



Singapore: Human Rights Organisations Condemn Threat against Fundamental Freedoms

(Singapore/Bangkok, 19 March 2018) - Think Centre and the Asian Forum for Human Rights and Development (FORUM – ASIA) express great concern over the proposed Bill No. 11/2018 on Public Order and Safety (Special Powers), as it puts restrictions on the people of Singapore to exercise their fundamental freedoms. We particularly condemn the inclusion of peaceful protests as a threat to public order and national security.

The proposed bill was introduced for first reading in Parliament on 27 February 2018. It categorises a peaceful protest under Part 1, Section 3 as a 'serious incident', making it a similar offense as terrorist acts, serious violence affecting the public, and other acts causing large-scale public disorder. It provides examples to further define what is considered a 'serious incident', such as sit-down demonstrations that attract large groups of protesters and consequently occupy public space. The proposed bill falsely conflates a peaceful protest, regardless of its non-violent nature, with terrorism, which would cause it to be treated the same way under the pretext of safeguarding national security.

The law opens the door to a potential abuse by government authorities and law enforcement entities¹ to suppress the rights to freedoms of peaceful assembly and speech. It gives the Minister for Home Affairs, upon its own discretion, full authority to grant the Commissioner of Police special powers to address such 'serious incidents'. These powers include the ability to prohibit the public from making or communicating audio, visual and texts messages about security operations. Anyone who would violate such an order will be subject to imprisonment for a maximum of two years or a fine not exceeding 20,000 Singapore Dollars. As the police already has much power to curb the right to freedom of assembly under the existing Public Order Act, these new restrictions raise serious concerns. They will make occurrences of maltreatment and police violence against protesters more likely to happen.

Think Centre and FORUM-ASIA recall the joint report of the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, on the proper management of assemblies, which states '*when a State invokes national security and protection of public order to restrict an assembly, it must prove the precise nature of the threat and the specific risks posed. It is not sufficient for the State to refer generally to the security situation. National, political or government interest is not synonymous with national security or public order.*'²

¹ The purpose of this Act 6 (a) 'to provide additional powers to the police'. <https://statutes.agc.gov.sg/Bills-Supp/11-2018/Published/20180227?DocDate=20180227#pr6->

² A/HRC/31/66, *Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies*, 4 February 2016, para. 31.



Additionally, obstructions resulting from protests do not make protests themselves not 'peaceful',³ therefore it should not lose its status of a peaceful protest nor the rights entitled to it. Any restrictions imposed on peaceful assembly should satisfy requirements of necessity and proportionality according to international human rights standards. The proposed bill violates the rights to freedoms of peaceful assembly and speech as guaranteed under Article 14(1)(a) and (b) of the Constitution of Singapore⁴ and the Universal Declaration of Human Rights, particularly Articles 19 and 20.

Think Centre and FORUM-ASIA call upon the Government of Singapore to exclude peaceful protests from the proposed bill and revise it to ensure that the protection of public order will not violate fundamental rights. We also demand the Government of Singapore provides ample time for public consultation on the bill and the special powers accorded to the police in it, as well as to consider and conform to international human rights standards of peaceful assembly.

About the organisations:

Think Centre is an independent non-governmental organisation (NGO) in Singapore. First registered as a business (RCB) on 16 Jul 1999 and today as a society (under ROS) on 20 Oct 2001, the Centre aims to critically examine issues related to political development, democracy, rule of law, human rights and civil society. Think Centre's activities include research, publishing, organising events and networking. Think Centre has been a member of FORUM-ASIA since 2001.

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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³ OSCE-ODIHR and Venice Commission, Guidelines on Freedom of Peaceful Assembly, 2nd ed., 2010, Guideline 1.3.

⁴ Constitution of Singapore. <https://statutes.agc.gov.sg/Act/CONS1963#pr12->.