



Singapore: Open letter to parliamentary candidates and political party leaders to prioritise fundamental freedoms

3 July 2020

As Singaporeans prepare to go to the polls in parliamentary elections on 10 July 2020, the Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS: World Alliance for Citizen Participation and the International Commission of Jurists urge all parliamentary candidates and political party leaders to commit to respecting and protecting human rights, particularly fundamental freedoms, as part of their mandate.

Our organisations have been documenting the state of civic space in Singapore, which is rated as 'Obstructed' by the [CIVICUS Monitor](#). We are deeply concerned by the ongoing use of restrictive laws to limit the freedoms of expression, information, association and peaceful assembly with civil society activists, human rights defenders, lawyers, independent online media outlets and members of the political opposition facing prosecution, including through defamation suits and contempt of court charges. These restrictions are inconsistent with international human rights law and standards and we urge all candidates to take steps to address these concerns which are crucial for a functioning democracy under the rule of law which respects fundamental freedoms.

Our organisations are particularly concerned about the abuse of civil and criminal defamation laws to penalise and harass individuals exercising their right to freedom of expression and information online. In September 2019, Terry Xu, editor of independent news website The Online Citizen (TOC) was [sued](#) by Prime Minister Lee Hsien Loong for publishing an article on the website which had reported on a public feud between members of the Prime Minister's family by referring to a Facebook post made by the Prime Minister's wife. Political activist and blogger Leong Sze Hian was similarly [sued](#) by the Prime Minister in December 2018 for sharing on Facebook an article which alleged the Prime Minister was subject to investigation in relation to a corruption scandal in Malaysia. In the same month, Terry Xu and Daniel De Costa, the author of a letter that was posted on TOC, were [charged](#) for criminal defamation under sections 499 and 500 of the Penal Code following an article posted on TOC which alleged "corruption at the highest echelons" of Singapore's government.

Criminal defamation laws impose limitations on freedom of expression which violate the principles of legality, necessity and proportionality under international law. In clarifying the scope of the right to freedom of expression and the limits of State restrictions of the right, the UN Human Rights Committee has [held](#) that “imprisonment is never an appropriate penalty” as it does not necessarily or proportionately advance the aim of protecting the reputation of others. It has also noted that civil penalties for defamation should not be “excessively punitive” and must also comply with necessity and proportionality. Overbroad and illegitimate use of defamation provisions to target information deemed critical of the ruling regime creates a chilling effect that effectively restricts legitimate speech.

Our organisations also highlight the use of contempt of court provisions under domestic law to unduly restrict freedom of expression and information. Singapore’s Administration of Justice (Protection) Act is a vaguely worded law that allows for undue restrictions on freedom of expression and information under the guise of protecting the judicial system. In April 2019, Jolovan Wham, an activist, and John Tan, an opposition politician, were [fined](#) S\$5,000 (US\$3,620) each for comments on Facebook, which had alleged that the Malaysian judiciary was more independent than Singapore’s judiciary in dealing with cases with political implications. Human rights lawyer M Ravi is also being [investigated](#) under the Act for articles published on TOC regarding the extradition of his client in 2015. Criticism of the government which falls within the rights to freedom of expression and information, particularly information which relate to matters of public interest, should not be criminalised.

More recently, our organisations have also monitored the use of the Protection from Online Falsehoods and Manipulation Act (POFMA) – which was brought into force in October 2019 to combat false information online – being [increasingly](#) used to target critics of the regime. Human rights groups have documented that the Act contains vague and overbroad provisions, offers unfettered discretion to ministers and government authorities, lacks clear protection for freedom of expression and information, and does not adequately provide for oversight or accountability mechanisms. Social media companies have also been legally [compelled](#) to block access to independent news sites in line with POFMA.

Those wanting to exercise their right to association and peaceful assembly have also faced restrictions and arrests including those undertaking solo protests. The Public Order Act has been used to investigate, charge and prosecute individuals. These include [Seelan Palay](#), a local artist, for his involvement in a one-man artistic performance in October 2017, two people for [wearing t-shirts](#) bearing a message against the death penalty in September 2019, lone protester [Yan Jun](#) in November 2019 for protesting against corruption, and [climate protesters](#) more recently. In January 2019, Jolovan Wham was [convicted](#) for violating the Public Order Act after organising a public event without a permit. In May 2020, Wham was [investigated](#) under the Act again for posing in public with a placard with a smiley face, in solidarity with the climate protesters.

Concerns have been [raised](#) by civil society groups that due to these restrictions to civic freedoms and efforts to censor independent media, including through the abuse of legal frameworks to

harass and persecute freedom of expression and information, the rights of Singaporean people to participate in the upcoming elections may be obstructed.

In this regard, we urge all political parties and candidates to ensure fundamental freedoms remain at the forefront of the debate in Singapore and use all avenues available to push for the implementation of recommendations outlined below:

- Immediately dismiss charges against individuals being prosecuted for exercising their rights to freedom of expression, information, association and peaceful assembly;
- Halt the arrest and harassment of civil society activists, human rights defenders, lawyers, independent journalists, members of the political opposition and other individuals for merely exercising their fundamental freedoms and ensure that they can freely express their opinions without fear of reprisals;
- Repeal or amend all restrictive laws – including the Public Order Act, Administration of Justice (Protection) Act, the Protection from Online Falsehoods and Manipulation Act and criminal defamation provisions – which criminalise or impose arbitrary restrictions on the right to freedom of expression, and bring legislation in line with international human rights law and standards;
- Refrain from imposing punitive measures on the exercise of the right to freedom of expression, including dissent, through the use of civil defamation suits;
- Ratify or accede to the International Covenant on Civil and Political Rights (ICCPR);
- Enact a Freedom of Information law in which government information is presumed to be subject to disclosure unless there are compelling reasons that are consistent with domestic and international law to withhold them from the public;
- Ensure that human rights and fundamental freedoms, including civic freedoms, are respected and protected during the elections and the means and resources are available to ensure a secure voting environment during the run up to elections and the voting period itself.

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. Think Centre is its member in Singapore. www.forum-asia.org

***CIVICUS: World Alliance for Citizen Participation** is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society throughout the world. <https://www.civicus.org/index.php>*

The International Commission of Jurists (ICJ), composed of 60 eminent judges and lawyers from all regions of the world, works to advance respect for the rule of law and the promotion and protection of human rights globally. Established in 1952, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political, and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession. <http://www.icj.org/>