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**STATUS OF HUMAN RIGHTS IN SINGAPORE
FOR THE 38TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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**Status of Human Rights in the Republic of Singapore
for the 38th Session of the
Universal Periodic Review**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the status of human rights in the Republic of Singapore (Singapore) for the 38th session of the Universal Periodic Review (UPR).

Background

2. Singapore is a city-state located in Southeast Asia with a population of 6.2 million people with religiously diverse backgrounds. Approximately 80% of the population identify as religious¹: around 33% as Buddhists, almost 19% as Christian, 14% as Muslim, 10% as Taoist, and 5% as Hindu².

3. Singapore’s previous UPR was held in January 2016, during which numerous countries recommended that Singapore “[f]ulfil its international obligations by ratifying as a matter of priority the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights”³.

4. Despite these recommendations, Singapore still has yet to ratify the International Covenant on Civil and Political Rights (ICCPR), which contains essential provisions to protect and guarantee the right of individuals to freely and peacefully practice their religion according to the dictates of their faith.

5. Numerous countries also recommended that Singapore “[c]ontinue with efforts to enhance religious tolerance and maintain peaceful co-existence among followers of different religions”⁴. However, under the guise of maintaining religious harmony, Singapore has implemented legal provisions that actually restrict religious speech that might “wound the feelings” of other religious groups. These provisions infringe on, rather than protect, religious liberty.

Legal Background

6. Article 15 of the Constitution of Singapore contains protections for the rights of freedom of religion. However, the Constitution also reserves for the government the ability to limit and restrict those freedoms in the name of “public order” and “morality”. Article 15 states:

15. – (1) Every person has the right to profess and practise his religion and to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purpose of a religion other than his own.

(3) Every religious group has the right –

(a) to manage its own religious affairs;

(b) to establish and maintain institutions for religious or charitable purposes; and

(c) to acquire and own property and hold and administer it in accordance with law.

(4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality⁵.

7. Through the Singaporean Penal Code, the government has further restricted the right to freedom of religion. Article 298 of the Singaporean Penal Code states:

Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Article 298A further states:

Whoever – (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility, shall be punished with imprisonment for a term which may extend to 3 years, or with a fine, or with both⁶.

8. Singapore is also a party to the Universal Declaration of Human Rights (UDHR), which protects religious freedom. Article 18 of the UDHR states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance⁷.

9. These provisions, in both Singapore’s Constitution and Penal Code, restricting religious freedom are contrary to provisions in both the UDHR and the ICCPR. Singapore has been a member state of the United Nations since 1965, and therefore has an obligation to respect human rights as required under the United Nations Charter and the UDHR. In addition, while Singapore has not yet ratified the ICCPR, it has signed it, signally an intent to appear in favour of human rights. Article 18 of the ICCPR protects religious freedom with language identical to that of Article 18 of the UDHR.

Restrictions on Religious Speech

10. The provisions within the Penal Code described above can be used to target Christians – or any other religious practitioners – merely for practicing their faith. As previously stated, under the Penal Code, actions that are made with the deliberate intent of “wounding the religious or racial feelings of any person” can face imprisonment, fines, or both. Further, anyone who merely *utters a sound* or makes a gesture also faces imprisonment, fines, or both. This type of language is highly problematic, as a mere innocent expression of one’s religion can be taken as derogatory by the adherents of another religion.

11. Furthermore, in 2019 the parliament approved amendments to the Maintenance of Religious Harmony Act⁸. The new amendments specifically target religious leaders for “causing feelings of enmity, hatred, ill-will or hostility between different religious groups” as well as “exciting disaffection against the President or the Government while, or under the guise of, propagating or practising any religious belief”⁹. Under Article 8 of the Act:

8. – (1) The Minister may make a restraining order against any priest, monk, pastor imam, elder, office-bearer or any other person who is in a position of authority in any religious group or institution or any member thereof for the purpose specified in subsection (2) where the Minister is satisfied that that person has committed or is attempting to commit any of the religious acts:

- (a) causing feelings of enmity, hatred, ill – will or hostility between different religious groups;
- (b) carrying out activities to promote a political cause, or a cause of any political party while, or under the guise of, propagating or practising any religious belief;
- (c) carrying out subversive activities under the guise of propagating or practising any religious belief; or
- (d) exciting disaffection against the President or the Government while, or under the guise of, propagating or practising any religious belief.

(2) An order made under subsection (1) may be made against the person named therein for the following purposes:

- (a) restraining him from addressing orally or in writing any congregation, parish or group of worshippers or members of any religious group or institution on any subject, topic or theme as may be specified in the order without the prior permission of the Minister;
- (b) restraining him from printing, publishing, editing, distributing, or in any way assisting or contributing to any publication produced by any religious group without the prior permission of the Minister;
- (c) restraining him from holding office in an editorial board or a committee of a publication of any religious group without the prior permission of the Minister.

(3) Any order made under this section shall be for such period, not exceeding 2 years, as may be specified therein¹⁰.

12. These types of vague laws are extremely concerning, especially for Singaporean Christians. Under these provisions Christians can be punished simply for sharing their belief in Jesus as the Son of the one and only true God. According to the language of this law, such a statement could be viewed as “wounding the religious and racial feelings” of those who hold different religious views and don’t believe that Jesus is the son of God.

13. We have seen how similar laws have been used to target Christians in other countries simply for spreading their faith. For example, in Malaysia, four Christians were arrested for handing out pamphlets promoting Christianity¹¹. Since Malaysia is a predominately Muslim country handing out pamphlets promoting Christianity as the one true religion could easily be viewed as offensive by Muslims¹². In order to prevent Singapore from heading this direction, they must revise their laws to protect religious freedoms for all of its citizens.

Conclusion

14. Singapore must address the restrictions on religious freedom and allow for its citizens to freely profess their faith even if it could “offend” adherents of other religions. Thus, the Singaporean government must work to ensure that its laws truly protect the human right to religious freedom for *all* of its citizens. Furthermore, Singapore must take steps to ratify the ICCPR and work to uphold the principles enshrined within.

¹ Singapore, THE WORLD FACTBOOK (24 Sept. 2020), available at <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/sn.html>.

² *Id.*

³ UPR of Singapore – Thematic List of Recommendations - A/HRC/32/17/Add.1 available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SGindex.aspx>.

⁴ UPR of Singapore – Thematic List of Recommendations – A/HRC/32/17/Add.1 available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SGindex.aspx>

⁵ Constitution of the Republic of Singapore art. 15, available at <https://sso.agc.gov.sg/Act/CONS1963#pr16->.

⁶ Penal Code of Singapore art. 298, available at <https://sso.agc.gov.sg/Act/PC1871>.

⁷ Universal Declaration of Human Rights art. 18, available at https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

⁸ Singapore, END BLASPHEMY LAWS (29 Sept. 2020), available at <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/singapore/>.

⁹ Maintenance of Religious Harmony Act art. 8, available at <https://sso.agc.gov.sg/Act/MRHA1990#pr2->.

¹⁰ *Id.*

¹¹ *Finns Held In Muslim Malaysia Over “Christian Pamphlets”*, THE JAKARTA POST (21 Nov. 2020), available at <https://www.thejakartapost.com/seasia/2018/11/21/finns-held-in-muslim-malaysia-over-christian-pamphlets.html>.

¹² *Id.*