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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Letter dated 19 March 2018 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I refer to the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/37/51).

In his report, the Special Rapporteur, Michel Forst, inaccurately and misleadingly cited the Public Order Act in Singapore as an example where the ability of people on the move to protest through free expression, association and peaceful assembly is too restricted.

We are disappointed and regret Mr. Forst's inaccurate and irresponsible portrayal of our Public Order Act, as we had comprehensively explained the Act in our previous communication with him in September 2017. We also expressed our disappointment and views on this matter in our national statement during the clustered interactive dialogue with Mr. Forst at the Council meeting held on 1 March 2018; our detailed response to Mr. Forst's report is attached (see annex).

My delegation attaches importance to the work of the special procedures of the Human Rights Council; when relevant, we too have benefited from their advice and expertise. Special procedure mandate holders also ought, however, to act responsibly and present facts accurately, or risk their own credibility and the trust placed in them.

I request, through you, that the present letter and the enclosed comments* on the report of the Special Rapporteur be circulated as a document of the thirty-seventh session of the Human Rights Council under agenda item 3.

(*Signed*) Foo **Kook Jwee**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

Annex to the letter dated 19 March 2018 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the President of the Human Rights Council

1. The Permanent Mission of the Republic of Singapore to the United Nations Office at Geneva refers to the report A/HRC/37/51 of the Special Rapporteur on the situation of human rights defenders.

2. The Special Rapporteur in paragraph 44 of his report cited Singapore's recently amended Public Order Act as an example where the ability of people on the move to protest through free expression, association or peaceful assembly is too restricted. The Special Rapporteur specifically referred to Section 7 of the Public Order Act and said that it provides that a permit for public assembly may be refused if it involves the participation of any individual who is not a citizen of Singapore, and that this has forced organisers to establish what are in effect "immigration checkpoints" at the entrances to spaces of protest and has "silenced the voices" of the quarter of the residents of Singapore who are not citizens on issues that pertain to their daily life in the country. The Special Rapporteur added that there is no basis in international law for completely divesting non-citizens of their assembly rights.

3. These assertions are misleading and have failed to provide proper context and explanation of the relevant sections of Singapore's Public Order Act, which, consistent with international human rights standards, ensures adequate space for the individual's rights of political expression whilst maintaining order and stability. Section 7 of the Public Order Act does not provide that the participation of any individual who is not a citizen of Singapore, in itself, could lead to a refusal of a permit for a public assembly. Rather, Section 7 provides that this would be a consideration where the proposed public assembly may, in addition, be directed towards a political end. Moreover, the assertion that the Public Order Act has "silenced the voices" of non-citizens and the insinuation that the Act completely divests non-citizens of their assembly rights are both baseless. It should be emphasised, in particular, that the Act does not bar non-citizens from applying for permits for public assemblies and public processions.

4. To properly consider Section 7 of the Public Order Act, it is necessary to have regard to the policy objectives for the Public Order (Amendment) Act 2017, which, among other things, amended Section 7 to clarify that the Commissioner of Police may refuse to grant a permit for a public assembly or public procession if there is reasonable ground to believe that the proposed event may be directed towards a political end and is organised by or involves the participation of non-Singapore citizens or entities. There are two major parts to the Public Order (Amendment) Act 2017. The first is to protect the Singaporean public and large-scale events from the clear and present threat of terror attacks or other public order incidents by putting in place adequate security measures. The second part seeks to prevent Singapore from being used as a platform by foreigners and foreign entities to further their own political causes, and from interfering in our domestic issues, including on controversial social issues with political overtones. These are political, social or moral choices for Singaporeans to decide for ourselves. This is a sovereign right and we see no need to brook foreign interference.

5. Singapore has always respected the fundamental human rights enshrined in the United Nations Charter and the Universal Declaration of Human Rights. Our Constitution protects rights to freedom of speech and expression and freedom of peaceful assembly and association, and our laws and enforcement measures are in full conformity with our international law obligations. We welcome vibrant public discourse because it encourages greater civic participation, and the Speakers' Corner, established by the Singapore Government in 2000, provides a space for Singaporeans to express their views on issues that concern them. In the past five years, 176 peaceful demonstrations were organised at the Speakers' Corner in Singapore. Non-citizens can also apply for permits for events at the Speakers' Corner, within the ambit of the law.

6. In Singapore, rights to freedom of speech, expression, peaceful assembly, and association, are, however, not unqualified, and must be exercised responsibly in accordance with the rule of law and within the context of broader societal priorities in order to preserve a harmonious society. The Universal Declaration of Human Rights also recognises that there are limits to these rights, including those for the purpose of securing due recognition and respect for the rights and freedoms of others, and meeting the just requirements of morality, public order and general welfare in a democratic society. Laws such as our Public Order Act seek to strike an appropriate balance on the various competing interests, and are in full conformity with the Universal Declaration of Human Rights.

7. In the past year, Singapore had responded to communications from Mr Forst and other relevant Special Procedures mandate holders on 8 September 2017 to comprehensively address their concerns, including explaining our Public Order Act. We are therefore disappointed and deeply regret that Mr Forst has not just disregarded the substance of our responses but has chosen instead to misrepresent our laws and even mischievously caricature them.