicians.

In December the district court charged lawyer Ravi Madasamy with criminal defamation of Home Affairs and Law Minister K. Shanmugam. In a Facebook post, Madasamy suggested that, according to a fellow lawyer, the minister “wields influence over the Chief Justice” and “calls the shot and controls.” At year’s end, the case continued.

*The Online Citizen* website editor Terry Xu went on trial in October on charges of criminal defamation lodged in 2018 for publishing a reader’s letter accusing the People’s Action Party (PAP) leadership of “corruption at the highest echelons.” The letter’s author, Daniel De Costa, also charged with criminal defamation, went on trial at the same time. In June a high court judge dismissed De Costa’s third constitutional challenge on the case. Both cases continued as of December.

Separately, in November the trial began in a 2019 civil defamation suit brought by Prime Minister Lee against Xu over his refusal to take down and apologize for an article about a dispute between Lee and his two siblings. In March the high court dismissed Xu’s application to obtain documents from Lee and during the November hearing, Xu announced that he would no longer seek to bring Lee’s siblings as third parties in the suit. The case continued as of December.

In October and November, the high court heard arguments in a 2018 civil defamation suit filed by the prime minister against financial advisor Leong Sze Hian after Leong shared a news article on his Facebook page that alleged a secret deal between Lee and former Malaysian prime minister Najib Razak. The article alleged local banks assisted in laundering money from 1Malaysia Development Berhad. Lee sought S\$150,000 (\$112,000) in damages and the case continued as of December.

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### Internet Freedom

The law permits government monitoring of internet use, and the government closely monitored internet activities, such as social media posts, blogs, and podcasts. The IMDA can direct service providers to block access to websites that, in the government's view, undermine public security, national defense, racial and religious harmony, or public morals. Political and religious websites must register with the IMDA.

Individuals and groups could express their views via the internet, including by email, and the internet is readily accessible. The government, however, subjected all internet content to similar rules and standards as traditional media, as defined by the IMDA's Internet Code of Practice. Internet service providers are required to provide content that complies with the code. The IMDA licenses the internet service providers through which local users are required to route their internet connections. The IMDA investigates content that is potentially in breach of the code when it receives complaints from members of the public.

Since the Protection from Online Falsehoods and Manipulation Act (POFMA) came into effect in October 2019, the government has invoked it 34 times and issued 76 orders against content the ministers deemed contained "falsehoods." The law requires online platforms to publish corrections or remove online information that government ministers consider factually false or misleading, and which they deem likely to be prejudicial to the country, diminish public confidence in the government, incite feelings of ill will between persons, or influence an election. POFMA is not supposed to apply to opinions, criticisms, satire, or parody. Individuals in breach of the law may face a substantial fine and imprisonment for up to five years, with penalties doubled if the individual used bots. A platform that fails to remove false content may receive a much steeper fine and, in the case of a continuing offense, a fine for each additional day the offense continues after conviction.

As of October most POFMA orders directed individuals and internet platforms to publish corrections, but the government also issued orders disabling in-country users' access to several Facebook pages and blocking access to the website for the Malaysia-based nongovernmental organization (NGO) Lawyers for Liberty. The



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number of POFMA orders increased during the COVID-19 pandemic as the government sought to correct alleged falsehoods about the virus. News outlets like *The Online Citizen* website, Yahoo! Singapore, and *Channel News Asia* were required to publish correction notices on articles containing claims regarding the application of the death penalty in prisons, speculation over the annual salary of the prime minister's wife as the head of quasi-sovereign wealth fund Temasek Holdings, and criticism of the government's handling of the COVID-19 pandemic by an opposition politician. No ministries withdrew their orders following appeals by recipients. Two recipients of orders, *The Online Citizen* and the opposition Singapore Democratic Party, filed appeals with the country's highest court, the Court of Appeal, against their respective POFMA correction orders. They argued that the burden of proof that a statement is false should be on the government and that a correction order should be issued only if the statement-maker refuses to carry a government response. The hearings occurred in September and the cases continued at year's end.

The Online News Licensing Scheme requires heavily visited internet sites focused on news about the country to obtain a license, submit a bond of S\$50,000 (\$38,000), and remove prohibited content within 24 hours of notification from the IMDA. Many citizens viewed this regulation as a way to censor online critics of the government. The IMDA cited the need to regulate commercial news sites and promote conformity with other forms of media such as print and television. All 11 major news sites operated with IMDA licenses; the most recent addition was the alternative media website *The Online Citizen*, which joined two other licensed non-state-linked publications.

Smaller news sites that cover political topics are required to register under the Broadcasting Act Class License so that registrants do not receive foreign funding.

### **Academic Freedom and Cultural Events**

Public institutions of higher education and political research had limited autonomy. Although faculty members were not technically government employees, they were potentially subject to government influence. Academics spoke, published widely, and engaged in debate on social and political problems, although public comment outside the classroom or in academic publications that ventured into prohibited

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fields could result in sanctions. Freedom House noted that self-censorship on topics related to the country occurred among academics, who can face legal and career consequences for critical speech. Publications by local academics and members of research institutions rarely deviated substantially from government views.

In October the Raffles Hall Association, an alumni group of former National University of Singapore students, replaced Hong Kong-based Singaporean academics Cherian George and Donald Low as guest speakers for a webinar on “Public Discourse: Truth and Trust” without an explanation or any notification to the speakers. Raffles Hall Association had previously promoted the event in a Facebook post, citing a new book by George and Low that advocated ruling PAP reforms, but later released a post with a new set of speakers. After the topic arose on social media, one of the replacement speakers withdrew from the event, explaining that the organizers had not fully briefed him on what had transpired. The university stated the association was an “autonomous alumni group” not governed by the university, but George told local media the organizers had informed him that the university wanted the event canceled.

The law authorizes the minister of communications and information to ban any film, whether political or not, that in his opinion is “contrary to the public interest.” The law does not apply to any film sponsored by the government and allows the ministry to exempt any film from the act.

Certain films barred from general release may be allowed limited showings, either censored or uncensored.

### **b. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful Assembly**

Although the constitution provides citizens the right to peaceful assembly, parliament imposed restrictions in the interest of security, public order, or morality. Public assemblies, including political meetings and rallies, require police permission. It is a criminal offense to organize or participate in a public assembly

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without a police permit, and those convicted may be assessed a substantial fine. Repeat offenders face a steeper fine.

By law a public assembly may include events staged by a single person. Citizens do not need permits for indoor speaking events, unless they touch on “sensitive topics” such as race or religion, or for qualifying events held at Speakers’ Corner. The Commissioner of Police may decline to authorize any public assembly or procession that could be directed towards a political end and be organized by, or involve the participation of, a foreign entity or citizen. Police may also order a person to “move on” from a certain area and not return to the designated spot for 24 hours.

International human rights organizations criticized authorities’ use of the law and concerns about public order to harass human rights defenders and prevent peaceful protest.

In March police questioned, investigated, and issued “stern warnings” to two climate change activists for participating in a public assembly without a permit. In separate cases, Wong J-min, age 18, and Nguyen Nhat Minh, age 20 held up a placard in public to protest climate change, had photos taken of themselves, and posted those on social media.

As of December several illegal assembly cases were pending against activist Jolovan Wham. In November, Wham was charged with illegal assembly for two separate incidents when he held up signs in public and posted photos on social media. In one case, Wham in March held up a sign with a hand-drawn smiley face outside a police station to demonstrate support for two climate activists, an illegal one-person protest without a police permit. In August the Court of Appeal rejected Wham’s final appeal against his January conviction for organizing an indoor public assembly without a permit in 2016. Wham refused to pay the fine and instead served a 10-day jail sentence starting August 21. The event was entitled, “Civil Disobedience and Social Movements,” and included a Skype address by Hong Kong activist Joshua Wong.

Some civil society groups and members of parliament expressed concern that the government’s use of a law to maintain public order (see section 2.a.) conflated

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peaceful protests and terrorist violence. The law's illustrations of "large-scale public disorder" included a peaceful sit-down demonstration that attracts a large group of sympathizers and starts to impede the flow of traffic, interfering with local business activities.

The government closely monitored political gatherings regardless of the number of persons present.

Spontaneous public gatherings or demonstrations were virtually unknown.

### **Freedom of Association**

Most associations, societies, clubs, religious groups, and other organizations with more than 10 members are required to register with the government. The government could deny registration to or dissolve groups it believed were formed for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order, although it approved the majority of applications in recent years. The government has absolute discretion in applying criteria to register or dissolve societies.

The government prohibits organized political activities except by groups registered as political parties or political associations. These may not receive foreign donations but may receive funds from citizens and locally controlled entities. The ruling PAP was able to use nonpolitical organizations, such as residential committees and neighborhood groups, for political purposes far more extensively than could opposition parties. Due to laws regulating the formation of publicly active organizations, there were few NGOs apart from nonpolitical organizations, such as religious or environmental groups.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, although it limited them in certain circumstances.

**In-country Movement:** The ISA permits authorities to restrict a person's movement, and they did so in the case of some former ISA detainees. Several dozen suspected terrorists were subject to such restrictions. Freedom of movement for migrant workers required to quarantine under temporary COVID-19 legislation was restricted for more than six months during the pandemic and remained significantly more limited and controlled than for the rest of the population (see section 7.e.).

**Foreign Travel:** The government may refuse to issue a passport; this was done primarily on security grounds.

Persons with national service reserve obligations (male citizens and permanent residents between ages 18 and 40 (for enlisted men) or 50 (for officers)) are required to advise the Ministry of Defense of plans to travel abroad. Men and boys age 13 and older who have not completed national service obligations are required to obtain exit permits for international travel if they intend to be away for three months or more.

The law allows the government to deprive naturalized citizens of citizenship if they have engaged in activities deemed harmful to public safety and order or resided outside of the country for more than five consecutive years and either did not register annually at a consulate or were believed by the government to have no intention of retaining citizenship.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government may, on a case-by-case basis, cooperate with organizations such as UN High Commissioner for Refugees to repatriate or send refugees to a third country.

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**Access to Asylum:** The law does not provide for granting asylum or refugee status.

### **g. Stateless Persons**

As of December 2019 there were 1,252 stateless persons living in the country. Many were reportedly born in the country before independence but did not or could not meet requirements for citizenship then in force. Others were permanent residents who lost their foreign citizenship, or were children born to foreign nationals who are not recognized as citizens in their home countries. Stateless persons may apply for citizenship.

Approximately 78 percent of stateless persons have obtained permanent residency, but those who have not may not buy or rent real estate, are not entitled to government health or education subsidies, and may have difficulty securing employment.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in open and free periodic elections held by secret ballot and based on universal and equal suffrage. In five decades of continuous rule, however, the PAP has employed a variety of measures that effectively limited the ability of the opposition to mount a serious challenge to its hold on power. In recent years, the opposition won additional seats, although it still held a small fraction of seats in parliament.

### **Elections and Political Participation**

**Recent Elections:** The law provides for the popular election of the president to a six-year term from among candidates approved by two committees selected by the government. The constitution also requires multiracial representation in the presidency. The office of the president is reserved for a member of a specific racial community (Chinese, Malay, or Indian and other minority communities) if no person belonging to that community had held the office of the president for any of the last five terms of office. The 2017 presidential election was thus restricted to eligible Malay candidates. In 2017 former speaker of parliament Halimah

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Yacob became president without a vote because she was the only candidate; two other applicants were ruled ineligible according to criteria applicable to private sector candidates.

The parliamentary general election held in July was free and open. In addition to the governing PAP, 10 opposition parties participated in the election, and all seats were contested for the second time since independence. The general elections operate according to a first-past-the-post system and there are both single-member and group constituencies. The PAP won 61 percent of the popular vote, capturing 83 of 93 seats in parliament. The opposition Workers' Party won 10 seats, the most seats won by the opposition since independence. Because a constitutional provision mandates at least 12 opposition members in parliament, two losing candidates from the newly founded Progress Singapore Party were also seated as nonconstituency members of parliament, chosen from the highest finishing runners-up in the general election.

In September the Elections Department filed a police report, prompting an investigation of sociopolitical media website *New Naratif* for breaching the law by running online content during the election campaign without prior authorization to conduct election activity. *New Naratif* and international human rights organizations condemned the investigation and criticized the government for selectively using broadly worded laws to target critics and alternative media. A police investigation continued at year's end.

**Political Parties and Political Participation:** The opposition criticized the PAP for its abuse of incumbency to restrict opposition parties. Some opposition parties and human rights groups such as the Association of Southeast Asian Nations Parliamentarians for Human Rights criticized temporary COVID-19 related voting and campaign regulations put in place for the July general election as further benefitting PAP incumbents. The PAP maintained its political dominance in part by circumscribing political discourse and action. For example, government-appointed and predominantly publicly funded Community Development Councils, which provide welfare and other services, strengthened the PAP's position. The PAP also had an extensive grassroots system and a carefully selected, highly disciplined membership. The constitutional requirement that members of

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parliament resign if expelled from their party helped promote backbencher discipline.

The PAP controlled key positions in and out of government, influenced the press, and benefited from structural advantages such as the group constituency system and short campaign period that disadvantaged smaller opposition parties according to some human rights groups. While the PAP's methods were consistent with the law and the prerogatives of parliamentary government in the country, the overall effect was to perpetuate PAP power. The government created the position of an official Leader of the Opposition in parliament following the July general election, which the Workers' Party accepted.

Although political parties were legally free to organize, authorities imposed strict regulations on their constitutions, fundraising, and accountability, including a ban on receiving foreign donations and a requirement to report donations. There were 30 registered political parties, 13 of which were active.

**Participation of Women and Members of Minority Groups:** No law limits the participation of women and members of minority groups in the political process, and they did participate. Three of the 20 members of the new cabinet were women and seven were members of a minority group. The country's female president was a minority-group member. Presidential elections may be reserved for certain racial communities. There are no other restrictions in law or practice against voting or political participation by members of minority groups; they were well represented throughout the government and civil service, except in some sensitive national security positions in the armed forces and intelligence community. The country's group representation constituency system also requires at least one candidate from a racial minority group in each group constituency to provide representation in parliament.

## **Section 4. Corruption and Lack of Transparency in Government**



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The law provides criminal penalties for corruption by officials, and the government implemented these laws effectively. There were isolated reports of government corruption.

**Corruption:** Among the 119 cases the Corrupt Practices Investigation Bureau investigated in 2019, 12 were public-sector related. Of the 147 individuals prosecuted in court for corruption in 2019, five were public-sector employees.

In July former senior Land Transport Authority officer Henry Foo Yung Thye was charged with 36 counts of corruption for accepting bribes amounting to S\$1.24 million (\$912,000). Six other individuals--both citizens and foreigners--and the China Railway Tunnel Group's local branch were also charged in the case.

In July the high court heard both the government and Victor Wong Chee Meng appeal Wong's sentence to 27 months' imprisonment for receiving inducements from building and repair companies. Wong, the former general manager of the Ang Mo Kio town council, was charged in 2018 with 55 counts of corruption. The high court increased Wong's jail sentence by 12 months to 39 months after hearing the appeals. The high court also set a new sentencing framework, taking into account the level of harm inflicted, the level of culpability involved, and the public-service rationale of the offender's function, under the Prevention of Corruption Act for public-sector corruption involving agents.

**Financial Disclosure:** The law requires civil servants to declare their respective permanent secretaries their investments, properties, and indebtedness. According to the code of conduct for ministers, ministers make financial disclosures to the prime minister. Declarations are not made public. If evidence surfaces that a declaration is fraudulent, administrative "disciplinary measures" may be imposed. The salaries of ministers and senior officials were public information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic human rights groups generally operated without government interference, but subject to close monitoring and legal restraints, and these

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organizations investigated and published their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. NGOs were subject to registration according to the Societies Act or the Companies Act.

Some international human rights NGOs criticized the government's policies in areas such as capital punishment, migrant workers' rights, freedom of assembly, freedom of speech, and protection of the rights of LGBTI persons. They charged that the government generally ignored such criticisms or published rebuttals.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

In January amendments to the Criminal Law Reform Act, the Penal Code, and the Protection from Harassment Act took effect and were welcomed by NGOs for increasing protections for victims of rape, abuse, and harassment. Under the amended laws, individuals convicted under the Penal Code for any offenses committed against vulnerable victims--children below the age of 14, persons with mental or physical disabilities, and domestic workers--are subject to up to twice the maximum penalty. This is also the case for individuals who repeatedly breach protection orders. The amended law also decriminalizes attempted suicide.

#### **Women**

**Rape and Domestic Violence:** Under the law rape is a crime, with maximum penalties of 20 years' imprisonment and the possibility of caning. As of January the law abolished marital immunity for rape and expanded the definition of rape to make it gender neutral. For offenses affecting the human body committed by partners in a close or intimate relationship, even if unmarried, the law imposed up to twice the maximum penalty for these offenses outside such relationships. Domestic violence is a crime. Victims may obtain court orders restraining the respondent and barring a spouse or former spouse from the victim's home until the court is satisfied the spouse has ceased aggressive behavior. The government enforced the laws on rape and domestic violence.

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Identity protection orders are mandatory from the time a police report of a sexual crime (or child abuse) is lodged. Victims of sexual crimes may video-record their testimony instead of having to recount it in person. Victims may testify in closed-door hearings, with physical screens to shield them from the accused person. Lawyers may not ask questions about a victim's sexual history, unless the court grants them permission to do so.

Several voluntary welfare organizations that assisted abused women noted that gender-based violence was underreported but the number of reported incidents was increasing, which they stated was the result of advocacy campaigns to address social stigma.

The women's rights advocacy group AWARE reported a sharp increase in domestic violence and abuse during the COVID-19 pandemic, especially during the two-month lockdown from April to June. In May the organization's helpline received an all-time record 752 calls; 180 of these were related to family violence--a 137 percent year-on-year increase--and 150 to emotional and psychological distress--a 436 percent year-on-year increase. From April 7 to May 6, a total of 476 police reports were filed for domestic violence compared to a usual monthly average of 389. In response, the government set up a National Care Hotline to provide psychological and emotional support.

In June the high court sentenced serial sex predator Muhammad Anddy Faizul Mohamed Eskah to 22 years' imprisonment and 24 strokes of the cane. The judge called his offenses against 19 young women, mostly minors, "one of the most shocking and horrifying" cases of sexual crimes to come before the court.

In July a court sentenced a university student to 12 days of detention and 80 hours of community service for strangling his former girlfriend until she lost consciousness. Women's groups and members of parliament expressed dismay at the light punishment imposed by the court. Minister for Home Affairs K. Shanmugam responded that it was not the courts but the legal policy framework that was at issue, and he committed to review the penalty framework for similar cases.

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**Female Genital Mutilation/Cutting (FGM/C):** Type I (a) (as classified by the World Health Organization) FGM/C was practiced among a portion of the Muslim population. There was no legislation banning FGM/C.

**Sexual Harassment:** Harassment is a crime, and the law covers harassment within and outside the workplace, cyberbullying, and bullying of children. The law also prescribes mandatory caning and a minimum of two years' imprisonment on conviction of any charge for "outraging modesty" that causes the victim to fear death or injury. The law also subjects to a fine persons convicted of using threatening, abusive, or insulting words or behavior. It also provides a range of self-help measures, civil remedies, and enhanced criminal sanctions to protect against harassment. Additionally, stalking is an offense punishable by a fine, imprisonment for up to 12 months, or both.

As of January the law introduced criminal offenses for technology-related crimes such as voyeurism and sexual exposure. The Protection from Harassment (Amendment) Act made doxing (publishing private information) an offense, improved judicial procedures for victims of online falsehood harassment, and enhanced protection for harassment victims.

According to police statistics, outrage of modesty incidents decreased by 7.1 percent in 2019 to 1,605. Media gave significant coverage to sexual harassment convictions throughout the year. The government ran awareness campaigns encouraging women to report molestation, and several members of parliament urged the government to address sexual harassment in the workplace more actively.

The National University of Singapore was the focus of several high-profile sexual harassment cases. In October the university filed a police report and dismissed a residential college fellow accused of sexual misconduct for behaving inappropriately toward two undergraduate students. Criticized for its handling of the case, the university pledged to be more transparent. The university announced in November that the former director of its East Asian Institute had behaved inappropriately toward a colleague in 2018 and issued him a written warning. In December the university filed a police report and dismissed a political science professor for sexually harassing a student.

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**Reproductive Rights:** Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, and violence. The government provided access to sexual and reproductive health services for survivors of sexual violence.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** Women enjoy the same legal rights as men, including civil liberties, employment, commercial activity, and education. Women were well represented in many professions (see section 7.d.).

Polygyny is permitted for Muslim men but is limited and strictly regulated by the Registry of Muslim Marriages, which oversees Muslim marriages and other family law matters. Polygynous marriages constituted 0.2 percent of Muslim marriages.

### Children

**Birth Registration:** Citizenship derives from one's parents as long as one parent is a citizen of the country and both parents are registered as legally married. The law requires that all births be registered within 14 days. Dual citizens born abroad to citizen parents must renounce their foreign citizenship after turning 21 to retain their citizenship.

**Child Abuse:** The law criminalizes mistreatment of children, including physical, emotional, and sexual abuse. The government enforced the law and provided support services for child abuse victims.

The Ministry of Social and Family Development investigated 1,088 child abuse cases in 2019, a 6.5 percent decrease from 2018.

**Child, Early, and Forced Marriage:** The law characterizes unmarried persons younger than age 21 as minors and persons younger than 14 as children. Individuals younger than 21 who wish to marry must obtain parental consent, and the couple must attend a mandatory marriage preparation program. Individuals younger than 18 also require a special license from the Ministry of Social and

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Family Development to wed or, if they are marrying under Muslim law, they require permission from the *kadi* (a Muslim judge appointed by the president), who would grant permission only under special conditions.

**Sexual Exploitation of Children:** The law criminalizes human trafficking, including child sex trafficking, and authorities enforced the law.

The age of consent for noncommercial sex is age 16. Sexual intercourse with a person younger than 16 is punishable by a maximum of 10 years in prison, a fine, or both, and if the victim is younger than 14 it is punishable by as long as 40 years in prison and a fine or caning.

The law prohibits commercial sex provided by anyone below age 18. Authorities may detain (but generally do not prosecute) persons younger than 18 whom they believe to be engaged in prostitution. They prosecute those who organize or profit from prostitution, bring women or girls to the country for prostitution, or coerce or deceive women or girls into prostitution.

As of January the law increased the protection of minors from sexual exploitation and made a distinction between child pornography and other types of pornography. The law made it a separate offense to use or involve a child below age 16 in the production of child abuse material and criminalized every person involved in the supply and consumption of child abuse material. The law criminalized and introduced penalties for offenses, such as sexual intercourse, pornography, or sexual grooming, committed in the context of exploitative relationships when the victim was above age 16 but below age 18, even if the victim had consented.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## Anti-Semitism

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Although estimates varied widely, the government estimated there were approximately 2,500 members in the Jewish community. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

There is no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment or preventing discrimination.

The Ministry of Social and Family Development is responsible for protecting the rights of persons with disabilities and coordinates implementation of the government's 2017-21 policy plan for programs and services in the disability sector, which focuses on greater inclusiveness. In 2019, amendments to the Employment Act provided more grants, legal protection, and training to employers and persons with disabilities to provide better safeguards for employees, including persons with disabilities. In March the Ministry of Manpower announced additional training grants for persons with disabilities and allowed employers to offset up to S\$400 (\$230) of an employee's monthly salary.

The government maintained a comprehensive code on barrier-free accessibility and standards for facilities for persons with physical disabilities in all new buildings, and mandated the progressive upgrading of older structures. The "SG Enable" program, established by the Ministry of Social and Family Development, administered several assistance schemes for persons with disabilities, and provided a job training and placement program for them. The government reported that in 2019 companies hired more than 9,000 persons with disabilities through use of government-sponsored support programs, an increase of 4.7 percent from 2018.

The Disabled People's Association (DPA), an advocacy group, stated that discrimination against persons with disabilities was underreported because affected individuals either did not file a complaint or were unaware of their rights and the

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available resources. The Tripartite Alliance for Fair and Progressive Employment Practices received an average of one complaint per year of discrimination against persons with disabilities. DPA also reported private discrimination against persons with disabilities who were seeking employment.

The country provided a high level of educational support for children and minors with disabilities from preschool to university. Children with moderate to severe educational needs were required to participate in compulsory education until they reached age 15. Elementary and secondary levels both included mainstreaming programs and separate education schools. All primary schools and the majority of secondary schools had specialist support for students with mild disabilities. Mainstreaming programs catered primarily to children with physical disabilities. Separate education schools, which focused on children who required more intensive and specialized assistance, were operated by social service organizations and involved a means-tested payment of fees. The Special Educational Needs Support Offices, established in all publicly funded tertiary education institutions including universities, provided support for students. Informal provisions permitted university matriculation for those with visual, hearing, or physical disabilities through assistive technology devices and services such as note taking.

In October the government inaugurated a mandatory national disability insurance program providing policyholders with a monthly payout for life if the person suffers from a severe disability requiring long-term care.

The law allows voters who are unable to vote in the manner described by law to receive assistance from election officials, who are under oath to maintain voting secrecy. For the general election held in July, the government improved support for persons with disabilities. Voters with visual disabilities could cast their vote independently with stencils, wheelchair users could use a portable booth placed on their laps, and those with physical disabilities could instruct election officials to mark the ballot paper on their behalf. Polling stations were barrier-free with special drop-off points.

### **Members of National/Racial/Ethnic Minority Groups**



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Ethnic Malays constituted approximately 15 percent of the population. The constitution recognizes them as the indigenous inhabitants of the country and charges the government to support and promote their political, educational, religious, economic, social, cultural, and linguistic interests. The government took steps to encourage educational achievement among Malay students and upgrading of skills among Malay workers, including through subsidies for tertiary education fees for poorer Malays. Malay educational performance has improved, although ethnic Malays have not yet reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remained underrepresented at senior corporate levels and, some asserted, in certain sectors of the government and the military. This reflected their historically lower educational and economic levels, but some argued it also was the result of employment discrimination.

The Presidential Council on Minority Rights examines all pending bills so they do not disadvantage any particular group. It also reports to the government on matters that affect any racial or religious community.

Government policy designed to facilitate interethnic harmony and prevent the formation of racial enclaves enforced ethnic ratios, applicable for all ethnic groups, in all forms of public housing.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Section 377A of the penal code criminalizes consensual male-to-male sexual relations, subject to up to two years' imprisonment. Authorities have not enforced this since 2010 and have stated since then that they do not intend to do so. There were no indications the provision was used intentionally to intimidate or coerce. Its existence, however, intimidates some gay men, particularly those who are victims of sexual assault but who will not report it to the police for fear of being charged with violating Section 377A.

A constitutional challenge to section 377A which combined three separate cases was dismissed by the high court in March. Justice See Kee Oon rejected arguments that the law was unconstitutional and stated the law still served “the

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purpose of safeguarding public morality by showing societal moral disapproval of male homosexual acts” even if it was not enforced. Justice See declared that a 2014 decision by the Court of Appeal, the highest court in the country, retaining section 377A remained binding. All three plaintiffs filed appeals in the Court of Appeal and hearings were scheduled for early 2021.

No laws explicitly protect the LGBTI community from discrimination based on sexual orientation. Moreover, since single persons are prevented from purchasing government housing reserved for married couples until age 35 and same-sex marriage is not permitted, LGBTI persons were unable to receive certain government services and benefits available to other citizens before reaching 35.

As of January same-sex partners were covered under the amended Protection from Harassment Act and enjoyed access to legal protections such as expedited protection orders in cases of harassment or violence, including by close and intimate partners.

LGBTI persons experienced discrimination in the military, which classifies individuals by sexual orientation and evaluates them on a scale of “effeminacy” to determine fitness for combat training and other assignments. Openly gay servicemen faced threats and harassment from their peers and were often ostracized.

Individuals were prohibited from updating their gender on official documents unless they underwent sex reassignment surgery.

Media censorship of LGBTI individuals resulted in underrepresentation and negative stereotypes of the LGBTI community. In July national public broadcaster Mediacorp came under public scrutiny after it portrayed a gay character in one of its television shows as a pedophile with a sexually transmitted disease. Mediacorp released an apology for the portrayal. The IMDA censored films and television shows with LGBTI themes. According to the IMDA website, authorities allow the broadcast of LGBTI themes on television “as long as the presentation does not justify, promote, or glamorize such a lifestyle” (see section 2.a.).

## **HIV and AIDS Social Stigma**

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There is no legislation barring employers from discriminating against job applicants based on their HIV status. The government's guidelines for employers state that employees who are dismissed based on their medical status have grounds for wrongful dismissal claims against their employers, including on the grounds of HIV. Many persons living with HIV are, however, afraid to disclose their HIV status during the job application process and, during employment, fear dismissal if they are discovered to have made a false declaration.

Some persons with HIV/AIDS claimed that they were socially marginalized and faced employment discrimination or possible termination if they revealed their HIV/AIDS status. Some HIV-positive persons sought diagnosis and treatment outside the country. In September the Ministry of Health added 16 drugs used for the treatment of HIV to its list of subsidized drugs, making them more affordable. Advocacy group Action for AIDS welcomed the move as helping to reduce stigma surrounding HIV/AIDS.

The government discouraged discrimination, supported initiatives that countered misperceptions about HIV/AIDS, and publicly praised employers that welcomed workers with HIV/AIDS. HIV-positive foreigners, however, are barred from obtaining work permits, student visas, or immigrant visas.

### **Section 7. Worker Rights**

#### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of most workers to form and join trade unions. Workers have the legal right to strike and to bargain collectively. The law prohibits antiunion discrimination.

Parliament may impose restrictions on the right of association based on security, public order, or morality grounds. The Ministry of Manpower also has broad powers to refuse to register a union or to cancel a union's registration. Refusal may occur when a trade union already exists in an industry or occupation. Laws and regulations restrict freedom of association by requiring any group of 10 or more persons to register with the government. The law also restricts the right of uniformed personnel and government employees to organize, although the

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president may grant exemptions. Foreigners and those with criminal convictions generally may not hold union office or become employees of unions, but the ministry may grant exemptions.

The law requires the majority of affected unionized workers to vote in favor of a strike by secret ballot, as opposed to the majority of those participating in the vote. Workers in “essential services” are required to give 14 days’ notice to an employer before striking, and there is a prohibition on strikes by workers in the water, gas, and electricity sectors.

The government effectively enforced applicable laws. Penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination.

Unions were unable to carry out their work without interference from the government. The law limits how unions may spend their funds, prohibiting, for example, payments to political parties, or the use of funds for political purposes.

Almost all unions were affiliated with the National Trade Union Congress (hereafter trade union congress), an umbrella organization with a close relationship with the government and the ruling PAP. Trade union congress policy prohibited union members who supported opposition parties from holding office in its affiliated unions.

Collective bargaining was a routine part of labor-management relations in the private sector. Because nearly all unions were its affiliates, the trade union congress had almost exclusive authority to exercise collective bargaining power on behalf of employees. Union members may not reject collective agreements negotiated between their union representatives and an employer. Although transfers and layoffs are excluded from the scope of collective bargaining, employers consulted with unions on both matters. In July the trade union congress threatened to strike over concerns Eagle Services Asia, an aircraft maintenance and repair company, was not following the correct process for retrenchment. The company and union were able to agree on the retrenchment process, and the strike was averted.

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Foreign workers constituted approximately 15 percent of union members. Labor NGOs also filled an important function by providing support for migrant workers, including legal aid and medical care, especially for those in the informal sector and during the COVID-19 outbreak in migrant workers' dormitories.

### **b. Prohibition of Forced or Compulsory Labor**

The law does not define “forced labor,” but the government has accepted as law the definition found in International Labor Organization Convention 29. Under the law, destitute persons can be compelled to work.

The government enforced the law, although it was more likely to prosecute employers for less serious charges than domestic servitude or bonded labor. Penalties included prison terms and fines, which were commensurate with those for analogous serious crimes, such as kidnapping. The government increased investigations of forced labor allegations in 2019 and imposed fines on some employment agencies for illegal practices. In January the Ministry of Manpower charged the director of San Tong Engineering Pte Ltd for illegal employment of migrant workers and failing to pay salaries and other charges. In view of the number of low-paid foreign workers in the country, however, outside observers believed that many cases of abuse were undetected.

Practices indicative of forced labor, including withholding of wages and passports, occurred. Migrant workers in low-wage and unskilled sectors such as domestic work, hospitality, and construction were vulnerable to labor exploitation. Several NGOs reported that migrant workers did not receive their salary during the country's COVID-19 lockdown in spite of government efforts to require construction sector employers to make monthly declarations on the payment of salaries to their foreign workers. The Ministry of Manpower acknowledged that some employers were unable to pay salaries owed due to financial difficulties but also indicated the ministry would work with them to provide for salary payment.

The law caps the fees payable by foreign domestic workers to employment agencies in the country at one month's salary per year of the employment contract, not to exceed two months' salary, irrespective of the duration of the contract.

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Observers noted that unscrupulous agencies in migrant workers' countries of origin could charge exorbitant fees.

Some observers also noted that the country's employer sponsorship system made legal migrant workers vulnerable to forced labor because there are limited circumstances in which they may change employers without the consent of their employer.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The law prohibits employment of children younger than age 13. A child age 13 or older may engage in light, nonindustrial work, subject to medical clearance. Exceptions include work in family enterprises; a child 13 or older may only work in an industrial undertaking that employs members of his or her family. Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between ages 15 and 16. Children younger than 15 may not work on commercial vessels, with moving machinery, on live electrical apparatus lacking effective insulation, or in any underground job, and normally they are prohibited from employment in the industrial sector.

The Ministry of Manpower effectively enforced these laws and regulations. Employers who violated laws related to child labor were subject to fines, imprisonment, or both. Penalties were not commensurate with those for analogous serious crimes, such as kidnapping. Government officials asserted that child labor was not a significant problem.

The incidence of children in formal employment was low, although some children worked in family enterprises.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides for equality in employment. No specific antidiscrimination legislation exists, although some statutes prohibit certain forms

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of discrimination. For example, employers may not dismiss female employees during pregnancy or maternity leave, and employers may not dismiss employees solely due to age, gender, race, religion, nationality, marital status, family responsibilities, disability, or medical condition.

In addition, the Ministry of Manpower's Fair Consideration Framework requires all companies to comply with the Guidelines of the Tripartite Alliance for Fair and Progressive Employment Practices (guidelines) which cover procedures from recruitment to dismissal so that all employment practices are open, merit based, and nondiscriminatory. These guidelines call for eliminating language referring to age, race, gender, religion, nationality, marital status, family responsibilities, and disability in employment advertisements. Employers are required to provide explanations for putting requirements such as specific language skills in the job advertisement. Penalties for violation of government guidelines are at the discretion of the Ministry of Manpower. There were no similar government guidelines with respect to political opinion, sexual orientation, or HIV or other communicable disease status. The Fair Consideration Framework was updated in January further to prevent workplace discrimination. Personnel involved in making false declaration on fair hiring may now be prosecuted and penalties were increased. Companies found guilty of discrimination may not hire foreigners for at least 12 months, and also may not renew work passes of existing foreign workers. In March, for example, the Ministry of Manpower fined Ti2 Logistics Pte Ltd for making false declarations to hire a foreigner in preference to citizens. In June the Ministry of Manpower introduced new license conditions on all employment agencies requiring them to comply with the guidelines.

The government effectively enforced the guidelines. Penalties were not commensurate to those for other laws related to civil rights but had a deterrent effect.

The guidelines prohibit questions on family status during a job interview. The government supported flexible work policies, although no laws mandate it, and subsidized childcare.

The Tripartite Alliance for Fair and Progressive Employment Practices received and investigated complaints of employment discrimination. In August the Ministry

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of Manpower announced that it had placed 47 companies on a watch list for engaging in discriminatory hiring practices. According to Ministry of Manpower statistics, reported cases of workplace discrimination based on age, race, and gender decreased from 240 in 2016 to 125 in 2019. In March the government barred five companies from hiring or renewing the work passes of foreign employees for age-related discriminatory hiring, the most common discrimination-based complaint received.

The Council for Board Diversity reported that as of December 2019, women's representation on boards of the largest 100 companies listed on the Singapore Exchange was 16.2 percent, while women filled 25.1 percent of positions on statutory boards, and 27.8 percent of those on registered NGOs and charities, an increase in all industries compared to June 2019 data. In January the government reported that the adjusted gender pay gap had narrowed to 6 percent from 8.8 percent in 2002 but that occupational segregation continued.

Some ethnic Malays and Indians reported that discrimination limited their employment and promotion opportunities. Malays were prohibited from holding certain sensitive national security positions in the military.

The Tripartite Alliance for Fair and Progressive Employment Practices investigated a July allegation of workplace discrimination at a local shopping center. Employees at the shopping center reportedly told a part-time promoter to remove her hijab while working. After public pressure, the shopping center announced that it would standardize its practice to allow all employees to wear religious headgear while working.

There were also some reports of discrimination based on disability, pregnancy, and sexual orientation or gender identity. Pregnancy is a breach of the standard work permit conditions for foreign workers, and the government cancels work permits and requires repatriation of foreign domestic workers who become pregnant.

### **e. Acceptable Conditions of Work**

The law does not specify a national minimum wage for all sectors. The government, in consultation with unions and employers, has a progressive wage



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model, which sets wage floors and skills requirements for specific positions in cleaning, landscaping, elevator maintenance, and security services sectors. Employers must follow these pay scales as a requirement to obtain a business license. Most such wages were below the unofficial poverty line determined by the National University of Singapore's Social Service Research Center. The government did not have an official poverty line.

The law sets the standard legal workweek at 44 hours, and requires employers to apply for an overtime exception from the Ministry of Manpower for employees to work more than 72 hours of overtime per month. Workplace protection, including paid sick leave, mandatory annual leave, and protection against wrongful dismissal, is available to all private sector employees except domestic workers and seafarers who are covered under separate laws. Foreign domestic workers must receive one rest day per week. The law also mandates benefits for part-time employees, defined as those working 35 hours per week or less. The government effectively enforced wage floor and overtime laws; penalties were lower than those for similar crimes, such as fraud.

The law establishes a framework for workplaces to comply with occupational safety and health standards, and regular inspections enforced the standards. Officials encouraged workers to report situations that endanger health or safety to the Ministry of Manpower and the law provides employees with the right to terminate employment without notice if the individual is threatened by a danger not agreed to in the contract. Inspectors have the authority to make unannounced inspections and initiate sanctions.

The Ministry of Manpower effectively enforced laws and regulations establishing working conditions and comprehensive occupational safety and health regulations. The government took action against employers for workplace violations, including for nonpayment of salaries, serious safety violations, and abuse or mistreatment of foreign domestic workers. Penalties for violating these regulations--fines and stop-work orders--were commensurate with those for similar crimes. The number of inspectors was sufficient to enforce compliance.

The majority of foreign domestic workers, mainly from the Philippines and Indonesia, worked under clearly outlined contracts. Any employer of a foreign

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domestic worker or a member of the employer's family, if convicted of certain offenses against the worker, such as causing hurt or insulting the modesty of the worker, is liable to a maximum penalty of one and one-half times the mandated penalty when the victim is not a domestic worker. Nevertheless, there were reports of employers abusing or mistreating such workers (see section 7.b.). Throughout the year, the government investigated and sentenced several employers for abuse of their foreign domestic workers. In August a woman was sentenced to 21 months in jail and her husband to four months' imprisonment for repeatedly abusing their domestic helper.

The Ministry of Manpower continued to promote training to reduce the frequency of job-related accidents in high-risk sectors such as construction, and authorities provided tax incentives to firms that introduced hazard control measures.

Workplace fatalities in 2019 were the lowest since 2004, when statistics first became publicly available, with 39 recorded deaths (1.1 per 100,000 workers). Nonfatal injuries increased by 5 percent to 629 cases (18.1 per 100,000 workers). In 2019 the government issued 58 stop-work orders for workplace safety violations with an average duration of six weeks and fined almost 1,000 companies a total of S\$1,426,000 (\$1,045,000). The government also enforced requirements for employers to provide one rest day per week or compensation for foreign domestic workers.

In September a court sentenced Tan Wee Meng and Lee Chung Ling to two and three months' imprisonment, respectively, for negligence that endangered the safety of workers and resulted in the death of a Bangladeshi worker in 2017. The government also issued fines and penalties and closed businesses for noncompliance by employees with temporary COVID-19 safe distancing measures.

The Work Injury Compensation Act took effect in September. This law incentivizes companies to prevent workplace injuries by permitting employers with better safety records to pay lower insurance premiums, expedites the benefit claim process for workers, and increases the size of benefit payouts to injured workers.

The Tripartite Alliance for Dispute Management, which includes the Ministry of Manpower, unions, and the employers' federation, offers advice and mediation

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services to help employees and employers to manage employment disputes. The Alliance provided free advisory services to both foreign and local workers who experienced problems with employers; it provided mediation services for a fee. The ministry operated a hotline for foreign domestic workers.

Most foreign workers were concentrated in low-wage, low-skill jobs in construction, shipbuilding, services, and domestic work and were often required to work long hours. Living conditions for those workers were criticized after COVID-19 infections in purpose-built dormitories housing approximately 323,000 migrant workers accounted for more than 94 percent of the country's total infections as of October 1. Public health experts and NGOs stated COVID-19 spread was accelerated by poor hygiene standards and the limited living space allocated to individuals in these dormitories. In response, the government used temporary COVID-19 legislation to declare dormitories with high infection rates as isolation areas, required workers to quarantine, and surged resources and support teams to dormitories. Freedom of movement for these migrant workers was restricted for more than six months during the pandemic and remained significantly more limited and controlled than for the rest of the population. In September the court fined Shaun Pang Tong Heng after he pleaded guilty to wrongful confinement of three of his Indian workers in an 11-foot by 14-foot room for 42 days during the country's lockdown.

In June the Ministries of Manpower and National Development released a joint statement with short-, medium-, and long-term arrangements to improve living standards within dormitories and the Ministry of Manpower established a new division to support migrant workers and dormitory operations. NGOs advocated for structural changes to the work permit employment system in order to reduce the financial vulnerability and potential for exploitation of such workers.