

## Country Briefing on Freedom of Religion or Belief in the Universal Periodic Review Process - Singapore

### Key points

An examination of the Universal Periodic Review (UPR) of Singapore across two cycles (2008 and 2015) reveals:

- Freedom of Religion or Belief (FoRB) is enshrined in the Constitution and supported in practice through institutions and civic initiatives,
- The Government pays particular attention to preserving racial and religious harmony,
- There are some concerns on restrictions on free speech under the guise of preventing racial and religious strife, and
- Migrant workers are in need of better protections to safeguard their freedom of religion or belief.

### Key UPR recommendations on FoRB

The following recommendations were made on FoRB across the two cycles:

- Restrictions on public discourse related to religion should be narrowed,
- Consider alternatives and less punitive measures for those violating religious sensitivities online or in publications,
- Enactment of legislation ensuring non-discrimination in employment related to religion, and
- Singapore should share its best practices in maintaining FoRB and religious harmony.

### Follow-up action for parliamentarians

Whereas the Singaporean Government has noted its good record on FoRB, *Parliamentarians must follow-up in order to:*

- Ensure that Singaporean laws and employment agencies better enable migrant workers, especially domestic workers, to practice their faiths,
- Ensure that sedition laws are not misused so as to stifle FoRB and freedom of expression, and
- Ensure reviews of laws in order to consider alternative, effective interventions for individuals who may violate national laws or norms regarding religious or cultural sensibilities through publication or posting of offensive material.

### What is the UPR?

The UPR of the United Nations Human Rights Council (HRC) is a peer-review process to foster dialogue on human rights and to improve adherence to universal standards and best practices .

It was launched in 2007 through UN General Assembly Resolution 60/251.

Every 4.5 years each Member State's human rights record is examined by peers.

A number of key documents are submitted:

- National Reports from Member State concerned,
- Information from UN bodies and treaty-based rights mechanisms, and
- Information provided by relevant stakeholders, including civil society and think-tanks.

The State under review (SUR) is evaluated on its compliance with the international human rights standards and best practices.

The SUR receives recommendations from other States on how the national human rights practices could be improved.

The SUR may accept, note or reject each recommendation made.

Two cycles of the UPR - 2008-2011 and

The situation of FoRB in Singapore as revealed in the UPR is outlined hereafter.

## **Background**

### *Demographics*

1. Singapore is an island city-state with a total population of 5.07 million people spread over a land area of 710 sq. km. Largely descended from immigrants, Singapore's resident population is ethnically diverse, with Chinese (74.3%), Malay (13.4%), Indian (9.1%) (includes Sri Lankan) and others (3.2%) (2016 est.) (CIA, World Factbook, 2017)

### *Religious Mix*

2. It is multi-religious and according to the Government's UPR report in 2011, the population comprised Buddhists (42.5%), Muslims (14.9%), Christians (14.6%), Taoists (8.5%), Hindus (4%), and the remainder of numerous other faiths.
3. Another source placed the percentages at Buddhist (33.9%), Muslim (14.3%), Taoist (11.3%), Catholic (7.1%), Hindu (5.2%), other Christian (11%), other (0.7%) and none (16.4%). (CIA World Factbook, 2017)

### *Legal Provisions on FoRB*

4. Singapore's Constitution enshrines and protects a range of fundamental liberties, including freedom of religion in Part IV. Article 15 stipulates that (1) Every person has the right to profess and practice 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 purposes of a religion other than his own and (3) Every religious group has the right to manage its own religious affairs; to establish and maintain institutions for religious or charitable purposes; and to acquire and own property and hold and administer it in accordance with law. It notes in clause (4) that this Article does not authorise any act contrary to any general law relating to public order, public health or morality.
5. Article 12(2) of the Constitution reads: Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.
6. With regard to the right to education, Article 16 stipulates that (1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth — (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or (b) in

providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore). (2) Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law. (3) No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his own.

### **Singapore government submissions**

7. The Government noted the Constitution's imposition of a responsibility on the State to care for the interests of racial and religious minorities in Singapore. In addition, the Government is required to recognise the special position of Malays, the indigenous people of Singapore. It noted its responsibility to protect, support and promote the political, educational, religious, economic, social and cultural interests of Malays.
8. Given its multi-racial and multi-religious composition and marked by racial and ethnic strife in its history, Singapore put forth that maintaining racial and religious harmony has been the top priority bar none of Singapore's governing institutions. This has been achieved, it argued, by managing, delicately and scrupulously, relations among the different races and religions and by taking firm action against any group that threatened racial or religious harmony. It has thus avoided major incidents of sectarian violence since its independence. With regard to contemporary threats from Islamic terrorism, these have reaffirming its commitment to secularism and to the principle that all its citizens are equal under the law, regardless of race, language or religion.
9. It insisted on the rule of law to ensure stability, equality and social justice which are prerequisites of economic growth and respect of fundamental human rights enshrined in the Universal Declaration of Human Rights and the Singapore Constitution
10. Singapore considered it a national priority to combat discrimination on the grounds of race or religion. Core principles that provided safeguards against racial and religious strife included of meritocracy, secular government and multiracialism. These ensured that the Government adopts an even-handed approach to all communities. Meritocracy ensured rewards on the basis of individual merit, and not on any other grounds. Secular government policy decisions were independent from religious objectives, and the state is neutral towards all religious beliefs. Multiracialism ensured that every ethnic community is free to preserve and promote its own cultural heritage, without infringing on the rights and sensitivities of other groups.

11. It promoted its strong legal framework consisting of the Maintenance of Religious Harmony Act, the Penal Code, the Sedition Act, and the Public Order Act, which acted as deterrents to racial and religious conflict. A Presidential Council for Minority Rights considered and reported on matters affecting persons of any racial or religious community in Singapore as referred to it by Parliament or the Government. With limited exceptions, the Council scrutinised draft legislation to ensure they do not disadvantage any racial or religious community. The Council also scrutinised subsidiary legislation for the same purpose.
12. A range of other laws and regulations sought to protect religious and racial harmony:
  - a) Guarding against religious based terrorism, the Internal Security Act (ISA) was used to pre-emptively neutralise threats to national security such as racial and religious extremists, espionage and subversion.
  - b) Since the press must not denigrate any race or religion, registration is (only) required for internet content providers whose sites engage in the propagation, promotion or discussions of political or religious issues relating to Singapore. This did not mean that political or religious content is not allowed.
  - c) On housing and access to religious facilities, all Housing Development Board estates were designed to give all residents full access to all public services and religious facilities.
  - d) On the regulation of speech on racial and religious matters, the approach of Singapore was to use moral suasion, framed within the rule of law. The law was used only as a last resort.
  - e) On education, it noted that some Muslim students preferred an education that incorporated teachings of their religion. They were able to do so at any one of six privately-run full-time madrasahs. The latter offer curricula that include both religious and secular subjects at the primary, secondary and pre-university levels. Less advantaged students in the madrasahs also receive assistance which covers not only school fees but also allowances for transport, meals, textbooks and school uniforms. (second cycle).
13. Regarding Muslim religious affairs, Article 153 of the Constitution states that “The Legislation shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion”, providing the constitutional basis for the Administration of Muslim Law Act (AMLA). There is a Minister-in-charge of Muslim Affairs. The Singapore Government consults the Majlis Ugama Islam Singapura (MUIS) as well as the advisory boards of other religions on matters relating to the respective religious communities.
14. It noted that administrative measures complemented legislation to create an environment conducive to encourage social harmony. For instance, to prevent the formation of racial enclaves, the Ethnic Integration Policy ensured a balanced mix of the major ethnic communities in public housing estates.

15. Civic organisations promoted social cohesion, the most notable of which is the Inter Religious Organisation formed in 1949. It fostered dialogue and greater mutual understanding. The Inter-Racial and Religious Confidence Circles (IRCC) are other such organisations. Every constituency in Singapore has an IRCC, comprising local community and religious leaders.
16. Civic initiatives have also helped to promote racial and religious harmony. For example, major religious groups promulgated the Declaration on Religious Harmony in 2003, as an affirmation of their commitment to maintain religious harmony in Singapore. Singapore's vigilance and robust legal framework had allowed it to avoid any serious sectarian conflict for the previous four decades.
17. Under the Community Engagement Programme launched in 2006, the National Steering Committee (NSC) on Racial and Religious Harmony provided a platform for ethnic, religious, community and government leaders to engage with each other, build networks of trust, and formulate strategies to strengthen community interactions. The NSC also provides direction to the IRCC to nurture similar networks of trust at the local level.
18. In 2013, a S\$5 million Harmony Fund was set up to raise awareness of the importance of racial and religious tolerance. The Fund has supported events such as an annual Harmony Games, a carnival that different religious groups organize and participate in.
19. Generally, racial and religious harmony was upheld through the combination of these legal, institutional and community-based measures. Preserving racial and religious harmony remained an absolute priority, but the laws will evolve to meet the changing political, economic and social aspirations of Singaporeans
20. Limitations on rights, Constitutional guarantees of human rights, including FoRB, are not couched in absolute terms. They may be restricted by law in the interest of security or public order. It stated that the Universal Declaration of Human Rights recognised that there can be limits to individual rights in order to maintain public order, as well as to protect the rights of others. Singapore is a multi-religious and multi-racial society. It cited a need to balance the right of our people to social harmony with other competing rights.

### **Stakeholder submissions across the two cycles**

21. Concerns were raised in relation to the age of marriage of Muslim women, prosecution of cases of alleged offensive statements on religion where there were no incitement to violence, greater respect for all religious groups and the FoRB of migrant workers

22. While welcoming the proposed legislation to raise the minimum age of marriage for Muslim women to 18 years, the Committee on the Convention Elimination of Discrimination against Women (CEDAW Committee) was concerned about the existence of the dual legal system of civil law and Sharia law with regard to personal status, which resulted in continued discrimination against Muslim women in the fields of marriage, divorce and inheritance.
23. The Coalition of Singapore NGOs (COSINGO) called for a review of policies that seek to discriminate or make distinctions on the basis of race, religion or language. It was concerned about laws on sedition - it is an offence to do, attempt to do or conspire with someone to do a seditious act; to utter seditious words; and to produce, distribute or import a seditious publication. It argued that this has been used to prosecute cases of offensive statements on religion, including where there was no incitement to violence, when there are more appropriate provisions in the Penal Code that specifically address such cases while carrying lesser sentences.
24. The Maintenance of Religious Harmony Act which prohibited the involvement of religious groups and officials in political activity that the Government deemed to be inappropriate, was also subject of concern. COSINGO noted that new religious movements and other religious groups, such as Jehovah's Witnesses, had suffered from religious discrimination by the authorities. It recommended stronger promotion of interfaith dialogue to accommodate religious communities and protect each individual's right to believe and practice their religion.
25. It also recommended, in relation to migrant workers, that Singapore educate employers and support voluntary welfare organizations (VWOs) in their work to encourage employers to respect the rights of migrant workers to believe and practice their religions.
26. Domestic workers who are not provided a day off are unable to attend religious worship. Solidarity for Migrant Workers and Think Centre noted several FoRB challenges for migrant workers: being forbidden by their employers from praying or fasting, employment agencies insisting that Muslim workers cook with pork products, that they stop praying and the confiscation of their religious items to make them more "employable", some Muslim construction and shipyard workers not being allowed to pray in these premises dormitories and restrictions on the capacity of NGOs to support migrant workers, publicly advocate for their rights and promote their well-being.

### **Observations by other states**

27. The maintenance of religious harmony was commended by States (Bangladesh, DPRK, Myanmar, Ethiopia, Vietnam, Qatar, Pakistan, Oman, Tajikistan, Brazil, China, Ecuador, Libya).

28. Some States encouraged Singapore to continue to carry out further measures to strengthen the harmony between different religious communities (Algeria, Azerbaijan, Iraq, Libya, Viet Nam, Russia, Qatar, Pakistan)
29. A prioritization on racial harmony through delicate management of relations between the different races and religions and the sharing of best practices with other countries was requested by (Algeria)
30. Restrictions on public discourse on issues of religion and politically sensitive issues was noted by Slovenia. It called for the repealing or at least narrowing of restrictions on public discourse on the issue of ethnicity, language, race, religion and politically sensitive issues in order to ensure the full enjoyment of freedom of expression and freedom of peaceful assembly and association (Slovenia)
31. Enactment of comprehensive legislation prohibiting discrimination in employment on the basis of religion was called for. (Canada)
32. Singapore was asked to consider alternative, effective interventions for persons who violate national laws or norms regarding religious or cultural sensibilities through publication or posting of offensive material (Jamaica)

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## References

### General Reference

*CIA World Factbook 2017*

*Constitution of Singapore*

### References on the UPR of Singapore

Documents on the UPR of Southeast Asian States are available on the websites of UPR Info and of the OCHR. They consist of National Reports, Stakeholder Submissions and Recommendations by Peers. For Indonesia all documents are available as follows:

UPR Info: <https://www.upr-info.org/en/review>

OHCHR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

### UPR First Cycle 2008

1. National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/11/SGP/1. 2 February 2011.

2. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/11/SGP/2. 21 February 2011.
3. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/11/SGP/3. 21 February 2011
4. Report of the Working Group on the Universal Periodic Review Singapore. A/HRC/18/11. 11 July 2011.

### **UPR Second Cycle 2015**

5. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. A/HRC/WG.6/24/SGP/1. 28 October 2015.
6. Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21. A/HRC/WG.6/24/SGP/2
7. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21. A/HRC/WG.6/24/SGP/3. 6 November 2015.
8. Draft report of the Working Group on the Universal Periodic Review. A/HRC/WG.6/24/L.14. 4 February 2016
9. Report of the Working Group on the Universal Periodic Review. A/HRC/32/17. 15 April 2016.