



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 105th session

### Summary record of the 2843rd meeting\*\*

Held at the Palais Wilson, Geneva, on Thursday, 18 November 2021, at 3 p.m.

*Chair:* Ms. Li

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article 9 of the Convention (*continued*)

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\* Reissued for technical reasons on 19 January 2022.

\*\* No summary records were issued for the 2841st and 2842nd meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Initial report of Singapore* (CERD/C/SGP/1; CERD/C/SGP/Q/1)

1. *At the invitation of the Chair, the delegation of Singapore joined the meeting.*
2. **Mr. Mohamad Maliki Bin Osman** (Singapore) said that Singapore was a small, densely populated city state with a diverse society comprising persons of Malay, Chinese, Indian, and Eurasian origin and individuals from many other ethnic groups. As Singapore had no natural resources and its only resource was its people, its survival as a nation depended on its ability to forge a common national identity while maintaining racial harmony and peaceful coexistence. It had celebrated its diversity and worked towards unity with racial equality being a cornerstone of its laws and policies since its independence. Singapore was committed to achieving better outcomes for its people in a manner that reflected its unique context culture, and history, and the Government was committed to the principles of multiracialism and meritocracy. Multiracialism recognized the uniqueness and diversity of the country's society. The basic approach to achieve racial harmony was not to create a monolithic society. Instead, multiracialism entailed being sensitive to the individual needs of each ethnic community, and Singapore made a deliberate effort to preserve their heritage and identity. At the same time, Singapore also sought to expand common spaces among communities and strengthen the shared sense of belonging. In adhering to the principle of meritocracy, the Government ensured that all citizens had opportunities regardless of colour, creed or culture. All Singaporeans could progress and be rewarded on the basis of individual merit, irrespective of their race, language, religion or socioeconomic background.
3. Racial harmony in Singapore was a continual work in progress. Since the submission of its report in 2018, Singapore had taken further steps to strengthen race relations. Singapore looked forward to hearing the Committee's recommendations on how Singapore could take its work forward. Singapore now enjoyed racial and religious harmony, as demonstrated by the results of the 2019 Gallup World Poll, which had found that 95 per cent of respondents in Singapore said that the country was a "good place to live" for racial and ethnic minorities. However, the bonds of trust that bound the different communities together could not be taken for granted. The colonial administration had accentuated differences and separation through policies that had included the marking out of distinct housing zones for Chinese, Malay, Indian and European communities. When Singapore had become independent in 1965, it had faced the challenge of uniting disparate racial and religious communities into one nation and had experienced racial tensions in its early years. Instead of making the politically expedient choice of appealing to their respective communities, the country's founding fathers had championed a Singaporean Singapore, where all stood as equals in a just and fair society for all races. In order to continue strengthening social cohesion, the Government had established legal safeguards to protect racial and religious harmony, developed policies that fostered social integration and protected the interests of minorities and implemented programmes that inculcated mutual understanding and respect within the community.
4. The Constitution provided that all persons were equal before the law and entitled to equal protection under the law. The Government's responsibility to care for the interests of racial minorities was enshrined in the Constitution, which also recognized the special position of Malays as the indigenous people of Singapore. The rights of minorities were protected by the Presidential Council for Minority Rights, which served as an independent safeguard against the enactment of racially discriminatory laws. The Presidential Council scrutinized bills passed in the Parliament and subsidiary legislation to consider whether they would engender any unequal disadvantage for persons of any racial or religious community. There was a strong legal framework to deter any individual or group from attempting to cause racial conflict, including laws prohibiting the incitement of racial and religious hatred, as well as racially-aggravated acts of violence. Furthermore, institutional safeguards had been established to ensure the multiracial composition of the Parliament. In 2016, the Presidential Elections Act had been amended to safeguard representation of minority racial groups in the office of the President of Singapore. When a member from a racial community had not occupied the President's office after five continuous terms, the next Presidential election

would be reserved for a candidate from that racial community. The current President, Halimah Yacob, was the country's first female President from the Malay community.

5. Government policies were designed to protect the interests of ethnic minorities and to foster harmonious relations by maximising the common space for all Singaporeans. The Government had made significant investments in the key social pillars of housing, health care and education to meet the basic needs of all Singaporeans with more resources being allocated to those from lower income brackets. For instance, the Ethnic Integration Policy ensured that public housing, where about 80 per cent of the resident population lived, was occupied by a balanced mix of residents from different ethnic groups, thereby helping to prevent the formation of ethnic enclaves. The policy provided opportunities for Singaporeans of different races to interact and build bonds in community facilities and in common spaces within housing estates.

6. In the area of education, national schools where almost all Singaporean students were enrolled and all Singapore residents had access to, promoted social mixing and engendered a sense of shared identity from an early age. All students sang the national anthem, which was in Malay, the national language of Singapore. They also said the same pledge, studied a common curriculum, wore the same uniform, and learned English, which was the official working language of Singapore, so that they could interact with and learn from each other. Singapore had allocated significantly more resources to children from lower income households to help them do better in their studies and improve their social mobility. While commonalities were emphasized in schools, students also learned to appreciate each other's differences. The country's bilingual education policy allowed students to study their mother tongue or ethnic languages so that they could preserve their cultural heritage, values, and distinctiveness. Students learned about and celebrated cultural diversity so that they could deepen their understanding and appreciation of Singapore as a multiracial and multicultural nation.

7. In the area of employment, the Government was part of Tripartite Alliance for Fair and Progressive Employment Practices, along with employer representatives and union leaders. All reports of discriminatory acts that contravened the Tripartite Guidelines on Fair Employment Practices were thoroughly looked into and, if evidence was established, would be referred to the Ministry of Manpower for further investigation and actions to be taken against the employers concerned.

8. Alongside the Government, the community also had to play a role to achieve racial harmony and eliminate discrimination. Singapore was highly connected to the rest of the world and was therefore not immune to international developments that could undermine social cohesion, including religious extremism and radicalization. Although it took a strong stand against any person who supported, promoted or undertook violence, the Government made it clear that its fight was against extremism and violence not against any particular race, ethnicity or religion. The Government recognized that it was very easy to create distrust among communities and thus consistently worked to foster and strengthen relationships among the different communities.

9. Therefore, the Government had established mechanisms for obtaining public feedback on laws and policies. It also partnered communities to design and run programmes that encouraged communities to engage each other to build mutual respect and understanding. At the national level, the Government worked with religious and community leaders on issues of social cohesion through the National Steering Committee on Racial and Religious Harmony. Every electoral constituency had an Inter-Racial and Religious Confidence Circle that brought leaders from different ethnic and religious communities together to organize common activities for Singaporeans of all backgrounds.

10. The Government also worked with, and provided funding for, different ethnic communities through community organizations called Self-Help Groups, which helped to provide culturally appropriate, community-based assistance that complemented national schemes. The Self-Help Groups were also funded by voluntary contributions from the respective ethnic communities and grants from the Government. They also promoted social mixing across different ethnic groups through various initiatives. In 2016, the Government launched the SGSecure movement, which aimed to prepare the public in the event of a

terrorist attack, with one area of focus to ensure that a terrorist attack or even the threat of terrorism does not inflame interracial or religious tensions. The Government worked with community and religious leaders to prevent misinformation, doubt and hostility and to ensure that Singaporean society remained united and resilient in times of crisis.

11. Racial harmony in Singapore was the result of continuous and deliberate effort by the Government and citizens. A recent Pew Research Centre report had found that Singapore was one of the least divided societies surveyed, although it was ethnically and racially diverse. Fewer Singaporeans reported conflicts between people of different ethnic and racial backgrounds than nearly any other public surveyed. Although the policies put in place to strengthen social cohesion and deepen interracial trust and understanding had worked, the Government refused to be complacent and recognized that racial harmony was not a destination but a work in progress. It continually reviewed its policies to ensure that the evolving needs were met as circumstances shifted. It planned to enact a new maintenance of racial harmony act to consolidate all existing laws dealing with racial issues and provide for additional measures to encourage reconciliation when differences arose. In August 2021, the Prime Minister had announced that the Government, in consultation with tripartite partners, would enshrine the Tripartite Guidelines on Fair Employment Practices in law, which would expand the range of actions that the Tripartite Alliance for Fair and Progressive Employment Practices could take, to better tackle discrimination in the workplace and uphold workplace fairness. The Government would also continue to support community-driven dialogues which strengthened its racial harmony and created safe spaces for racial issues to be discussed in a robust and respectful manner.

12. Singapore was not exempt from the challenges of the coronavirus disease (COVID-19) pandemic, but adapted and rallied together to help those in need regardless of race or religion. The Government's efforts to build resilience in the population from COVID-19 were targeted not just at Singaporean nationals but also at all long-term residents of the country. In view of the high risk of transmission in communal settings such as dormitories, migrant workers staying in dormitories had been one of the earlier groups to be prioritized for vaccination. Currently, 98 per cent of dormitory residents were vaccinated. The Government was committed to care for its migrant workers just as it cared for Singaporeans. Apart from health-care needs, migrant workers residing in dormitories were also provided with wireless Internet access and SIM cards so they could keep in touch with their families and friends. The Government had also ensured that they continued to be paid their salaries and helped them to remit money home, if required.

13. Like many countries around the world, there had been reports of several racially motivated incidents with verbal and physical altercations. While it could be the result of the tense environment of restricted movements due to COVID-19, there was no excuse for racial discrimination. Those incidents had been condemned at the highest levels, including by the Prime Minister. Each incident had been investigated and appropriate action had been taken within the existing laws, which signalled the overriding importance of racial harmony to Singapore. The country's work to build a cohesive society was never finished as every generation needed to reaffirm its commitment to a more just and equal society regardless of race, language or religion. Therefore, the Government supported civil society organizations, especially youth organizations, that advocated for racial harmony. The COVID-19 pandemic had not stalled efforts as dialogues and conferences on the subject of race had shifted to online platforms, where participation levels had been high. Social harmony of the kind found in Singapore could be sustained only by conscientious effort and conscious choice. The Government remained committed to working with the community to safeguard and strengthen racial and religious harmony and eliminate racial discrimination.

14. **Mr. Bossuyt** (Country Rapporteur) said that Singapore was to be commended for having submitted its initial report less than one year after the Convention had entered into force for the State party. The Committee welcomed the demographic information included in the State party report but would be grateful for updated information on the different groups living in the country, including economic and social data disaggregated by sex, age and ethnic or national origin. It would also be interested in learning whether the Government would consider incorporating the provisions of the Convention into its domestic legal order to ensure that they were fully and consistently implemented.

15. Given that article 12 of the Constitution did not provide for protection against discrimination for all the reasons covered by the Convention, including colour and ethnic origin, the State party should consider developing specific anti-discrimination legislation in order to fill that legal gap. Noting that, on becoming a party to the Convention, Singapore had entered a reservation concerning its right to apply its policies on the admission and regulation of foreign work pass holders, he asked how that reservation was applied and whether the Government felt that it was necessary to retain it.

16. It would be useful to hear the delegation's views on whether the dual role of the Chief Justice as head of an independent judiciary and as Chairperson of the Presidential Council for Minority Rights represented a conflict of interest, as noted in 2010 by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He wondered whether the State party had made any plans to adopt a comprehensive strategy and national action plan to combat racism, racial discrimination, xenophobia and related intolerance and whether it envisaged establishing an independent human rights institution that would be fully compliant with the Paris Principles.

17. He would welcome information, including statistics broken down by the ethnic or national origin of the victims, on the cases of racial discrimination, racist hate speech and other racist hate crimes heard by the State party's courts or other relevant institutions. In that connection, he wished to know how many such cases had been investigated and how many of those investigations had led to prosecutions and convictions. It would also be helpful to know what compensation the victims had been awarded, who was eligible for legal aid and how many people had received such aid to help them file a complaint of racial discrimination.

18. The Committee had received an alternative report from a civil society organization and was troubled by the high rates of incarceration in the State party and by the State Party's ongoing reliance on corporal punishment alleged within the report, in particular the caning of convicted criminals. The Committee noted that the report highlighted (i) the imposition of the death penalty, mostly for drug offences; and (ii) that drug use was framed as a Malay problem. The Committee urged the State party to prohibit corporal punishment and place a moratorium on executions, and endorsed the call by a number of special rapporteurs for the State party to put a halt to the planned execution of a Malaysian national with disabilities who had been sentenced to death for a drug offence. Lastly, the Committee would appreciate receiving statistical data on policing practices.

19. **Mr. Kut** (Follow-up Coordinator), clarifying a procedural point, said that the State party should be aware that it would be asked to submit an interim report in which it informed the Committee of the steps it had taken in follow-up to a select number of the recommendations made by the Committee in its concluding observations on the State party's initial report. Those recommendations were likely to concern issues touched on by the Country Rapporteur.

20. **Mr. Yeung Sik Yuen** said that he was eager to hear how the innovative and pragmatic approach to problem-solving for which Singapore was known helped it to fulfil its human rights obligations.

21. **Ms. Tlakula** said that she wished to know how many bills and pieces of subsidiary legislation had been analysed by the Presidential Council for Minority Rights and whether action was taken in follow-up to the Council's recommendations. She would welcome data, broken down by racial or minority group, on the persons who had been executed in the State party or were on death row. In addition, she would welcome examples of the policies that the Government had put in place to provide support for more vulnerable individuals and groups.

22. **Ms. Shepherd** asked what measures were being taken to ensure that migrant workers could move freely from one employer to another and to put an end to the mandatory pregnancy and HIV testing that female migrant workers could be required to undergo.

23. **Mr. Payandeh** said that he would welcome a comment on the State party's understanding of meritocracy as it related to the principle of equality and non-discrimination. In particular, he wondered whether the State party's legal system was premised on the idea that equality meant treating people of all ethnic or minority groups in the same way or whether it reflected a more nuanced understanding of the principle that took account of

differing socioeconomic circumstances. He would also like to know whether it was possible under Singaporean law to take special measures for the sole purpose of securing adequate advancement of certain racial or ethnic groups.

24. **Ms. Stravrinaki** said that she would like more information on how the concept of racial discrimination was understood in the State party and whether that understanding encompassed the idea of structural discrimination. In that connection, she wondered whether the State authorities were of the view that persons of Malay descent were especially likely to use drugs, and consequently such persons were more likely to be prosecuted for and convicted of drug-related offences.

25. **Mr. Diaby** said that he wished to know whether Singapore was ready to consider placing a moratorium on the death penalty with a view to abolishing it altogether. He also wondered whether a bill under which the Government would reportedly be able to label any media outlet a foreign agent had been made law. If so, were any safeguards in place to protect the rule of law? He would like to know what had become of Roy Ngerng, a popular blogger who had lost his job and been sued for defamation for criticizing the Government and its policies in a blog post and had been charged with disrupting the public order for participating in a protest. He would also appreciate more information on the extent to which civil society organizations, in particular those working on issues of racial discrimination, had participated in the preparation of the State party's initial report.

26. **Ms. Ali Al-Misnad** asked whether racial discrimination and issues facing minorities or immigrants were discussed openly in the State party, which, like many small, prosperous countries, was highly protective of its reputation as a model of economic development.

*The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.*

27. **Mr. Amir** said that the members of the delegation were to be commended for taking on the challenge of appearing before the Committee, which was evidence of their willingness to listen to and learn from Committee members.

28. **Mr. Mohamad Maliki Bin Osman** (Singapore) said that the elimination of racial discrimination was in the best interests of Singapore because of its unique circumstances as a young nation forged out of disparate groups. The Government would continue to take vigorous action to attain racial harmony by responding to changing circumstances such as demographic changes and the evolution of society. It was committed to achieving progress in a manner that reflected the country's unique context, culture, and history along the key pillars of meritocracy and multiracialism, which had guided its policies to ensure a fair and balanced approach to all communities regardless of race, language and religion. The country's approach to human rights was premised on two tenets: first, that human rights did not exist in a vacuum and must consider the country's specific circumstances, including its cultural, economic, and historical context; and second, that the rule of law was an essential precondition for promoting and protecting human rights. As Singapore was determined to remain multiracial in a fair and just society, the Government had invested in key areas including housing, health care and education to meet the people's needs and aspirations.

29. **Mr. Ong** (Singapore) said that the State's mutually reinforcing system of legislation, institutional oversight, community engagement and public education to protect human rights was a comprehensive strategy and constituted a national plan to combat racism, racial discrimination, xenophobia and intolerance. With regard to the development of specific legislation to combat racism, a question raised by Mr. Bossuyt, he wished to assure the Committee that many of the principles contained in the Convention had been incorporated in various pieces of Singaporean legislation, policies and initiatives prior to its ratification. That approach did not in any way signal less commitment to addressing the issue and also allowed for more targeted approaches towards discrimination in specific contexts and sectors. For instance, the principle of the equality of all persons before the law had been enshrined in article 12 of the Constitution. In addition, Singapore had a range of legislation including the Penal Code, the Maintenance of Religious Harmony Act and the Undesirable Publications Act, which sought to tackle hate crimes and hate speech. The electoral system ensured that the Parliament would always be multiracial in its composition, and 7 of the 20 current members of the cabinet ministers were from minority groups.

30. As to the possible establishment of an independent national human rights institution, a question raised by Mr. Bossuyt, he said that Singapore had a strong system of institutional oversight. The Presidential Council for Minority Rights served as a safeguard against the enactment of laws of unequal disadvantage to persons of any racial or religious community, and the courts were vested with power to invalidate any law that breached the principle of equality enshrined in article 12 of the Constitution. The Inter-Ministry Committee on the International Convention on the Elimination of All Forms of Racial Discrimination (Inter-Ministry Committee on ICERD) was a national mechanism that monitored the implementation of the Convention, coordinated policies and proposed improvements to address racial discrimination.

31. The Government was aware that more than laws and policies were required to tackle racial discrimination. It was also essential to change social attitudes by working with stakeholders throughout society. The Government was determined to proactively build trust and understanding across different communities through partnership and engagement at the national and local levels. For example, the Inter-Ministry Committee on ICERD sought the views of the non-governmental sector, stakeholders, community and civil society organizations and the general public by organizing dialogues, forums and workshops on issues pertaining to racial discrimination and the Convention. It had also consulted various segments of the population, including religious and community leaders, academics, youths as well as civil society organizations, when preparing the initial report to the Committee. There was also a general public consultation on the report, which had been made available on the Internet. In addition, a key part of the country's approach to addressing racial discrimination was through public education, to raise awareness of avenues to address racial discrimination, as well as promote understanding, acceptance and appreciation of differences. In response to Mr. Bossuyt, he said that the Inter-Ministry Committee on ICERD had developed general public education materials, such as videos, brochures and posters aimed at raising awareness of the Convention and had been distributed to various stakeholders, including schools, and digital versions were available on the Internet. The Inter-Ministry Committee on Human Rights, which comprised 15 governmental agencies, also engaged with civil society and coordinated the implementation of cross-cutting human rights policies.

32. Regarding whether issues relating to racial discrimination were discussed openly, as asked by Ms. Ali Al-Misnad, the Government supported non-governmental organizations (NGOs) in eliminating barriers and building bridges between different racial communities by funding initiatives such as community-led dialogues. For instance, it had launched the Harmony Fund in 2013 to support creative projects by individuals, for-profit and non-profit organizations promoting racial and religious harmony in Singapore, and had issued grants totalling more than US\$ 5 million for almost 200 community projects since 2013.

33. A major feature of the Government's pragmatic approach to human rights was that it did what worked and reconsidered what did not, through continual review and evaluation of its measures to combat racial discrimination. In response to Mr. Bossuyt, he said that the Government did measure indicators on key dimensions that mattered very much to Singaporeans in the areas of education, income and housing, to measure the social and economic progress achieved by all ethnic groups. The Chinese, Malay and Indian communities had all recorded improvements in educational attainment. From 2010 to 2020, the proportion of residents with post-secondary or higher qualifications had risen across the board and gaps between ethnic groups had narrowed, with the proportion of Malay and Indian residents aged 25 years and over acquiring such qualifications rising from 31 per cent to 48 per cent and 59 per cent to 67 per cent between 2010 and 2020, respectively. After accounting for household size, Malays had recorded the highest growth in median household income between 2010 and 2020, at 4.3 per cent per annum, followed by Chinese households at 4.2 per cent and Indian households at 3.9 per cent. Home ownership rates were above 80 per cent across ethnic groups.

34. In addition to those socioeconomic indicators, the racial harmony enjoyed in Singapore was reflected in surveys and studies by academics, think tanks and civil society organizations. According to one such survey conducted in 2018 by the Institute of Policy Studies, more than half of all respondents considered that the level of racial and religious harmony was high or very high, almost 40 per cent considered that it was moderate and only

3.5 per cent considered that it was low or very low. There had continued to be high levels of interracial and religious trust reported in the 2018 survey and trust levels had increased since 2013.

35. **Mr. Goh** (Singapore) said that equality in terms of race and religion was recognized by the Government as fundamental to building a multiracial and multireligious society. The Presidential Council for Minority Rights, established in 1970 in furtherance of that goal, scrutinized every bill or subsidiary legislation which, in its view, might prove disadvantageous for a particular community. Provisions disadvantageous to any racial or religious community relative to others were reported so that they might be reconsidered by the Parliament.

36. The Council was part of a robust system of checks in place that demonstrated the State's commitment to racial and religious equality. When new policies and laws were drafted, the ministries consulted relevant stakeholders on their potential impact, including the potential implications on racial communities or racial harmony. Before a bill constituting a proposed legislation reached the Presidential Council on Minority Rights, the bill would have gone through levels of checks. First, the ministry-in-charge would seek the advice of the Attorney General's Chambers on the legality of its actions and consistency with the Constitution. Second, the bill would be put before a multiracial and democratically-elected Parliament for debate before it could be passed as law. The interest of any affected community could be expressed during the parliamentary debate on new or amended legislation. The Presidential Council on Minority Rights' annual report was put before the Parliament. The lack of adverse reports was not a reflection of the Council's inefficacy but reflected the effectiveness of the system of checks.

37. With regard to whether there was a potential conflict of interest between the dual role of the Chief Justice as head of the judiciary and Chair of the Presidential Council, the judiciary's function differed from that of the Council. The judiciary interpreted the law to assess the constitutionality of a law or policy before it, whereas the Council considered whether a proposed law constituted a differentiating measure which was or was likely to be disadvantageous to any racial or religious community in Singapore. Moreover, the Council was composed of up to 20 members, including religious and community leaders, who represented different racial and religious groups and who were appointed by the President of Singapore.

38. **Ms. Lim** (Singapore), referring to the reservation entered by Singapore to article 2.1 of the Convention, said that Singapore had a sizeable migrant worker population, comprising about one third of the country's workforce. As one of the most densely populated cities in the world, Singapore needed to regulate the inflow of workers, taking into account its limited land and natural resources and the need to maintain social cohesion in a racially diverse society. For that reason, like many other countries around the world, Singapore regulated the entry of non-citizens into the country, including those wishing to work there. Employers hiring semi-skilled foreign workers, or work permit holders, could only do so from approved countries and regions. Policies concerning such workers were regularly reviewed, guided by industry feedback and economic considerations. There were no such restrictions on the hiring of highly skilled and mid-skilled foreign workers.

39. **Ms. Boey** (Singapore) said that article 12 (1) of the Constitution, which stipulated that all persons were equal before the law and entitled to equal protection under the law. By virtue of its generality, article 12(1) encompassed the principle of non-discrimination that was applicable to all racial groups, including ethnic minorities. In addition, there was no indication from the negotiating history of the Convention or the Committee's subsequent interpretation that the terms "colour" and "ethnic origin" used in the Convention encompassed characteristics not already subsumed under the plain meaning of the words "race", "descent" and "place of birth" in the Constitution. The decision handed down by the Court of Appeal on 28 October 2014, which Mr. Bossuyt had asked about, did not detract from that. The Court of Appeal had affirmed that the concept of equality was embodied in article 12 (1). The legal effect of article 12 (1) was distinct from that of article 12 (2), in that the latter set out more specific grounds on which discrimination was not permitted, but that did not detract from the general principle of equality enshrined in article 12 (1). Having studied the Convention carefully, the Singaporean authorities believed that, as many of the



principles enshrined therein had been incorporated into the Constitution, domestic legislation and key policies, the lack of a specific anti-discrimination law did not imply any lack of commitment to those principles.

40. **Ms. Hoe** (Singapore), addressing Mr. Bossuyt's query on eligibility for legal aid in Singapore, said that Government-funded legal aid was provided for persons involved in both civil and criminal cases. There was no discrimination against applicants on the basis of race or religion. Applicants for legal aid in civil cases must be citizens or permanent residents. They were required to pass a means test based on household income and other objective criteria. They also had to pass a merits test, which assessed whether applicants had reasonable grounds for filing or defending a lawsuit. Applicants for legal aid in criminal cases had to be charged with a relevant criminal offence and pass the means and merits tests. The means test looked at the objective criteria of an applicant's disposable income and assets, whilst the merits test assessed whether the applicant had reasonable grounds for defending the case in Court. All persons facing capital charges were offered legal representation under the Supreme Court-administered Legal Assistance Scheme for Capital Offences without having to fulfil eligibility criteria.

41. In relation to a separate query raised by Mr. Bossuyt, she said that prosecutors and the State Counsel received training, in the form of in-house courses and courses at higher educational institutions and external organizations, on international human rights law, the Constitution and domestic legislation under which the State's international obligations were implemented, including in the area of human rights. For lawyers and other legal professionals, their legal training ensured competence to provide advice and assistance on all legal matters, including those covered by the Convention, though she was not aware of any training on the Convention specifically. Police officers were trained to treat all individuals fairly, professionally and with empathy in the performance of their duties, regardless of race, language, religion or national origin, while having due regard to specificities such as religious beliefs and practices of victims and suspects, which was especially important in the country's multiracial context. Front-line officers receive recurring service delivery training annually and additional formative training on dealing with victims and handling delicate social situations.

42. **Mr. Cheah** (Singapore) said that the death penalty was an important component of the criminal justice system in Singapore. It was applied in the most limited circumstances as a deterrent to the most serious crimes, such as murder and the trafficking of significant quantities of drugs, and only after due process of law with judicial safeguards. In applying the death penalty, the broader interests of ensuring people's fundamental human rights to safety and security was served.

43. The country's laws applied equally to all, regardless of race, colour, descent, ethnic origin or nationality, and those who chose to break them could not expect any differentiated treatment based on race or nationality. Persons of any nationality charged with a capital offence were offered legal counsel free of charge. All criminal proceedings were conducted with due process before an impartial and independent court. The public prosecutor had to prove guilt in accordance with the law before an accused person could be convicted and sentenced. Race, nationality, ethnic origin and other demographic characteristics had no bearing on conviction and sentencing decisions. Data on the racial distribution of criminals receiving the death penalty were not released, but all persons were treated equally and accorded due process under the law.

44. On the question of a moratorium on executions and the abolition of the death penalty, he said that international law did not prohibit the death penalty and that there was no international consensus against the death penalty when imposed in accordance with due process of law and with judicial safeguards. States had a sovereign right to decide whether to apply capital punishment, taking account of their particular circumstances and obligations under international law. The right was reaffirmed most recently at the seventy-fifth session of the United Nations General Assembly, in 2020. Singapore respected the sovereignty of other States to determine their criminal justice systems and expected the same in return.

45. The country's experience had shown the death penalty to be an effective deterrent against the most serious crimes. A study carried out in 2018 had found that drug traffickers

who were aware of the penalties they faced had reduced the amount of drugs they trafficked into Singapore. The deterrent effect had also been observed in other serious offences in Singapore. Firearm offences had declined immediately by 39 per cent when the death penalty applied to the offence in 1974. Kidnapping fell sharply from an average of 29 cases per year in the late 1950s, to just one case in 1961 when the death penalty was introduced for the offence. Both offences were now very rare in Singapore. Moreover, Singapore was one of the few countries where the drug menace had been contained, a considerable achievement for a major trading hub; it was also one of the safest cities in the world, repeatedly ranking first on public perceptions of law and order in the Gallup Global Law and Order Report.

46. With regard to the case referred to by Mr. Bossuyt concerning Nagaenthran Dharmalingam, Singapore had responded comprehensively to the joint urgent appeal from the special rapporteurs and was able to provide the Committee with its response. Several points of clarification were nonetheless in order. Mr. Nagaenthran had been convicted of importing more than 15 grams of pure heroin, a capital offence under the Misuse of Drugs Act. He had been caught trafficking 42.72 grams, an amount equivalent to about 3,560 straws of heroin that could feed the addiction of more than 500 abusers for over a week. The Committee was asked to consider the number of lives that would have been destroyed, and the heavy price their families and society would have paid had the significant amount of drugs Mr. Nagaenthran was carrying become available to drug abusers.

47. Mr. Nagaenthran had appealed to the Court of Appeal against his conviction and sentence, and his appeal was dismissed in 2011. In 2015, he filed an application to set aside the sentence of death imposed on him, and to substitute it with a sentence of life imprisonment. One of the issues considered during his resentencing application was whether his mental responsibility for his actions had been substantially impaired at the time of the offence. The Singapore High Court had considered the facts, expert evidence from four different psychiatric and psychological experts, and further submissions by the prosecution and by Mr. Nagaenthran's defence counsel. The High Court had assessed the evidence of the psychiatrists, including the evidence of a psychiatrist called on behalf of Mr. Nagaenthran. That psychiatrist had agreed in Court that Mr. Nagaenthran was not intellectually disabled. The High Court had found that Mr. Nagaenthran was able to plan and organize in simple terms and "was relatively adept at living independently". The Court had also noted that his actions in respect of the drug importation offence revealed that he was "capable of manipulation and evasion". The Court had found that Mr. Nagaenthran knew what he was doing when he had committed the offence. Mr. Nagaenthran had appealed his decision to the Court of Appeal. The Court of Appeal had affirmed the High Court's decision and was satisfied that Mr. Nagaenthran clearly understood the nature of his acts. The Court of Appeal had noted that Mr. Nagaenthran knew that it was unlawful for him to be transporting drugs. Hence, Mr. Nagaenthran had attempted to conceal the drugs. Mr. Nagaenthran had been accorded full due process under the law, and was represented by legal counsel throughout the process. He filed a petition to the President for clemency in 2019, which had been rejected. Mr. Nagaenthran's counsel had lodged a notice of appeal, and there were outstanding legal applications before the courts pertaining to his judicial execution. The Court of Appeal had issued a stay of execution until all proceedings were concluded, and it would make its ruling on the matters in due course.

48. Singapore had a comprehensive legal framework to deter hate crimes and hate speech, including the Penal Code, the Maintenance of Religious Harmony Act, the Societies Act and the Undesirable Publications Act. Those laws were duly enforced and applied. Police officers investigated the facts of each case and apprehended offenders regardless of their race, colour, descent, nationality, or ethnic origin. Between 2016 and 2020 the police had investigated 143 acts that had (a) deliberately wounded racial and religious feelings, (b) promoted enmity amongst racial and religious groups or (c) prejudiced the maintenance of racial and religious harmony in Singapore. Of those cases, 15 had been prosecuted in court, all of which had resulted in convictions.

49. The statement in the alternative report, which had been read by Mr. Bossuyt, that Singapore had the third highest prison population in the world was untrue. The ratio of prisoners to the general population in Singapore was not 213 per 100,000, as indicated in the alternative report, but around 179 per 100,000 as of November 2021. Singapore had established legislation and regulations to guide practices within the prisons, and all prisoners

were treated fairly and equally, regardless of their race, language, religion or nationality. There were regular inspections by visiting justices, during which prisoners' complaints could be heard. Singapore adopted a rehabilitative approach that was guided by international best practices on rehabilitation and reintegration, and the outcomes of interventions were regularly evaluated to ensure that the rehabilitation of ex-offenders had been effective.

50. Drug use in Singapore was not framed as a Malay problem as Mr. Bossuyt had suggested. Taking a zero-tolerance approach, the authorities aimed to tackle the problem of drug abuse comprehensively across the board, regardless of the race, colour, descent, or national or ethnic origin of users. The authorities in Singapore did not seek to frame the problem according to racial lines but instead attempted to uplift all communities. To that end, the Central Narcotics Bureau of Singapore had worked with youth of all races in developing its drug abuse prevention education programme. The focus was on youths, as that group tended to underestimate the harm that drug abuse could cause. The Government was cognizant that the statistics revealed that drug abuse was a particular challenge for certain communities. Building on that information, the Government had tailored its approach to those communities and partnered with them to address challenges head-on, and through open dialogue. The Government had also been working with community partners to ensure a culturally nuanced approach to anti-drug messages. The Government worked with mosques for example, to draw attention to the prohibition of drug use in Islam and inspire the Malay community in Singapore to lead productive, drug-free lives.

51. **Mr. Mohamad Maliki Bin Osman** (Singapore) added that the focus of the Government's response to the penal and drug populations was rehabilitation. At the community level, support was provided to inmates and their families in the hope that ex-prisoners would be able to rebuild their lives when they returned home. He addressed questions posed by Mr. Bossuyt and Mr. Yeung Sik Yuen on the authorities' pragmatic approach to human rights. At the time of its independence, few would have expected a small city state with barely 2.5 million people and no natural resources to survive. The heart of the Singapore story and its practical and pragmatic approach was one of finding the right political, economic and social strategies for broad uplift of all communities that had decided to come together to forge a nation from such heterogeneity with limited resources, capacities, and talent. Many new States would have been pulled apart by religious and deep primordial tensions, but Singapore had not, despite being the most religiously diverse nation in the world. Social harmony had not come about by chance. It was the product of deliberate choices and policies. Each community, including the majority Chinese community, did not insist on the primacy of its race, religion, language or culture but was prepared to live together and accommodate others in the context of a multiracial and multireligious society. The practical and pragmatic approach Singapore had adopted, as demonstrated by each community's willingness to make sacrifices for the larger good and to embrace common values, had contributed to the creation and expansion of common spaces. At times the Government had to intervene for the common good and take steps which were unpopular with a segment of the community. Due to a lack of resources and space, Singapore became pragmatic and innovative in order to survive.

52. In its first three decades of nationhood Singapore had focused on the basics: security, fair opportunities for a good education, a stable job and home ownership. Its story was not just one of rapid economic rise but of the broad-based social uplift of its people in a single generation. Singapore was a constant work in progress and it would continue to review its realization of human rights based on the changing needs of its society.

53. **Mr. Bossuyt** said that the fact that the development of Singapore was perceived as a success story was certainly a cause for happiness and satisfaction, not criticism. The issue of the death penalty continued to cause him concern, however. He was not someone who minimized the harmful effects of drug abuse. In many societies it was a very serious problem and measures needed to be taken to protect people who might otherwise fall victim to the abuse of drugs. However, he did not accept the idea that in order to do that it was necessary to apply the death penalty.

54. Leaving aside the Committee's concerns about the death penalty in general, in the context of Singapore specifically there was an ethnic minority problem: whereas the Malay population made up only 13 per cent of the total population, it apparently accounted for 84

per cent of those executed for drug trafficking. While he did not believe that the courts made any distinction based on ethnic origin, there must nevertheless be reasons why one ethnic group suffered so disproportionately in the application of the death penalty. In terms of the figures themselves, he would appreciate clarification by the delegation as to whether the Malays executed were Singaporean citizens of Malay ethnicity or foreigners from Malaysia.

55. He was also unable to accept the argument that the death penalty was an effective deterrent. Crime rates were not higher in countries where the death penalty had been abolished than in countries where it had not been abolished – quite the contrary. He did not believe that imposing the harshest possible penalty prevented drug trafficking. Indeed, the harsher the penalty, the more money could be made by trafficking; lighter penalties meant less incentive. Singapore had attained a level of development that should permit it to run the risk of applying a moratorium to see whether drug trafficking increased or not.

56. **Ms. Chung** said that she would like to know whether the State party's consultation with civil society during the preparation of its report had been open to the public and whether relevant information had been posted online. According to information received, only government-designated NGOs had been permitted to participate; she would welcome a comment from the delegation in that regard. She would also like to hear a general assessment of the situation of civil society organizations and human rights defenders in Singapore.

57. **Ms. Stavrinaki** said that, in connection with eligibility for legal aid, she would be interested to know who was deemed to be a permanent resident of Singapore. She wondered how the system facilitated access to justice for victims of crime who were non-permanent residents. Studies had shown that drug abuse had a greater impact on ethnic minorities and she agreed that governments had an obligation to protect them. However, she wondered whether imposing the death penalty was the only way to meet that obligation.

58. **Ms. Tlakula** said that she would like to know whether the process of appointing members to the Presidential Council for Minority Rights was transparent. Were the Council's reports publicly available?

59. **Mr. Diaby** asked whether the Government might be prepared to introduce a moratorium on the death penalty. Noting that protest demonstrations were permitted only in a highly restricted area, he asked whether the delegation could comment on the question of the shrinking space for freedom of expression in the media and whether that space could be broadened. As to human rights defenders, he noted that one opponent of the death penalty and defender of migrant workers' rights had served a prison sentence for organizing a videoconference on the issue of democracy.

*The meeting rose at 6 p.m.*