



**fidh**

## **CORNERED**

**Repression of the right to freedom  
of peaceful assembly in Singapore**

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## List of acronyms

CCTV	Closed-circuit television
CERD	Committee on the Elimination of Racial Discrimination
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and queer
MRT	Mass Rapid Transit
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
PAP	People's Action Party
POA	Public Order Act
PR	Permanent Resident
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review
US	United States

## Executive summary

Singapore has one of Asia's most restrictive legal frameworks with regard to the right to freedom of peaceful assembly. The systematic repression of the right to freedom of peaceful assembly in the city-state is symptomatic of the Singaporean rulers' long-standing assault on the universality of human rights. The government has repeatedly justified the severe restrictions on the exercise of this right with a misleading and dogmatic narrative about the need to balance civil liberties with safety and security. The fact that Singapore is a small and densely populated country is another dubious factor that the government has frequently invoked to justify the repressive environment for the exercise of the right to freedom of peaceful assembly.

The reality is that the Singaporean government has consistently failed to demonstrate how rare, small-scale, peaceful, and, in many cases, symbolic demonstrations could affect the stability of the city-state, incite hatred, or encroach on the rights of others. In fact, none of the peaceful demonstrations that have occurred over the past decade – many of which are documented in this report - have even come close to representing a threat to Singapore's stability and the rights of others.

In addition, the Singaporean government has repeatedly made the false claim that the country's legislation conforms to international standards. This report shows how Singapore's legal framework is, in fact, largely inconsistent with international standards related to the right to freedom of peaceful assembly.

One of the most apparent departures from international standards related to freedom of peaceful assembly by Singapore's legislation is the discriminatory treatment reserved to non-nationals who wish to organize or participate in a public assembly. Such discriminatory treatment is enshrined in the country's Constitution, which limits the right to freedom of peaceful assembly to Singaporean citizens, therefore excluding migrants (documented or undocumented), asylum seekers, refugees, and stateless persons. Small-scale, peaceful events have been subjected to police investigation simply due to the presence of foreigners.

The Public Order Act, which is the legislative cornerstone of Singapore's repression of the right to freedom of peaceful assembly, acts as the main obstacle for the exercise of this right. The highly restrictive authorization procedure prescribed by the Public Order Act is arguably the greatest barrier to the exercise of the right to freedom of peaceful assembly and is not in line with international standards. The Act requires all individuals who seek to organize a public assembly to obtain prior permission from the police. This burdensome procedure is seemingly intended to hinder, rather than to facilitate, the exercise of the right to freedom of peaceful assembly, and various civil society activists have experienced numerous rejections of applications for permits. The authorization procedure is also aimed at preventing the occurrence of spontaneous demonstrations.

Singaporean authorities have often invoked the Public Order Act to prohibit or suppress protests involving the participation of *only* one person. This is the result of the Act's expansive definition of "assembly" to include events held "by a person alone." Such definition is not in line with international standards, which consider assemblies as events where there is more than one participant.

The Public Order Act also contains several provisions that are aimed to curb the expressive message and the modalities of assemblies, including by limiting the number of participants, or the number and size of banners and placards used during the assemblies.

In addition, Singapore's laws and regulations impose sweeping and broadly justified restrictions on the places where public assemblies can be held. These curbs, coupled with the difficulties in obtaining police permits for public assemblies, have created a situation in which protests and demonstrations are mostly confined to an area called "Speakers' Corner," in Hong Lim Park.



Unlike all other spaces in the country, public assemblies held at Speakers' Corner are exempt from the need to seek permission from the police (unless non-Singaporeans are involved in the organization of, or participation in, the event). While the Singaporean government has touted Speakers' Corner as "a place for Singaporeans to express themselves in various ways," the designation of such area is in fact an attempt to effectively confine assembly organizers and participants to a single space in Singapore, and, as a result, represents another blatant infringement on the right to freedom of peaceful assembly.

The recourse available to organizers of assemblies against restrictions and prohibitions imposed by the authorities is inadequate and falls short of international standards, which require that restrictions on the right to freedom of peaceful assembly be subject to an independent, impartial, and prompt judicial review.

Lastly, Singapore's laws and regulations governing assemblies and processions prescribe disproportionate penalties, including prison terms, for violators. Singaporean authorities have systematically invoked the Public Order Act to crack down on individuals and groups who have sought to exercise their right to freedom of peaceful assembly outside of Speakers' Corner or without obtaining prior permission from the police. Activists have been subjected to interrogation and investigation, although none of their activities resulted in any harm, violence, or disruption of public order. In some cases, participants and organizers have faced arrest and imprisonment.

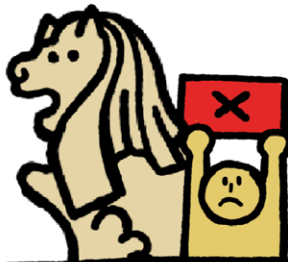
The exercise of the right to freedom of peaceful assembly in Singapore has become even more challenging during the COVID-19 pandemic. In addition to the suspension of all gatherings at Speakers' Corner until further notice, the government imposed additional restrictions on public assemblies. During the pandemic, it has also become more difficult to obtain a permit to organize a public assembly.

Relevant United Nations (UN) human rights monitoring mechanisms have repeatedly expressed their concern over several aspects related to the right to freedom of peaceful assembly in Singapore, including: 1) criminal charges brought by the authorities against individuals for their legitimate exercise of the right to freedom of peaceful assembly; and 2) the country's legislation that imposes serious restrictions on the exercise of such right. These UN human rights bodies and experts consistently urged Singapore to adhere to international human rights standards.

This report makes specific and practical recommendations to the Singaporean government with a view to making the city-state's laws, policies, and practices related to the right to freedom of peaceful assembly truly consistent with relevant international standards. Such recommendations include amending specific provisions of the Public Order Act and other rules and regulations without delay.

This report is based on interviews conducted by FIDH with six activists and members of civil society who have organized, attempted to organize, or were investigated for participating in peaceful assemblies in Singapore. The interviews were conducted between August and November 2021. The report is also based on publicly available information, including: news articles; statements by Singaporean government agencies and representatives; domestic laws and regulations; UN documents; and information from non-governmental organizations (NGOs).

# KEY OBSTACLES TO FREEDOM OF PEACEFUL ASSEMBLY IN SINGAPORE



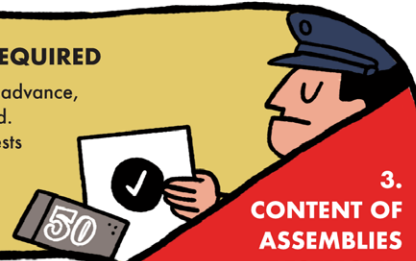
## 1. DISCRIMINATORY TREATMENT

Freedom of assembly is guaranteed only to Singaporean citizens. No such guarantee exists for foreigners (including refugees and migrant workers).



## 2. A POLICE PERMIT IS REQUIRED

Applications must be submitted in advance, and a fee of 50 SGD must be paid. Permits are needed even for protests with only one participant.



## 3. CONTENT OF ASSEMBLIES RESTRICTED

Police may refuse to grant a permit for an assembly

that they believe may cause feelings of enmity, hatred, ill-will, or hostility between different groups in Singapore.

## 4. LIMITS ON THE MODALITIES OF ASSEMBLIES

Police can limit the number of participants and the number and size of banners/placards.



## 5. NO ASSEMBLIES NEAR CERTAIN PUBLIC PLACES,

such as the National Gallery Singapore, City Hall buildings, and the Padang.



## 6. ASSEMBLIES AT SPEAKERS' CORNER

are subject to certain conditions, despite being exempt from permit requirements. The space is surrounded by CCTV surveillance. Foreigners are not allowed to take part in events here.



## 7. INADEQUATE RECOURSE

Restrictions and prohibitions imposed by the authorities are not subject to an independent, impartial, and prompt judicial review.



## 9. ACTIVISTS CRIMINALIZED

Activists who organized and participated in peaceful protests have been interrogated and, in some cases, arrested and imprisoned.



## 8. DISPROPORTIONATE PENALTIES,

including prison terms, are prescribed for violators. These can deter those who wish to organize or participate in assemblies.



## 10. ADDITIONAL COVID-19 RESTRICTIONS

During the pandemic, all events at Speakers' Corner have been suspended until further notice.



# 1. Background

## 1.1. A history of repression

In 2018, Singapore hosted a historic event, the North Korea–United States (US) Singapore Summit, where then-US President Donald Trump met with North Korea’s Supreme Leader Kim Jong-un. Among the reasons for choosing the Southeast Asian city-state as the summit’s venue were the country’s experience with hosting similar sensitive events and its high level of safety and security. Singapore’s restrictions on public demonstrations might have been an important factor in the choice of the city-state as the Summit’s venue as well.<sup>1</sup> While such events might attract large-scale protests elsewhere, there was no need to worry about such a possibility in Singapore. Since the country’s independence in 1965, protests have been increasingly few and far between, to the point that even solo protests are considered remarkable events.

While protests, strikes, and other forms of public demonstrations and gatherings were common in the 1950s and early 1960s, when people in Singapore protested against British colonial rule, such activism and collective action has been systematically suppressed and rooted out of Singaporean society over the course of the past five decades. Historically, Singaporean politicians, trade unionists, activists, social workers, and lawyers have been subjected to a range of harassment and intimidation, including the use of detention without trial under draconian laws, costly defamation suits brought by senior members of Singapore’s long-ruling People’s Action Party (PAP), or lengthy police investigations.

In such a repressive environment, Singaporeans have traditionally refrained from exercising their right to freedom of assembly, especially in relation to socio-political issues. This reticence is reinforced by the existence and enforcement of repressive laws such as the Public Order Act, which outlaws individual or group protests that take place without prior permission from the police [See below, 2.2. *Restrictive authorization process stifles peaceful assemblies*]. News of activists investigated, arrested, or charged for small-scale and non-violent actions have acted as reminders of the government’s intolerance for such activities.

These laws are obstacles that serve as an effective deterrent for most Singaporeans. As a result, criticism of, and opposition to, laws and policies that restrict the right to freedom of peaceful assembly is minimal and limited to the country’s small circle of activists and select civil society organizations.

## 1.2. Universality of human rights denied to justify restrictions on peaceful assemblies

The rejection of the universality of human rights and a misleading and dogmatic narrative about the need to balance civil liberties with safety and security have historically provided the rationale for the Singaporean government’s repression of the right to freedom of peaceful assembly.

Successive PAP-led governments have justified the need for restrictions on the right to freedom of peaceful assembly by pointing to the importance of maintaining order and keeping the country attractive as a global financial and commercial hub.

In April 2009, the government introduced the Public Order Bill in Parliament, ahead of the Asia Pacific Economic Cooperation meetings that the city-state was to host in November. “Singapore

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1. CNBC, *White House explains why it chose Singapore to host summit with North Korea*, 8 June 2018; <https://www.cnn.com/2018/06/08/why-trump-and-kim-picked-singapore-for-meeting.html>; Al Jazeera, *Strict and orderly Singapore prepares for Trump-Kim summit chaos*, 10 January 2018; <https://www.aljazeera.com/news/2018/6/10/strict-and-orderly-singapore-prepares-for-trump-kim-summit-chaos>

cannot afford the luxury of having these meetings disrupted,” said then-Second Minister of Home Affairs and current Home Affairs and Law Minister K Shanmugam, as he cited protests in Pattaya, Thailand, which had prompted the Thai government to fly foreign leaders attending the East Asia Summit out of the conference venue by helicopter for their safety a few days earlier.<sup>2</sup>

Shanmugam justified the adoption of the Public Order Bill with the need to balance a position that would “cut out completely most forms of political expression as a way of controlling political space” and one that would allow “complete chaos and little respect for law and order, in the name of political freedom.” He also cited stability as one of the key elements foreign investors considered when they decide where to do business.<sup>3</sup> The bill was passed by an overwhelming majority in the PAP-dominated Parliament on 13 April 2009. Only three individuals voted against the bill.<sup>4</sup>

The government has gone so far as to make the preposterous claim that a short peaceful protest by one individual could infringe upon the rights of others. On 8 December 2020, in response to a critical *New York Times* story on the arrest of activist Jolovan Wham over his solo protests [See below, 4. *Systematic criminalization and harassment of peaceful protesters*],<sup>5</sup> Singapore’s Ambassador to the US Ashok Kumar Mirpuri argued that Wham could have either opted for alternatives, such as going to Speakers’ Corner, or publishing his views, or applied for permits for his activities. “We balance the right to protest against the rights of others not to be inconvenienced by such protests,” the Ambassador wrote. “Mr. Wham protested alone. If instead a few thousand had gathered without a permit, the consequences would have been different,” he speculated without elaborating.<sup>6</sup>

The rejection of the universality of human rights and the “balancing of rights” argument have been on full display during UN-backed human rights reviews, where the government repeated its unconvincing justificatory statements almost *verbatim*.

In January 2016, during the second Universal Periodic Review (UPR) of Singapore, the city-state received six recommendations that urged the government to ensure the realization of the right to freedom of peaceful assembly. The government delegation responded by justifying the severe restrictions on the exercise of this right with the need to ensure “society’s need for order and stability.”<sup>7</sup> In June 2016, the government refused to accept four of the six recommendations, describing them as “predicated on unfounded assertions” or “based on inaccurate assumptions.”<sup>8</sup> It claimed that the city-state’s laws allowed its citizens to enjoy the rights to freedom of expression and freedom of peaceful assembly, “while protecting the larger public interests of preserving public order and security.”<sup>9</sup> The government also stated that the rights to freedom of expression, association, and peaceful assembly must be exercised “in the context of broader societal interests.”<sup>10</sup>

In May 2021, during the third UPR of Singapore, the government failed to accept six of the eight recommendations it received concerning the right to freedom of peaceful assembly, including three that called for the amendment or repeal of legislation — such as the Public Order Act —

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2. Official Reports – Parliamentary Debates (Hansard), *Public Order Bill*, 13 April 2009; [https://sprs.parl.gov.sg/search/topic?reportid=016\\_20090413\\_S0004\\_T0003](https://sprs.parl.gov.sg/search/topic?reportid=016_20090413_S0004_T0003); Reuters, *Thai protesters force Asia summit cancellation*, 11 April 2009; <https://www.reuters.com/article/us-asean-summit-idUSTRE53A06H20090411>

3. Official Reports – Parliamentary Debates (Hansard), *Public Order Bill*, 13 April 2009; [https://sprs.parl.gov.sg/search/topic?reportid=016\\_20090413\\_S0004\\_T0003](https://sprs.parl.gov.sg/search/topic?reportid=016_20090413_S0004_T0003)

4. The three were: Workers’ Party Member of Parliament Low Thia Kiang; Workers’ Party Non-Constituency Member of Parliament Sylvia Low; and Nominated Member of Parliament Siew Kum Hong.

5. *New York Times*, *It Was Just Him and His Smiley Face. He’s Charged with Illegal Assembly*, 23 November 2020; <https://www.nytimes.com/2020/11/23/world/asia/singapore-smiley-face-protest-charges.html>

6. *New York Times*, *The Singapore Ambassador, on a Protester’s Arrest*, 8 December 2020; <https://www.nytimes.com/2020/12/08/opinion/letters/singapore-speech.html>

7. FIDH, *Government fails to address key human rights concerns during UN review*, 8 February 2016; <https://www.fidh.org/en/region/asia/singapore/government-fails-to-address-key-human-rights-concerns-during-un>

8. Human Rights Council, 32nd session, *Report of the Working Group on the Universal Periodic Review – Singapore*, 13 June 2016 UN Doc. A/HRC/32/17/Add.1; paras. 48-49.

9. Human Rights Council, 32nd session, *Report of the Working Group on the Universal Periodic Review – Singapore*, 13 June 2016 UN Doc. A/HRC/32/17/Add.1; para. 49.

10. Human Rights Council, 32nd session, *Report of the Working Group on the Universal Periodic Review – Singapore*, 13 June 2016 UN Doc. A/HRC/32/17/Add.1; para. 47.



that restricts the exercise of this right.<sup>11</sup> The government defended its failure to accept these recommendations by saying that the rights to freedom of speech, expression, and assembly “must be exercised responsibly, including to secure respect for the rights of others.”<sup>12</sup> It also insisted that human rights must take into account a country’s specific circumstances including cultural, social, economic, and historical contexts.<sup>13</sup> The government falsely claimed that its laws and policies on the rights to freedom of expression, peaceful assembly, and association complied with the “relevant international human rights laws.”<sup>14</sup>

On 1 October 2021, during the adoption of the third UPR of Singapore, Singapore’s Permanent Representative to the UN in Geneva claimed that the city-state’s laws on public assemblies ensured “adequate space for an individual’s rights of peaceful assembly and expression while preserving public order.”<sup>15</sup>

On 19 November 2021, during the review of Singapore’s initial report by the UN Committee on the Elimination of Racial Discrimination (CERD), the government regurgitated similar arguments. “Singapore aims to balance the right to freedom of assembly and the right to safety and security with the right of our people to go about their business without the disamenities that might arise from protests, particularly given that [...] Singapore is one of the smallest and most densely populated countries in the world,” the government delegation stated.<sup>16</sup>

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11. Human Rights Council, 48th session, Report of the Working Group on the Universal Periodic Review – Singapore, 10 September 2021; UN Doc. A/HRC/48/16/Add.1.

12. Human Rights Council, 48th session, Report of the Working Group on the Universal Periodic Review – Singapore, 10 September 2021; UN Doc. A/HRC/48/16/Add.1, para. 47.

13. Human Rights Council, 48th session, Report of the Working Group on the Universal Periodic Review – Singapore, 10 September 2021; UN Doc. A/HRC/48/16/Add.1, para. 2.

14. Human Rights Council, 48th session, Report of the Working Group on the Universal Periodic Review – Singapore, 10 September 2021; UN Doc. A/HRC/48/16/Add.1, para. 45.

15. Ministry of Foreign Affairs, *Adoption of the Outcome of Singapore’s Third Universal Periodic Review*, 1 October 2020; <https://www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2021/10/20211001-UPR-adoption>

16. UN Web TV, *2844th Meeting, 105th Session Committee on Elimination of Racial Discrimination*, 19 November 2021; <https://media.un.org/en/asset/k14/k14bsxo4nx>

## 2. Repressive legal framework inconsistent with international standards

Despite the government's repeated claims that Singapore's laws and policies related to the right to freedom of peaceful assembly conform to international standards [See above, *1.2 Universality of human rights denied to justify restrictions on peaceful assemblies*], it is apparent that the city-state's legal framework is largely inconsistent with such standards.

Key international standards related to the right to freedom of peaceful assembly include: 1) Article 20 of the Universal Declaration of Human Rights (UDHR);<sup>17</sup> 2) Article 21 of the International Covenant on Civil and Political Rights (ICCPR); and 3) the UN Human Rights Committee's General Comment No. 37 on Article 21 of the ICCPR.<sup>18</sup>

In addition, Singaporean authorities have an obligation to recognize the right of children (i.e. individuals under the age of 18) to peacefully assemble, in accordance with Article 15 of the Convention on the Rights of the Child (CRC), to which Singapore is a state party.<sup>19</sup>

Lastly, Article 5 of the Declaration on Human Rights Defenders recognizes the right to meet or assemble peacefully.<sup>20</sup>

Article 14 of the Constitution of Singapore recognizes the right of citizens (but not non-citizens [See below, *2.1. Non-discrimination principle violated*]) to "assemble peaceably and without arms." Clauses in that same article allow Parliament to impose, by law, "such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order."

General Comment No. 37 clarifies that authorities should not rely on a vague definition of "public order" to justify overbroad restrictions on the right to peaceful assembly.<sup>21</sup> It also states that "national security" may be invoked as a ground for restrictions if such restrictions are necessary to preserve the "existence of the nation, its territorial integrity or political independence against a credible threat or use of force." This threshold is only "exceptionally" met by assemblies that are peaceful, the General Comment adds.<sup>22</sup>

### 2.1. Non-discrimination principle violated

One of the most apparent departures from international standards related to freedom of peaceful assembly by Singapore's legislation is the discriminatory treatment reserved to non-nationals who wish to organize or participate in a public assembly. The severe curtailment of the rights of foreigners to freedom of assembly in Singapore is not in line with Article 20 of the UDHR and Article 21 of the ICCPR [See above, *2. Repressive legal framework inconsistent with international standards*]. General Comment No. 37 specifically states that the right to freedom of peaceful assembly may

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17. Article 20 of the UDHR stipulates: "Everyone has the right to freedom of peaceful assembly and association."

18. This report does not include analysis of the compliance of Singapore's laws and policies with international standards related to the policing of assemblies, namely: the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and the OHCHR Guidance on Less Lethal Weapons in Law Enforcement.

19. Article 15(1) of the CRC states: "States parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly."

20. Article 5 of the Declaration on Human Rights Defenders states: "For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; [...]"

21. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 44.

22. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 42.

be exercised by foreign nationals, migrants (documented or undocumented), asylum seekers, refugees, and stateless persons.<sup>23</sup>

The discriminatory treatment of foreign nationals is enshrined in Singapore's highest law. Article 14 of the country's Constitution limits the right to freedom of peaceful assembly to Singaporean citizens.

In addition, the Public Order Act empowers the Commissioner of Police to refuse to grant a permit for a public assembly or public procession if: 1) they are organized by, or involve the participation of, non-Singaporeans; and 2) if these events are "directed towards a political end."<sup>24</sup> Under the Public Order Act, the definition of what is "directed towards a political end" is extremely broad. It includes legitimate and peaceful forms of expression, such as: seeking to influence public opinion on a "matter of public controversy;" seeking to influence the legislative process in Singapore or elsewhere; and promoting or opposing political views "relating to activities that have become the subject of a political debate."<sup>25</sup> The government has justified these curbs by stating that "Singapore's political, social or moral choices are for Singaporeans to decide for ourselves."<sup>26</sup>

Essentially, when it comes to organizing or attending public assemblies in Singapore, foreign nationals are discriminated against. Even with regard to assemblies at Speakers' Corner [See below, 2.5. *Speakers' Corner: The protesters' reserve*], rules and regulations bar foreigners from organizing, sponsoring, or participating in such events unless specific police permission is given.<sup>27</sup> The only exception is represented by Permanent Residents (PRs),<sup>28</sup> who are allowed to attend events at Speakers' Corner without having to seek permission from the police, but are not allowed to organize them.<sup>29</sup>

Even small-scale, peaceful events have been subjected to police investigation simply due to the presence of foreigners. In October 2014, a small number of foreigners who attended an event at Speakers' Corner, in solidarity with the Occupy Central protests in Hong Kong, were questioned by the police.<sup>30</sup>

In November 2016, the police questioned Singaporean and Malaysian attendees at an event held at Speakers' Corner, in solidarity with the Bersih movement in Malaysia.<sup>31</sup> About 15 people had been present at this event. The police said they were investigating the display of the Singapore and Malaysia national flags at that event, which contravened Singapore's laws on the display of national emblems.<sup>32</sup>

On 27 August 2020, police issued a statement that said they were investigating four Myanmar nationals for staging a public assembly in support of a political party in their home country. "The police will not grant any permit for assemblies organized by or involving non-Singaporeans that advocate political causes of other countries. The police will take action against any person who organizes or participates in an unlawful public assembly," the statement warned.<sup>33</sup>

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23. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 5.

24. Section 7(2)(h), Public Order Act

25. Section 7(3), Public Order Act

26. Ministry of Home Affairs, *Maintaining Public Order* <https://www.mha.gov.sg/what-we-do/maintaining-law-and-order/maintaining-public-order>

27. Reuters, *Singapore says foreigners need permit for public assemblies*, 21 October 2016; <https://www.reuters.com/article/us-singapore-rights-idUSKCN12L172>

28. Permanent Residents are non-citizens who have been granted long-term residency status in the country.

29. Sections 5(1) and 6(1), Public Order (Unrestricted Area – Speakers' Corner) Order 2020

30. Straits Times, *Some foreigners who attended Hong Lim Park vigil backing HK protests questioned by police*, 2 October 2014; <https://www.straitstimes.com/singapore/some-foreigners-who-attended-hong-lim-park-vigil-backing-hk-protests-questioned-by-police>

31. TODAY, *Police investigating protest held in solidarity with Malaysia's Bersih 5.0*, 16 November 2016; <https://www.todayonline.com/singapore/police-investigating-protest-held-solidarity-malaysias-bersih-50>

32. Straits Times, *Police investigate use of Malaysian, Singapore flags at Hong Lim Park event*, 16 November 2016; <https://www.straitstimes.com/politics/police-investigate-use-of-malaysian-singapore-flags-at-hong-lim-park-event>

33. Singapore Police Force, *Four Myanmar Nationals Under Investigation For Participating in a Public Assembly Without a Police Permit*, 27 August 2020; [https://www.police.gov.sg/media-room/news/20200827\\_4\\_myanmar\\_nationals\\_under\\_investigation\\_for\\_p\\_in\\_a\\_public\\_assembly\\_wo\\_police\\_permit\\_others](https://www.police.gov.sg/media-room/news/20200827_4_myanmar_nationals_under_investigation_for_p_in_a_public_assembly_wo_police_permit_others)

In February 2021, police investigated two Japanese nationals and an Indonesian for participating in a public assembly without a permit outside the Myanmar Embassy. The three were reported to have protested outside the embassy in solidarity with the people of Myanmar resisting the military coup.<sup>34</sup> “Foreigners visiting, working or living in Singapore [...] should not import the politics of their own countries into Singapore,” police declared.<sup>35</sup>

Cases of foreigners being charged in court for their involvement in public assemblies are uncommon. However, they can be deported or banned from Singapore if they organize or participate in public assemblies without a permit. In November 2019, a Hong Kong restaurant owner who organized an assembly to discuss the Hong Kong anti-extradition bill protests was issued a stern warning by the police, and repatriated. He is not allowed to return to Singapore without permission from the authorities.<sup>36</sup>

There have been consequences even when a foreigner participated in a public event remotely. On 26 November 2016, activists in Singapore organized an indoor forum titled “Civil Disobedience and Social Movements.” The event included two Singaporean speakers, as well as Hong Kong pro-democracy activist Joshua Wong, who joined the event remotely via Skype. The authorities launched an investigation into the event, which involved activists Rachel Zeng and Jolovan Wham, the organizers of the event. Citing Joshua Wong’s status as a non-Singaporean, the police said that the organizers should have applied for a permit.<sup>37</sup> Jolovan Wham was eventually charged under the Public Order Act with organizing the event without a permit, and for refusing to sign his statement to the police. After the court found Jolovan Wham guilty on both counts on 3 January 2019,<sup>38</sup> he was fined S\$3,200 (US\$2,336)<sup>39</sup> on 21 February 2019,<sup>40</sup> but refused to pay the fine and had to serve time in prison as a result.<sup>41</sup> He served a 10-day prison sentence.<sup>42</sup>

Despite these restrictions, low-wage migrant workers have, over the years, staged occasional protests or went on strike in response to salary disputes or work conditions. In February 2009, a group of about 100 Bangladeshi migrant workers laid off by shipping firms gathered outside the Ministry of Manpower to demand the reinstatement to their jobs and the payment of overdue wages.<sup>43</sup> In February 2012, 200 Bangladeshi workers staged a sit-in protest for seven hours in an empty field in the eastern part of Singapore over unpaid wages.<sup>44</sup> In March 2019, over 30 migrant workers staged a sit-in at their work site in Singapore’s Central Business District over unpaid salaries.<sup>45</sup>

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34. Channel News Asia, *3 men being investigated by police for allegedly protesting outside Myanmar embassy in Singapore*, 14 February 2021; <https://www.channelnewsasia.com/singapore/myanmar-men-investigated-allegedly-protest-embassy-police-350711>

35. Channel News Asia, *3 men being investigated by police for allegedly protesting outside Myanmar embassy in Singapore*, 14 February 2021; <https://www.channelnewsasia.com/singapore/myanmar-men-investigated-allegedly-protest-embassy-police-350711>

36. Channel News Asia, *Hong Kong restaurant owner banned from Singapore for organising public assembly without permit*, 20 November 2019; <https://www.channelnewsasia.com/singapore/alex-yeung-repatriated-hong-kong-protests-public-assembly-851011>

37. Reuters, *Singapore police investigate event HK activist addressed*, 23 December 2016; <https://www.reuters.com/article/singapore-hong-kong-activist-idINKBN14COZN>

38. Hong Kong Free Press, *Singapore activist Jolovan Wham convicted of illegal assembly after Joshua Wong Skype call event*, 3 January 2021; <https://hongkongfp.com/2019/01/03/singapore-activist-jolovan-wham-convicted-illegal-assembly-joshua-wong-skype-call-event/>

39. Exchange rate used: 1 S\$ = 0.73 US\$

40. Reuters, *Singapore activist fined for public Skype call with HK protest leader*, 21 February 2021; <https://www.reuters.com/article/us-singapore-politics-idUSKCN1QA0X1>

41. TODAY, *Activist Jolovan Wham chooses 16 days’ jail over fine for assembly without permit, refusing to sign police statement*, 21 February 2019; <https://www.todayonline.com/singapore/activist-jolovan-wham-chooses-16-days-jail-over-fine-assembly-without-permit-refusing-sign>

42. Hong Kong Free Press, *Singaporean activist to serve 10-day jail sentence over Skype call ‘event’ with Hong Kong’s Joshua Wong*, 22 August 2020; <https://hongkongfp.com/2020/08/22/singaporean-activist-to-serve-10-day-jail-sentence-over-skype-call-event-with-hong-kongs-joshua-wong/>

43. Reuters, *Jobless migrant workers protest in Singapore again*, 27 February 2009; <https://www.reuters.com/article/idINIndia-38247620090227>

44. Yahoo! Singapore, *200 Bangladeshi workers stage sit-out over pay dispute*, 7 February 2012; <https://sg.news.yahoo.com/bangladeshi-workers-stage-sit-out-over-pay-dispute.html>

45. TODAY, *Sit-down protest in the CBD: Workers demand unpaid salaries of close to S\$300,000*, 6 March 2019; <https://www.todayonline.com/singapore/sit-down-protest-cbd-workers-demand-unpaid-salaries-close-s300000>



The most high-profile incident of migrant workers protesting in Singapore has been a strike by Chinese bus drivers. On 26 November 2012, over 100 bus drivers refused to go to work and gathered at a dormitory in the north of Singapore where they staged a sit-in.<sup>46</sup> Police officers and riot trucks were sent to the scene but did not intervene.<sup>47</sup> The next day, 88 bus drivers refused to report for work. The two-day strike was strongly condemned by the government and labelled as illegal.<sup>48</sup> Under the Criminal Law (Temporary Provisions) Act, workers in certain essential services, such as water, gas, or electricity services, are not allowed to go on strike.<sup>49</sup> Other workers in essential services can go on strike, provided they give their employers at least 14 days of notice.<sup>50</sup> The penalty for engaging in illegal strikes under this law is a fine of up to S\$2,000 (US\$1,460) or imprisonment of up to 12 months, or both.<sup>51</sup> Four of the bus drivers were charged under the Criminal Law (Temporary Provisions) Act<sup>52</sup> and ultimately jailed for periods of six to seven weeks for organizing the strike.<sup>53</sup>

## 2.2. Restrictive authorization process stifles peaceful assemblies

The highly restrictive authorization regime that is in place in Singapore is arguably the greatest obstacle to the exercise of the right to freedom of peaceful assembly. This regime is largely inconsistent with international standards related to the right to freedom of peaceful assembly.

The Public Order Act requires all individuals who seek to organize a public assembly to give advance notice and apply for permission from the Commissioner of Police.<sup>54</sup> General Comment No. 37 states that having to apply for permission from the authorities “undercuts the idea that peaceful assembly is a basic right”<sup>55</sup> and that “authorization regimes [...] must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise.”<sup>56</sup>

“I don’t think anyone can be confident of getting a permit for a public assembly. I think this just speaks a lot about the paranoia of the state and the paranoia of the people, who are afraid of protest – even the people in civil society,” transgender activist Lune Loh told FIDH. “Given the history of applying for permits in Singapore, more often than not you just get rejected,” Loh added. “Activists have tried to apply for a permit and they didn’t get any approval, even if they applied for a remote place or a remote time, like at 4am in the morning when no one would see a one-person demonstration in the middle of nowhere,” Loh said.<sup>57</sup>

Advance notices and applications should be made no less than 14 working days before the planned event.<sup>58</sup> However, the Commissioner is allowed to exercise discretion in accepting applications at a shorter notice, as long as he/she is “reasonably satisfied that earlier notice could not have been given.”<sup>59</sup> General Comment No. 37 states that the “minimum period of advance notification might vary

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46. Straits Times, *102 SMRT bus drivers protest against pay*, 27 November 2012; <https://www.straitstimes.com/singapore/transport/102-smrt-bus-drivers-protest-against-pay>

47. Straits Times, *102 SMRT bus drivers protest against pay*, 27 November 2012; <https://www.straitstimes.com/singapore/transport/102-smrt-bus-drivers-protest-against-pay>

48. Reuters, *Strike by China bus drivers tests Singapore’s patience*, 28 November 2012; <https://www.reuters.com/article/uk-singapore-strike-idUSLNE8AR01J20121128>

49. Section 6(1), Criminal Law (Temporary Provisions) Act

50. Section 6(2), Criminal Law (Temporary Provisions) Act

51. Section 9, Criminal Law (Temporary Provisions) Act

52. Attorney-General’s Chambers, *Charges tendered against 4 SMRT Service Leaders*, 30 November 2012; <https://www.agc.gov.sg/docs/default-source/newsroom-documents/media-releases/2013/agc-press-release-smrt-30-nov-2012.pdf>

53. BBC, *Singapore jails bus drivers for inciting strikes*, 25 February 2013; <https://www.bbc.com/news/world-asia-21571053>

54. Section 6(1), Public Order Act

55. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 70.

56. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 73.

57. FIDH, *Interview with Lune Loh*, 25 August 2021

58. Section 5(2), Public Order Regulations 2009

59. Section 6(4), Public Order Act

according to the context and level of facilitation required, but it should not be excessively long.” It adds that the “notification regime should exclude assemblies for which the impact of a gathering on others can reasonably be expected to be minimal, for example because of its nature, location or limited size or duration.” It concludes that notification “must not be required for spontaneous assemblies for which there is not enough time to provide notice.”<sup>60</sup>

The 14-working-day period required to apply for permission prior to an assembly or procession acts as a barrier to the organization of many peaceful gatherings. Lune Loh pointed out that the 14-day requirement presents difficulties, given that protests are often responding to current events, and need to build on that momentum. “Given the nature of a protest, you can’t take your time to wait for the permit to get approved. By then, the urgency of a protest might have already kind of subsided, and people are not talking about these important issues that you are protesting about anymore,” Loh said.<sup>61</sup>

Under the Public Order Act, the application for a permit, which has to be done in writing, requires the organizer to provide details such as the location, date, and time of the assembly or procession, a detailed itinerary including the procession’s route, the number of expected attendees, the purpose of the assembly, the contact details of the organizer, arrangements for security and crowd control, and any other information required by the Commissioner of Police.<sup>62</sup>

Permit applications can be submitted online. Although Singapore recognizes four official languages—English, Mandarin, Malay, and Tamil—the online portal is, as of February 2022, only available in English, and the Public Order Regulations 2009 require that the application form be completed in English.<sup>63</sup>

Each application costs S\$50 (US\$36.50), unless the public assembly or procession in question is for “the purpose of a marriage, funeral, lantern festival, walk-a-jog, or marathon.”<sup>64</sup> This amount is not refundable, regardless of whether a permit is ultimately granted or not. “It’s a very bureaucratic procedure,” social activist Jolovan Wham told FIDH.<sup>65</sup>

These burdensome requirements do not appear to be in line with international standards. General Comment No. 37 states that notification procedures should be “transparent, not unduly bureaucratic, [and] free of charge.”<sup>66</sup> It adds that “demands on organizers must be proportionate to the potential public impact of the assembly concerned.”<sup>67</sup>

Singaporean authorities have often used the permit application system as a tool to allow them to selectively choose the sort of public assemblies that they want to allow to take place in Singapore, while blocking others that are organized by activists and government critics.

This trend is reflected in the numerous rejections of applications for permits experienced by various civil society activists. For example, over a period of about 10 years, social activist Jolovan Wham had all his eight applications for a permit rejected. This included applications in which he committed to hiring security officers to maintain order, as well as for solo protests.

“Usually, I would explain what the event is about, but I never once got my permit approved,” Jolovan Wham said. “And the reasons often given [for the permit rejection] are very weak and very vague. There was one time I think the official reason was that what I was doing was against the national

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60. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 72.

61. FIDH, *Interview with Lune Loh*, 25 August 2021

62. Section 6(3), Public Order Act

63. Section 4(2), Public Order Regulations 2009

64. The Schedule, Public Order Regulations 2009

65. FIDH, *Interview with Jolovan Wham*, 26 August 2021

66. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 70.

67. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 70.

interests of Singapore. This was for one of the earlier applications. And subsequently, they changed the official reasons to: 'the permit is not approved, go to Speakers' Corner.'<sup>68</sup>

Over a three-year period, independent news website *The Online Citizen* Chief Editor Terry Xu applied for over 10 permits, including for silent protests involving one person in remote parts of Singapore, to no avail. In rejecting applications, the police directed Xu to go to Speakers' Corner, which they described as "an established space for Singaporeans to express their views on issues that concern them."<sup>69</sup>

Such rejections often influence activists' decisions not to apply for permission to organize and hold their activities. In the run-up to a protest outside the Ministry of Education against the treatment of Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) students in the public school system [See below, 4. *Systematic criminalization and harassment of peaceful protesters*], community organizer Kokila Annamalai said that they had not considered applying for a permit: "It seemed futile to apply for a permit because we knew from past experiences and others' experiences that a permit would not be granted for a political action outside of Hong Lim Park [Speakers' Corner]." She added that since the protesters were planning to go ahead with the demonstration with or without a permit, they did not want to alert the authorities beforehand by applying for official permission.<sup>70</sup>

Government statistics fail to detail the authorities' reasons for the rejection of thousands of permit applications. In January 2021, then-Workers' Party Member of Parliament Raeesah Khan filed a parliamentary question to the Minister of Home Affairs to inquire into the number of permits that had been issued for public assemblies, as governed by the Public Order Act.<sup>71</sup> Khan also sought more details about the reasons for approval or rejection of applications for public assemblies, and how many of those applications had been for solo protests or actions.

In his written response on 5 January 2021, Minister of Home Affairs and Law K Shanmugam stated that, since the Public Order Act's coming into force in 2009, the police had received 11,269 permit applications, of which 8,545 (76%) were approved.<sup>72</sup> There were no explanations given as to why a significant share of permits were denied, because, as the Minister explained, the police did not tabulate the reasons for approving or rejecting the applications. He added that the police did not keep track of how many applications for one-person assemblies or processions had been approved or rejected.

### 2.3. Definition of assembly used to suppress solo protests

Singaporean authorities have often invoked the Public Order Act to prohibit or suppress protests involving the participation of only one person [See below, 4. *Systematic criminalization and harassment of peaceful protesters*]. This is the result of the enforcement of an expansive definition of what constitutes an assembly, which is not in line with international standards.

Under the Public Order Act, an "assembly" is defined as "a gathering or meeting (whether or not comprising any lecture, talk, address, debate or discussion)," the purpose of which is: (a) to demonstrate support for, or opposition to, the views or actions of any person, group, or government; (b) to publicize a cause or campaign or; (c) to mark or commemorate an event.<sup>73</sup> A "procession" is

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68. FIDH, *Interview with Jolovan Wham*, 26 August 2021

69. E-mail correspondence between Terry Xu and Singapore police, as seen by FIDH.

70. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

71. Ministry of Home Affairs, *Written Reply to Parliamentary Question on the Public Order Act, by Mr K Shanmugam, Minister for Home Affairs and Minister for Law*, 5 January 2021; <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-the-public-order-act-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law/>

72. Ministry for Home Affairs, *Written Reply to Parliamentary Question on the Public Order Act, by Mr K Shanmugam, Minister for Home Affairs and Minister for Law*, 5 January 2021; <https://www.mha.gov.sg/mediaroom/parliamentary/written-reply-to-parliamentary-question-on-the-public-order-act-by-mr-k-shanmugam-minister-for-home-affairs-and-minister-for-law/>

73. Section 2, Public Order Act

defined as a “march, parade or other procession” held for the same purpose.<sup>74</sup> The definitions of both assemblies and processions include events held “by a person alone.”<sup>75</sup>

General Comment No. 37 clarifies that the “associative element” is inherent to the right to peacefully assemble,<sup>76</sup> and that “the notion of an assembly implies that there will be more than one participant in the gathering.”<sup>77</sup> As a result, the Singaporean authorities’ application of the country’s legal framework – including the numerous restrictions, such as the requirement to obtain police permit [See above, 2.2. *Restrictive authorization process stifles peaceful assemblies*] – related to assemblies and processions involving the participation of only one person is inconsistent with international standards.

While solo protests fall outside of the scope of Article 21 of the ICCPR, such events enjoy all the protections provided by other provisions of the covenant, such as Article 19 on the right to freedom of expression.<sup>78</sup> Permissible restrictions to the right to freedom of expression under the ICCPR must meet the strict tests of legality, necessity, and proportionality referenced below [See below, 2.4. *Restrictions on assemblies unnecessary and disproportionate*] with regard to the right to freedom of peaceful assembly.<sup>79</sup>

## 2.4. Restrictions on assemblies unnecessary and disproportionate

The numerous curbs imposed on the exercise of the right to freedom of peaceful assembly in Singapore are in contrast with the framework provided by Article 21 of the ICCPR and General Comment No. 37.

Article 21 of the ICCPR stipulates that no restrictions can be placed on the exercise of the right to freedom of peaceful assembly other than those that are: 1) imposed by law; and 2) necessary in a democratic society.

With regard to the first requirement, General Comment No. 37 clarifies that the law “must be sufficiently precise to allow members of society to decide how to regulate their conduct and may not confer unfettered or sweeping discretion on those charged with their enforcement.”<sup>80</sup>

However, several provisions of the Public Order Act justify restrictions on the right to freedom of peaceful assembly by resorting to vague and undefined clauses, such as the “public interest” [See below, 2.4.3. *Off-limits places of assembly*].

Concerning the second requirement, General Comment No. 37 states that curbs “must be appropriate responses to a pressing social need” and “the least intrusive among the measures that might serve the relevant protective function.”<sup>81</sup> It also states that restrictions must be “proportionate”

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74. Section 2, Public Order Act

75. Section 2, Public Order Act

76. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 4.

77. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 13.

78. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 13.

79. Article 19 of the ICCPR stipulates: “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.”

80. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 39.

81. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 40.



– a threshold that is assessed by weighing the detrimental impact of the interference on the exercise of the right against the resultant benefit of such interference.<sup>82</sup> According to the General Comment, blanket restrictions on peaceful assemblies are “presumptively disproportionate,” and any restrictions should be based on a “differentiated or individualized assessment of the conduct of the participants and the assembly concerned.”<sup>83</sup>

In this respect, the Public Order Act establishes a highly intrusive and restrictive framework [See above, 2.2. *Restrictive authorization process stifles peaceful assemblies*; and below, 2.4.1. *Content of assemblies curbed*; 2.4.2. *Interference in the modalities of assemblies*; and 2.4.3. *Off-limits places of assembly*]. The Act is also silent about the “proportionality” criteria, therefore granting Singaporean authorities nearly complete discretion and arbitrariness in the enforcement of limitations to the right to freedom of peaceful assembly.

“As much as I would like this to be a place where we can assemble, where we can discuss things, and demand things collectively, in a mass movement, this country doesn’t allow us to do that – at all,” transgender activist Lune Loh told FIDH.<sup>84</sup>

Article 21 lists the grounds for permissible restrictions to the exercise of the right to peaceful assembly. These are: 1) national security; 2) public safety; 3) public order (*ordre public*); 4) public health; 5) public morals; and 6) the rights and freedoms of others.

The grounds for the prohibition of public assemblies or processions in Singapore’s legislation do not meet the threshold set by Article 21 of the ICCPR. Under the Public Order Act, assemblies can be prohibited for a number of reasons that may be the result of the gatherings. These include: “any serious public disorder;” any “serious public nuisance or obstruction in any public road;” and “serious impact [...] on relations between different groups in Singapore.”<sup>85</sup>

The Public Order Act cites very similar criteria as grounds for the denial of a police permit – a necessary condition for holding public assemblies outside of Speakers’ Corner [See above, 2.2. *Restrictive authorization process stifles peaceful assemblies*]. The Commissioner of Police may refuse to grant a permit for a public assembly if he/she has “reasonable ground” to believe that the proposed assembly may result in: “public disorder;” “a public nuisance;” “an obstruction in any public road;” or “feelings of enmity, hatred, ill-will or hostility between different groups in Singapore.”<sup>86</sup>

General Comment No. 37 notes that peaceful assemblies can in some cases be inherently or deliberately disruptive and require “a significant degree of toleration.” It adds that the “prohibition of public disorder” in domestic law should not be used unduly to restrict peaceful assemblies.<sup>87</sup>

“The fact the state gives us permission and says ‘you can do this at this time here with these many people and with these other regulations’ – like guards and fences – fundamentally undermines the spirit of freedom of assembly,” community organizer Kokila Annamalai told FIDH.<sup>88</sup>

In March 2018, the PAP-dominated Parliament adopted another piece of legislation that can be used to further stifle the legitimate exercise of the right to freedom of peaceful assembly and the right to freedom of expression. The Public Order and Safety (Special Powers) Act, provides powers to law enforcement officers to respond to incidents “involving serious violence or large-scale public disorder.”<sup>89</sup> These powers include: the issuance of a “communications stop order,”

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82. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 40.

83. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 38.

84. FIDH, *Interview with Lune Loh*, 25 August 2021

85. Section 13(2), Public Order Act

86. Section 7(2), Public Order Act

87. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 44.

88. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

89. Public Order and Safety (Special Powers) Act

which bans the production and transmission of videos, photographs, text, or audio messages within areas where a “serious incident” has occurred;<sup>90</sup> the search of individuals;<sup>91</sup> and the issuance of temporary restraining orders.<sup>92</sup> While this law was presented by the government as a means to target serious instances of violence, such as terrorist attacks, its definition of what constitutes a “serious incident” includes large sit-ins that might block traffic or interfere with regular activities in the area.<sup>93</sup>

#### **2.4.1. Content of assemblies curbed**

Singapore’s legislation contains several provisions that are aimed at limiting the expressive message of assemblies.

Under the Public Order Act, the Commissioner of Police may refuse to grant a permit for an assembly that he/she believes may “cause feelings of enmity, hatred, ill-will or hostility between different groups in Singapore.”<sup>94</sup>

Likewise, indoor assemblies are exempted from permit requirements (if all organizers and speakers are Singaporean citizens), but are not allowed to touch on matters relating to religion, or issues that “may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore.”<sup>95</sup>

A permit may also be denied for a proposed assembly or procession that “may be directed towards a political end” whenever it involves non-Singaporean citizens or entities as organizers or participants.<sup>96</sup> Under the Public Order Act, the definition of what is “directed towards a political end” is extremely broad and includes legitimate and peaceful forms of expression [See above, 2.1. *Non-discrimination principle violated*].

The above-mentioned provisions fall short of the threshold for the permissible restrictions to the right to freedom of peaceful assembly under international standards [See above, 2.4. *Restrictions on assemblies unnecessary and disproportionate*]. In addition, with specific regard to the expressive content of assemblies, General Comment No. 37 notes that participants should be free to determine the purpose and content of an assembly,<sup>97</sup> and that any restrictions should be “content neutral” (i.e. not related to the message conveyed by the assembly).<sup>98</sup>

The General Comment concludes that restrictions on peaceful assemblies must not be used to “stifle expression of political opposition to a government, [and] challenges to authority, including calls for democratic changes of government, the constitution or the political system.”<sup>99</sup>

#### **2.4.2. Interference in the modalities of assemblies**

Singapore’s legislation also gives the authorities the power to impose restrictions on the modalities of assemblies. These curbs are not in line with international standards.

In evaluating applications for assemblies, the Commissioner of Police can impose conditions that limit the number of participants, or the number and size of banners and placards used during the

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90. Section 30, Public Order and Safety (Special Powers) Act

91. Section 22, Public Order and Safety (Special Powers) Act

92. Section 29, Public Order and Safety (Special Powers) Act

93. Section 3, Public Order and Safety (Special Powers) Act

94. Section 7, Public Order Act

95. Section 4(1)(c), First Schedule, Public Order (Exempt Assemblies and Processions) Order 2009

96. Section 7(2)(h), Public Order Act

97. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 22.

98. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 48.

99. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 49.

assemblies.<sup>100</sup> The Commissioner can also require the organizers to deploy “marshals and security officers” to ensure “good order and public safety” throughout the assembly or procession.<sup>101</sup>

General Comment No. 37 states that authorities should not limit the number of participants in assemblies, unless there is “a clear connection with a legitimate ground for restrictions as set out in Article 21 [of the ICCPR], for example where public safety considerations dictate a maximum crowd capacity for a stadium or a bridge, or where public health considerations dictate physical distancing.”<sup>102</sup> The General Comment also advises that the use of flags, uniforms, signs and banners should not be restricted, unless “in exceptional cases,” where such symbols are directly and predominantly associated with incitement to discrimination, hostility, or violence.<sup>103</sup> The General Comment concludes that participants in peaceful assemblies “should be left to determine whether they want to use equipment such as posters, megaphones, musical instruments or other technical means, such as projection equipment, to convey their message. Assemblies may entail the temporary erection of structures, including sound systems, to reach their audience or otherwise achieve their purpose.”<sup>104</sup>

Under the Public Order Act, the Commissioner of Police is also allowed to declare certain assemblies as “special events,” for which further instructions and regulations can be issued.<sup>105</sup> For instance, the Commissioner can issue instructions to organizers of “special events” to require them to alter or remove gates, doors, platforms or stages within the event area, or to implement security measures such as deploying security personnel and screening persons and vehicles.<sup>106</sup>

In this regard, General Comment No. 37 states that the requirement for assembly participants or organizers to arrange for, or contribute to, the costs of policing or security is “generally not compatible” with Article 21 of the ICCPR.<sup>107</sup>

### 2.4.3. Off-limits places of assembly

Singapore’s laws impose sweeping and broadly justified restrictions on the places where public assemblies can be held. These curbs, coupled with the difficulties in obtaining police permits for public assemblies [See above, 2.2. *Restrictive authorization process stifles peaceful assemblies*], have created a situation in which protests and demonstrations outside of Speakers’ Corner [See below, 2.5. *Speakers’ Corner: The protesters’ reserve*] are extremely rare.

“What is to me precious about freedom of assembly is that it is us claiming space. That should not be circumscribed by the state. It is very definitive of a public assembly that it happens on the streets, on the trains, in public spaces, where the audience and the people you connect to are not the people who are already encountering these issues and ideas,” community organizer Kokila Annamalai told FIDH.<sup>108</sup>

Under the Public Order Act, the Commissioner of Police has absolute discretion in evaluating applications for assembly permits and to impose conditions on the place where a public assembly or procession can be held.<sup>109</sup>

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100. Section 8(3), Public Order Act

101. Section 8(3), Public Order Act

102. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 59.

103. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 51.

104. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 58.

105. Section 21, Public Order Act

106. Section 30, Public Order Act

107. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 64.

108. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

109. Section 8(3)(d), Public Order Act

In addition, under the Public Order Act, the Minister of Home Affairs can issue orders that prohibit public assemblies or processions in “any public place” (defined as a “prohibited area”), if it is “in the public interest to do so.”<sup>110</sup> The subsidiary Public Order (Prohibited Areas) Order 2009 lists places that have been designated as “prohibited areas.” Such locations include: Singapore’s presidential palace (known as the Istana); Parliament House; courthouses; and roads and places in the vicinity of these locations, such as the National Gallery Singapore (which occupies the old Supreme Court), City Hall buildings, and the Padang, a historic open playing field.<sup>111</sup>

The Act also empowers the Commissioner of Police to prohibit public assemblies or processions in a specific public area for a period of time not exceeding 28 days, if it is “in the public interest to do so.”<sup>112</sup> These prohibitions are required to be published in the Gazette, and would also result in the revocation of any permits that might have previously been granted for assemblies and processions in the same area.<sup>113</sup>

These limitations are not in line with international standards. General Comment No. 37 stipulates that “participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience.”<sup>114</sup> It also states that the designation of the “perimeters of places such as courts, parliaments, sites of historical significance or other official buildings as areas where assemblies may not take place should generally be avoided,” and that any restrictions on assemblies in and around such places must be “specifically justified and narrowly circumscribed.”<sup>115</sup>

General Comment No. 37 also states that “peaceful assemblies may in principle be conducted in all spaces to which the public has access or should have access, such as public squares and streets,”<sup>116</sup> and limits on the right to assemble in such places must meet the tests of legality, necessity, and proportionality.<sup>117</sup>

## 2.5. Speakers’ Corner: The protesters’ reserve

Another blatant infringement on the right to freedom of peaceful assembly in Singapore is the existence of legislation that limits the “unrestricted” exercise of this right to specific areas of the city-state.

The Public Order Act empowers the Minister of Home Affairs to designate areas where Singaporeans are not required to apply for police permission before organizing public assemblies or processions – except during election periods [See below, 3. *Additional curbs imposed during elections*]. So far, Speakers’ Corner in Hong Lim Park is the only such area designated in Singapore.<sup>118</sup> Speakers’ Corner was opened on 1 September 2000 and, according to official information, its area covers 0.97 hectares – slightly bigger than the maximum size of a soccer field (0.82 hectares).<sup>119</sup>

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110. Section 12, Public Order Act

111. Public Order (Prohibited Areas) Order 2009

112. Section 13, Public Order Act

113. Section 13, Public Order Act

114. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 22.

115. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 56.

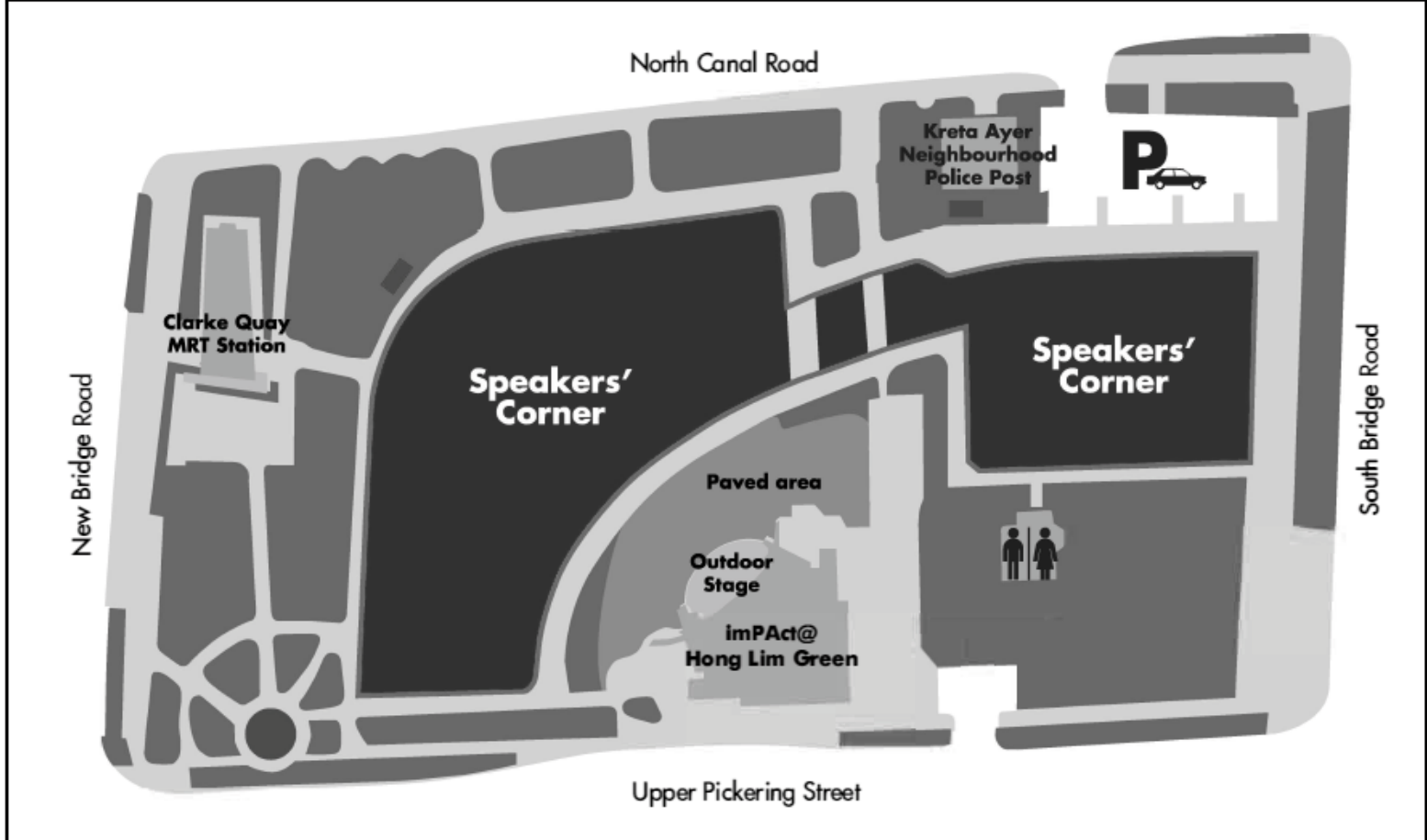
116. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 55.

117. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 55.

118. Public Order (Unrestricted Area – Speakers’ Corner) Order 2020

119. Rules and regulations initially allowed Singaporeans to make speeches only. In August 2008, the rules were relaxed to allow for demonstrations to be held as well; TODAY, *The evolution of S’pore’s Speakers’ Corner*, 1 December 2021; <https://www.todayonline.com/singapore/evolution-spores-speakers-corner>





Map of Speakers' Corner in Hong Lim Park<sup>120</sup>

While the Singaporean government has touted Speakers' Corner as "a place for Singaporeans to express themselves in various ways,"<sup>121</sup> the creation of such an area is in fact an attempt to effectively confine assembly organizers and participants to a single space in Singapore. Such practice is inconsistent with General Comment No. 37, which states that peaceful assemblies should not be relegated to "areas where they cannot effectively capture the attention of those who are being addressed"<sup>122</sup> and that "participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience."<sup>123</sup>

"One of the things that come up often when we talk about freedom of assembly is that it shouldn't obstruct or interfere with public life, and that's why [in Singapore] it's relegated to this one park that is out of the way," community organizer Kokila Annamalai told FIDH. "An important aspect of public assembly is that it is responding to particular forms of oppression or authority and it needs to be expressed in relation to those spaces. [For example], it does not make any sense to me to go to Speakers' Corner to stage a protest against the Ministry of Education. I need to be at the Ministry of Education," she added.<sup>124</sup>

Indeed, public assemblies in Singapore generally take place at Speakers' Corner. Unlike all other spaces in the country, public assemblies held at Speakers' Corner are exempt from the need to seek permission from the police (unless non-Singaporeans are involved in the organization of, or participation in, the event), making it the go-to space for civil society events held at short notice, or simply because organizers prefer to avoid the hassle of applying for police permits.

120. The Schedule, Speakers' Corners' in Hong Lim Park, Public Order (Unrestricted Area – Speakers' Corner) Order 2020; <https://sso.agc.gov.sg/SL-Supp/S552-2020/Published/20200714?DocDate=20200714&ProvlDs=Sc-#Sc->

121. Gov.sg, *Who can organise and take part in events at Hong Lim Park?*, 30 April 2013; <https://www.gov.sg/article/who-can-organise-and-take-part-in-events-at-hong-lim-park>

122. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 55.

123. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 22.

124. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

All that is needed to book the space is registration with National Parks (NParks), the government agency in charge of overseeing the country's parks. This registration is an online application process in which approval should be granted on a "first come, first served" basis.<sup>125</sup> In practice, NParks has the unchecked power to reject or revoke applications, without needing to give applicants any prior notice, and without having to provide grounds for its decisions.<sup>126</sup>

Over the years, various gatherings, rallies, and protests have been held at Speakers' Corner. Subjects of such events have included: unhappiness over immigration and the government's population planning;<sup>127</sup> the handling of the state-run pension savings scheme;<sup>128</sup> LGBTIQ rights;<sup>129</sup> and issues relating to police powers.<sup>130</sup>

However, Speakers' Corner is by no means a free space. The entire park is surrounded by CCTV camera surveillance, and there is a police station adjacent to the park. The use of the park for assemblies is also bound by rules stated in the Public Order (Unrestricted Area – Speakers' Corner) Order 2020, as well as the terms and conditions set out by NParks.<sup>131</sup> These terms include NParks having the power to halt any activity and/or require people to leave the park if it deems it necessary.<sup>132</sup>

Singapore's discriminatory legal framework with regard to the participation of foreigners in public assemblies extends to Speakers' Corner. Under the Public Order (Unrestricted Area – Speakers' Corner) Order 2020, individuals who organize assemblies or give speeches at Speakers' Corner are required to be citizens of Singapore. Participants can only be citizens or Permanent Residents (PRs).<sup>133</sup> Foreigners are not allowed to be part of any of these activities.<sup>134</sup> It is considered the responsibility of the organizer to ensure that this rule is adhered to.

The Public Order (Unrestricted Area – Speakers' Corner) Order 2020 also imposes restrictions concerning the content and the modalities of the assemblies held at Speakers' Corner. Speakers must use one of Singapore's four official languages (or related dialects) and are not allowed to touch on matters that relate to religions or religious beliefs.<sup>135</sup> Individuals are also banned from organizing events or speaking in ways that "may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore."<sup>136</sup> Furthermore, the display of banners, flags, posters, or any other material containing violent, lewd, or obscene material is also not allowed.<sup>137</sup>

"Speakers' Corner is a joke. Even within Speakers' Corner itself there are a lot of restrictions. Even within this so-called 'space' where the government says you are free to express yourself, there are so many restrictions," activist Jolovan Wham told FIDH.<sup>138</sup>

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125. NParks, *Terms and Conditions for Use of Hong Lim Park, Including Speakers' Corner*, <https://www.nparks.gov.sg/~media/terms-conditions-for-use-of-speakers-corner.pdf>

126. NParks, *Terms and Conditions for Use of Hong Lim Park, Including Speakers' Corner*, <https://www.nparks.gov.sg/~media/terms-conditions-for-use-of-speakers-corner.pdf>

127. BBC, *Rare mass rally over Singapore immigration plans*, 16 February 2013; <https://www.bbc.com/news/world-asia-21485729>

128. Straits Times, *Speakers at CPF protest call for flexibility, better returns, greater transparency for CPF scheme*, 7 June 2014; <https://www.straitstimes.com/singapore/speakers-at-cpf-protest-call-for-flexibility-better-returns-greater-transparency-for-cpf>

129. Reuters, *Singapore gay pride rally draws thousands amid new curbs*, 1 July 2017; <https://www.reuters.com/article/us-singapore-lgbt-pinkdot-idUSKBN19M3GD>

130. Independent, *Kenna Police How? Your right to due process*, 17 June 2016; <https://theindependent.sg/kenna-police-how-your-right-to-due-process/>

131. Sections 4 to 6, Public Order (Unrestricted Area – Speakers' Corner) Order 2020

132. NParks, *Terms and Conditions for Use of Hong Lim Park, Including Speakers' Corner*, <https://www.nparks.gov.sg/~media/terms-conditions-for-use-of-speakers-corner.pdf>

133. Section 5, Public Order (Unrestricted Area – Speakers' Corner) Order 2020

134. Section 6, Public Order (Unrestricted Area – Speakers' Corner) Order 2020

135. Section 4(2), Public Order (Unrestricted Area – Speakers' Corner) Order 2020

136. Section 4(2), Public Order (Unrestricted Area – Speakers' Corner) Order 2020

137. Section 4, Public Order (Unrestricted Area – Speakers' Corner) Order 2020

138. FIDH, *Interview with Jolovan Wham*, 26 August 2021





Activists Roy Ngerng (C) and Han Hui Hui (R) speak at the Return Our CPF protest rally at Speakers' Corner in Hong Lim Park on 27 September 2014. © Lim Sin Thai / ST / Singapore Press Holdings via AFP

In some instances, activists have faced legal action and punishment for activities at Speakers' Corner. On 27 October 2014, six Singaporeans — Chua Siew Leng, Koh Yew Beng, Loh Wai Choo, Goh Aik Huat, and activists Roy Ngerng and Han Hui Hui — were charged under Section 290 of the Penal Code ("causing a public nuisance") as a result of their participation in a protest on 27 September 2014, related to the government's handling of the country's mandatory social security saving scheme.<sup>139</sup> They had only been allowed to stage a rally at a fixed spot, but because they went on a march around the park, they were deemed to have breached permit conditions. They were also accused of disrupting another event, attended by a government minister, which was taking place in the park at the same time. On 10 March 2015, Chua Siew Leng, who had pleaded guilty to the charges, was fined S\$300 (US\$219) under Section 290 of the Penal Code.<sup>140</sup> On 7 October 2015, Roy Ngerng pleaded guilty to charges under Section 290 of the Penal Code and the Parks and Trees Act and was fined S\$1,900 (US\$1,387).<sup>141</sup> On 27 June 2016, Han Hui Hui was fined S\$3,100 (US\$2,263) — S\$600 (US\$438) under Section 290 of the Penal Code and S\$2,500 (US\$1,825) for organizing a demonstration without approval under the same two laws. Koh Yew Beng and Loh Wai Choo were fined S\$450 (US\$328.50) each.<sup>142</sup> On 19 January 2016, Goh Aik Huat was given a "discharge not amounting to an acquittal," after being issued a conditional warning of 24 months by the police two days earlier.<sup>143</sup>

While the investigation and prosecution into this case was ongoing, NParks and the police revoked the approval for Han's use of Speakers' Corner for subsequent events. NParks also said that they

139. The New Paper, *Han Hui Hui and Roy Ngerng charged with public nuisance over Hong Lim Park protest*, 27 October 2014; <https://tnp.straitstimes.com/news/han-hui-hui-and-roy-ngerng-charged-public-nuisance-over-hong-lim-park-protest>

140. TODAY, *'Return Our CPF' protester fined S\$300 for public nuisance*, 10 March 2015; <https://www.todayonline.com/singapore/return-our-cpf-protester-fined-s300-public-nuisance>

141. TODAY, *Blogger pleads guilty to being public nuisance, protesting without permit*, 7 October 2015; <https://www.todayonline.com/singapore/roy-ngerng-fined-s1900-over-hong-lim-park-demonstration-last-sept>

142. Straits Times, *Blogger Han Hui Hui fined \$3,100 for role in Hong Lim Park rally*, 27 June 2016; <https://www.straitstimes.com/singapore/courts-crime/blogger-han-hui-hui-fined-3100-for-role-in-hong-lim-park-rally>

143. Straits Times, *'Return Our CPF' protester discharged after public apology*, 19 January 2016; <https://www.straitstimes.com/singapore/courts-crime/return-our-cpf-protester-discharged-after-public-apology>

would refuse to grant approval for anyone being investigated for the 27 September protest until the conclusion of their case.<sup>144</sup>

In March 2020, as part of the restrictions imposed to prevent the spread of COVID-19, registration for the use of Speakers' Corner was suspended until further notice.<sup>145</sup> Although the government amended various regulations as the COVID-19 situation changed in the country – tightening or loosening them as needed [See below, 5. *Government adopts "stricter approach" during COVID-19 pandemic*] – the NParks registration system has continued to be unavailable throughout this period.

### Pink Dot subject to burdensome requirements

In recent years, Pink Dot, the annual rally for LGBTIQ rights and the biggest and most regular public assembly held at Speakers' Corner, has been subject to conditions and burdensome requirements and demands that have not been imposed on other organizers of events in that space.<sup>146</sup>

With consistently large numbers in attendance every year, one major consideration that the police have had with Pink Dot is how they ensure that foreigners do not attend the event in the park. "They will ask you how you intend to ensure that only Singaporean citizens and PRs are in the park. And then you will have to propose [plans]," said Paerin Choa, an executive committee member of Pink Dot.<sup>147</sup> "And then they will also ask you who the security officers are, [which security] company you are hiring. And that only applies to us so far, I realized."<sup>148</sup> The requirement to bar foreigners from attending the rally led to the organizers erecting a barricade around the park for the day, and only allowing people in after their identification cards have been checked by security officers.

Other security considerations were also imposed upon the organizers. As Choa said: "They [the police] were very concerned about terrorist attacks, attacking people in the park, driving big lorries and trucks and they will kill people in the park. Then that's when they told us that we have to get all those big concrete blocks at our own expense. The whole process took a few months."<sup>149</sup>



LGBTIQ rights supporters form a giant pink dot at Speakers' Corner on 28 June 2014.  
© Roslan Rahman / AFP

144. Straits Times, *NParks cancels approvals for Han Hui Hui event at Hong Lim Park on Oct 25*, 21 October 2014; <https://www.straitstimes.com/singapore/nparks-cancels-approvals-for-han-hui-hui-event-at-hong-lim-park-on-oct-25>

145. Economist, *Public order in Singapore has been shaken by a hand-drawn smiley face*, 28 November 2020; <https://www.economist.com/asia/2020/11/26/public-order-in-singapore-has-been-shaken-by-a-hand-drawn-smiley-face>

146. First held in 2009, the event has grown steadily over the years. In 2017, organizers reported that 20,000 people had attended the event. Although it was a drop in attendance from previous years, such a turnout is still remarkable by Singaporean standards. In 2019—the last year it was held at Speakers' Corner before the COVID-19 pandemic pushed the event online—organizers stopped reporting on the event turnout, saying that the park had reached full capacity.

147. FIDH, *Interview with Paerin Choa*, 7 September 2021

148. FIDH, *Interview with Paerin Choa*, 7 September 2021

149. FIDH, *Interview with Paerin Choa*, 7 September 2021



## 2.6. Inadequate recourse system

The recourse available to organizers of assemblies against restrictions and prohibitions imposed by the authorities is inadequate and falls short of international standards, which requires curbs be subject to an independent, impartial, and prompt judicial review.

Under the Public Order Act, assembly organizers can appeal the Commissioner of Police's decision to reject, cancel, or impose conditions on permits to the Minister of Home Affairs within seven days of finding out about the decision.<sup>150</sup> The Public Order Act then empowers the Minister to: confirm the Commissioner's decision; overturn or vary the Commissioner's decision; or direct the Commissioner to reconsider his/her decision.<sup>151</sup> The Act does not specify a time limit for the Minister of Home Affairs to make a decision on an appeal.

*The Online Citizen* Chief Editor Terry Xu related that it is almost impossible to appeal rejections of permits. In his experience, the police often informed him of their decision to reject his permit applications just one or two days before the planned event, thus leaving him with not enough time to appeal to the Minister. In such cases, even if the Minister overturned the police's decision, the permit for the assembly would have already lapsed.<sup>152</sup> This was confirmed in e-mail correspondence Xu received in relation to two appeals made against permit rejections, in which the Permanent Secretary at the Ministry of Home Affairs noted that "in the event the Appeals are allowed and Mr. Xu is granted a permit for the proposed events, these permits will have no legal effect as the dates of the proposed events have passed."<sup>153</sup>

General Comment No. 37 says that the "timeliness and duration" of recourse proceedings against restrictions on an assembly "must not jeopardize the exercise of the right [to freedom of peaceful assembly]."<sup>154</sup> It also states that "official decisions restricting the exercise of assembly rights must be open to legal challenge in a process that meets fair and public hearing requirements," in accordance with Article 14(1) of the ICCPR.<sup>155</sup>

## 2.7. Disproportionate criminal penalties

Singapore's laws and regulations governing assemblies and processions prescribe disproportionate penalties, including prison terms, for violators. As such, these penalties are inconsistent with international standards.

General Comment No. 37 states that where criminal or administrative sanctions are imposed on organizers of, or participants in, a peaceful assembly for their unlawful conduct, such sanctions must be proportionate, non-discriminatory, and must not suppress conduct protected under the ICCPR.<sup>156</sup>

Below is a summary of legal provisions that prescribe disproportionate penalties in relation to the exercise of the right to freedom of peaceful assembly.

Under the Public Order Act, anyone found guilty of organizing a public assembly or procession without a permit – or not in line with the details provided in the application, or the conditions

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150. Section 11, Public Order Act

151. Section 11, Public Order Act

152. FIDH, *Interview with Terry Xu*, 22 November 2021

153. E-mail correspondence between Terry Xu, the Singapore Police Force, and the Ministry of Home Affairs on 12 March 2021, as seen by FIDH.

154. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 69.

155. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 99.

156. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 67.

imposed – can be fined up to S\$5,000 (US\$3,650) for the first offense. For repeat offenders, the penalty increases to a fine of up to S\$10,000 (US\$7,300), imprisonment of up to six months, or both. Individuals who take part in illegal (i.e. held without a permit) assemblies can be punished with a fine of up to S\$3,000 (US\$2,190) for the first offense, and a fine of up to S\$5,000 (US\$3,650) for repeat offenses.<sup>157</sup>

These penalties can be increased if the authorities first issued the individuals a “move on” directive under the Public Order Act. Such orders can require individuals to leave the assembly area and not return for a period of time (that cannot exceed 24 hours). The police can issue these orders if it is “reasonably necessary” for public safety, order, or the protection of the rights and freedoms of others.<sup>158</sup> A failure to comply with such orders can be punished with a fine of up to S\$20,000 (US\$14,600), imprisonment of up to 12 months, or both.<sup>159</sup>

The Public Order Act also prescribes that anyone who organizes an assembly or procession in a “prohibited area,” or when public assemblies or processions are disallowed in any areas [See above, 2.4.3. *Off-limits places of assembly*], face penalties of prison terms of up to six months, fines of up to S\$10,000 (US\$7,300), or both.<sup>160</sup> Individuals who take part in such assemblies or processions face fines of up to S\$5,000 (US\$3,650).<sup>161</sup>

In addition, the Public Order Act prescribes that organizers of assemblies that have been designated as “special events” [See above, 2.4.2. *Interference in the modalities of assemblies*] can be imprisoned for up to 12 months, fined up to S\$20,000 (US\$14,600), or both, if they fail to comply with instructions and regulations issued by the Commissioner of Police.<sup>162</sup>

Criminal penalties are prescribed by the Public Order (Unrestricted Area – Speakers’ Corner) Order 2020 as well. Organizers of assemblies at Speakers’ Corner who fail to ensure that foreigners do not participate in such events [See above, 2.5. *Speakers’ Corner: The protesters’ reserve*] can be imprisoned for up to six months, fined up to S\$10,000 (US\$7,300), or both.<sup>163</sup> Foreigners who participate in an assembly at Speakers’ Corner can be fined up to S\$3,000 (US\$2,190) if they are a first-time offender. If they are repeat offenders, they can be fined up to S\$5,000 (US\$3,650).<sup>164</sup> In addition, anyone who violates conditions for public speaking at Speakers’ Corner can be punished with imprisonment of up to six months, a fine of up to S\$10,000 (US\$7,300), or both.<sup>165</sup>

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157. Section 16, Public Order Act

158. Section 36, Public Order Act

159. Section 37, Public Order Act

160. Section 15(1), Public Order Act

161. Section 15(2), Public Order Act

162. Section 30, Public Order Act

163. Section 5, Public Order (Unrestricted Area – Speakers’ Corner) Order 2020

164. Section 6, Public Order (Unrestricted Area – Speakers’ Corner) Order 2020

165. Section 4, Public Order (Unrestricted Area – Speakers’ Corner) Order 2020

### 3. Additional curbs imposed during elections

During parliamentary and presidential elections, the right to freedom of peaceful assembly is further curbed.

During these election periods, the government revokes the status of Speakers' Corner as an "unrestricted area," which means that Singaporeans are not able to organize public gatherings in that space without first applying for a police permit [See above, 2.2. *Restrictive authorization process stifles peaceful assemblies*].<sup>166</sup> A new order is issued after the election to reinstate the Speakers' Corner's status as an "unrestricted area."<sup>167</sup>

Public assemblies and processions held on Nomination Day<sup>168</sup> for parliamentary and presidential elections are exempt from permit applications as long as their only purpose is to "showing support" to candidates.<sup>169</sup> The only placards, banners, flags, signs, or materials that are allowed at these events are those that relate to the image, symbol, or logo of any candidate or political party, which can only be displayed after the close of nomination proceedings.<sup>170</sup>

All "election meetings" (i.e. political campaign activities) can only take place between 7am and 10pm on the days between Nomination Day and Polling Day.<sup>171</sup> Candidates standing for election are required to give the Commissioner of Police advance notice of election meetings and processions – such as political rallies – by the afternoon before the planned event at the latest. If the planned meeting takes place on state land, or in public spaces such as parks, roads, or car parks, organizers are required to provide proof of written consent from the relevant government officials.<sup>172</sup> During election meetings, the most senior police officers present are allowed to order the immediate closure of the meeting if they consider that "a breach of peace is likely to occur."<sup>173</sup>

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166. Public Order (Unrestricted Area) (Revocation) Order 2020

167. Public Order (Unrestricted Area – Speakers' Corner) Order 2020

168. Nomination Day refers to the day in which candidates officially submit their nomination papers to stand for election. It marks the first official day of election campaigning.

169. Section 12, First Schedule, and Section 5, Second Schedule, Public Order (Exempt Assemblies and Processions) Order 2009

170. Second Schedule, Public Order (Exempt Assemblies and Processions) Order 2009

171. Section 6, Public Order (Election Meetings in Parliamentary Elections) Regulations 2009

172. Section 5, Public Order (Election Meetings in Parliamentary Elections) Regulations 2009

173. Section 9, Public Order (Election Meetings in Parliamentary Elections) Regulations 2009

## 4. Systematic criminalization and harassment of peaceful protesters

Singaporean authorities have systematically cracked down on individuals and groups who sought to exercise their right to freedom of peaceful assembly outside of Speakers' Corners or without obtaining prior permission from the police.

Activists have been subjected to interrogation and investigation, although none of their activities resulted in any harm, violence, or disruption of public order. In some cases, participants and organizers have faced arrest and imprisonment.

"The government may justify the decision to pick on just a few people whom it deems as trouble-makers as prosecutorial discretion, but it's quite clear that a lot of these prosecutions are politically motivated," social activist Jolovan Wham told FIDH.<sup>174</sup> Wham was prosecuted in connection with his participation in four peaceful protests between June 2017 and March 2020.

The criminalization of peaceful protesters is inconsistent with international standards. General Comment No. 37 states that the "failure to notify the authorities of an upcoming assembly, where required, does not render the act of participation in the assembly unlawful, and must not in itself be used as a basis for [...] arresting the participants or organizers, or for imposing undue sanctions, such as charging the participants or organizers with criminal offenses."<sup>175</sup> It also states that "no one should be harassed or face other reprisals as a result of their presence at or affiliation with a peaceful assembly."<sup>176</sup>

Under the Public Order Act, police officers are allowed to arrest individuals who, in their views, have breached any provisions of the Act.<sup>177</sup> No warrant is required for such arrest.<sup>178</sup> Police investigations can be opened immediately after the individual, or individuals, are arrested on the scene — as happened in the case of Seelan Palay and the #FixSchoolsNotStudents protesters [See below, *Arrested for holding a mirror outside Parliament House* and *Sanctioned for #FixSchoolsNotStudents protest*]. However, investigations were often opened some time after the assembly occurred, making it clear that these activities did not cause any disruption, disorder, or harm that would have required urgent police intervention. Sometimes, activists were informed, weeks or months later, that an investigation had been opened and that they were to report to a police station for questioning.<sup>179</sup>

Police regularly failed to inform individuals of their rights before questioning them.<sup>180</sup> In addition, individuals who were questioned were not given access to a lawyer during these interrogations.<sup>181</sup> Although Singapore's Constitution guarantees the right of access to legal counsel, court rulings have found that this does not automatically translate to immediate access to a lawyer, but only after a "reasonable time" after arrest.<sup>182</sup>

Activists faced challenges in obtaining adequate legal assistance when they were subjected to investigations. They generally relied on a small number of lawyers who are part of civil society

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174. FIDH, *Interview with Jolovan Wham*, 26 August 2021

175. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 72.

176. Human Rights Committee, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37; para. 33.

177. Section 40, Public Order Act

178. Section 40, Public Order Act

179. FIDH, *Interview with Kirsten Han*, 27 August 2021

180. FIDH, *Interview with Jolovan Wham*, 26 August 2021

181. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

182. Law Gazette, *The Point At Which the Right to Access Counsel Arises*, 2015; <https://v1.lawgazette.com.sg/2015-06/1323.htm>

networks and have a history of representing activists *pro bono* in cases involving political actions.<sup>183</sup> Although the Law Society of Singapore (the organization that represents all lawyers in the city-state) runs a Criminal Legal Aid Scheme, it does not cover offenses under the Public Order Act.<sup>184</sup>

“Even if you manage to get legal aid, I suspect lawyers would not be willing to claim trial on your behalf and to argue on the basis that what the state is doing is against fundamental human rights and constitutional rights, so lawyers would probably take on the case and advise you to plead guilty,” Jolovan Wham said.<sup>185</sup>

Regardless of the length or complexity of the alleged assemblies, investigations are known to take months, and sometimes involve more than one interrogation session. In some instances, police seized electronic devices, such as cellphones or laptops, without the need for a search warrant and without giving any indication of when they would be returned. These devices are normally held until the case is closed, which could take over a year.<sup>186</sup>

Activists said that the length of such investigations, with little update or clarity in the interim, caused them inconvenience and anxiety. For those who were arrested for their activities, the long investigations could also mean being required to report regularly to police stations as part of their bail conditions. “The good thing is that I can occasionally forget that I am being investigated. The bad thing is that whenever I report to the police station for bail I get reminded that this is still ongoing. There is an anxiety, like – ‘when will this end?’,” transgender activist Lune Loh told FIDH.<sup>187</sup>

In addition to legal action, in some cases, activists faced other types of harassment and pressure from the authorities. “Outside of police investigations, there were other ways in which the government tried to sanction and intimidate the people who participated. Some of the people who participated in the [MRT] action<sup>188</sup> lost their job as a result. My employer also received a letter from the authorities saying they should fire me, but they didn’t comply,” community organizer Kokila Annamalai told FIDH.<sup>189</sup>

Below is a non-exhaustive list of recent instances of criminalization and harassment of peaceful protesters in Singapore.

#### Arrested, jailed, and fined over solo protests

Between April 2016 and January 2021, Yan Jun, a former research assistant, staged at least nine solo protests in various locations, included the Central Business District and outside the US and UK diplomatic missions. These actions often involved criticism of the PAP-backed government and calls for the resignation of Singapore’s Prime Minister. For this, he was arrested, charged, and punished multiple times.

In April 2016, Yan Jun was charged under the Public Order Act for participating in two solo protests: one outside the Istana (the official residence of Singapore’s President), and another at a building across the road from Parliament House.<sup>190</sup>

He later demonstrated outside the US Embassy in October 2016 and outside the British High Commission two months later.<sup>191</sup> In July 2017, he was arrested twice, again under the Public

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183. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

184. Law Society, *Criminal Legal Aid Scheme*; <https://www.lawsocprobono.org/Pages/Criminal-Legal-Aid-Scheme.aspx#offences>

185. FIDH, *Interview with Jolovan Wham*, 26 August 2021

186. FIDH, *Interview with Jolovan Wham*, 26 August 2021

187. FIDH, *Interview with Lune Loh*, 25 August 2021

188. See below, *Prosecuted for a silent protest over detention without trial*.

189. FIDH, *Interview with Kokila Annamalai*, 27 August 2021

190. AsiaOne, *Istana Park protester in court over two charges*, 15 April 2016; <https://www.asiaone.com/singapore/istana-park-protester-court-over-two-charges>

191. Straits Times, *3 weeks in jail, S\$20k fine for Raffles Place protester*, 16 August 2017; <https://www.straitstimes.com/singapore/courts-crime/3-weeks-in-jail-20k-fine-for-raffles-place-protester>



Order Act, for staging solo protests on two separate days at Raffles Place in Singapore's Central Business District.<sup>192</sup> A month later, he was sentenced to three weeks in prison and fined S\$20,000 (US\$14,600) on four counts of participation in illegal assemblies and one count of disorderly behavior in relation to these four protests.<sup>193</sup>

In April 2018, Yan Jun was back in court for offenses under the Public Order Act in April 2018, facing one count of participating in a public assembly without a permit, one count of not complying with a "move-on" order, and one count of disorderly behavior for shouting at a police officer. This was in relation to another solo protest he staged at Raffles Place in February 2018.<sup>194</sup> He was sentenced to a total of six-and-a-half months' imprisonment and a fine of S\$5,000.<sup>195</sup>

In March 2019, he was again charged under the Public Order Act in March 2019 for protesting without a permit and disobeying a direction to leave the area. He was also remanded to the Institute of Mental Health for psychiatric evaluation.<sup>196</sup> No additional information has emerged on this prosecution.

In January 2021, Yan Jun was again charged under the Public Order Act for a 15-minute solo protest outside the US Embassy, which had taken place in November 2020. He was also charged for behaving in a disorderly manner in relation to the same protest. The court was told that the Institute of Mental Health found that Yan had a delusional disorder, but that there was no contributory link to these activities.<sup>197</sup> No additional information has emerged on this prosecution.

#### Arrested for holding a mirror outside Parliament House

On 1 October 2017, performance artist Seelan Palay was arrested by the police outside Singapore's Parliament House, where he had been standing in silence while holding a mirror.

Seelan had been performing a piece entitled "32 Years: The Interrogation of a Mirror," reflecting on the experience of Chia Thye Poh, a former Member of Parliament from the defunct leftist party Barisan Sosialis.<sup>198</sup> The performance began in Speakers' Corner, where Seelan had obtained approval for his activity.<sup>199</sup> He then left Speakers' Corner and walked to Singapore's civic district where he stopped outside the National Gallery Singapore – formerly the Supreme Court and City Hall – before heading to Parliament House. He was arrested outside Parliament House.<sup>200</sup>

On 3 October 2018, he was found guilty by the State Courts under the Public Order Act of participating in an illegal public procession and fined S\$2,500 (US\$1,825).<sup>201</sup> He refused to pay the fine and was jailed for two weeks.<sup>202</sup>

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192. TODAY, *Man calling for PM's resignation over Terrex issue arrested*, 4 July 2017; <https://www.todayonline.com/singapore/man-who-held-sign-calling-pm-resign-raffles-place-arrested>

193. Straits Times, *3 weeks in jail, S\$20k fine for Raffles Place protester*, 16 August 2017; <https://www.straitstimes.com/singapore/courts-crime/3-weeks-in-jail-20k-fine-for-raffles-place-protester>

194. Yahoo! Singapore, *Serial protestor who called for PM Lee's resignation at Raffles Place back in court*, 4 April 2018; <https://sg.news.yahoo.com/serial-protestor-called-pm-lees-resignation-raffles-place-back-court-105439308.html>

195. Straits Times, *Raffles Place protester gets jail and fine*, 12 April 2018, <https://www.straitstimes.com/singapore/courts-crime/raffles-place-protester-gets-jail-and-fine>

196. Yahoo! Singapore, *Serial protestor charged for demonstrating outside Raffles Place MRT again*, 4 March 2019; <https://sg.news.yahoo.com/serial-protestor-charged-demonstrating-outside-raffles-place-mrt-094124764.html>

197. Straits Times, *Man on trial for protesting outside US Embassy in Singapore*, 18 January 2021; <https://www.straitstimes.com/singapore/courts-crime/serial-protestor-on-trial-for-protesting-outside-us-embassy-in-singapore>

198. Chia was arrested under Singapore's Internal Security Act in 1966, and only released in 1989. He spent another seven years living under state-imposed restrictions.

199. Yahoo! Singapore, *Protest at Parliament House: Activist Seelan Palay had license for event at Speakers' Corner*, 26 September 2018; <https://ca.style.yahoo.com/protest-parliament-house-activist-seelan-palay-license-event-speakers-corner-082255381.html>

200. FIDH, *Singapore: Seelan Palay sentenced and arbitrarily detained for an art performance*, 9 October 2018; <https://www.fidh.org/en/issues/human-rights-defenders/singapore-seelan-palay-sentenced-and-arbitrarily-detained-for-an-art>

201. Yahoo! Singapore, *Activist Seelan Palay fined \$2,500 for taking part in public procession*, 3 October 2018; <https://sg.news.yahoo.com/activist-seelan-palay-fined-2500-taking-part-public-procession-092827846.html>

202. Straits Times, *Illegal procession: Activist refuses to pay fine, gets jail*, 4 October 2018; <https://www.straitstimes.com/singapore/courts-crime/illegal-procession-activist-refuses-to-pay-fine-gets-jail>

### Charged for taking a photo outside the State Courts

On 13 December 2018, social activist Jolovan Wham posed for a photo outside the State Courts with a sign printed on A4 paper that called for the withdrawal of criminal defamation charges against independent news website *The Online Citizen* Chief Editor Terry Xu and Contributor Daniel De Costa. According to surveillance camera footage, the entire action took about 15 seconds and did not seem to attract public attention at the time. Wham's photo was later circulated online, and the police opened an investigation against the activist after an anonymous report was lodged.<sup>203</sup>

On 23 November 2020, Jolovan Wham was charged under the Public Order Act for taking part in a public assembly without a permit.<sup>204</sup> The case went to trial on 23 August 2021.<sup>205</sup> On 7 January 2022, Wham was found guilty of taking part in a public assembly without a permit.<sup>206</sup>

### Prosecuted for holding up a sign

On 15 December 2021, activist Gilbert Goh was charged under the Public Order Act for taking part in a public assembly without a permit in connection with a solo protest he held earlier that year.<sup>207</sup> On 1 May 2021, he held up a sign that read "Please ban all flights from India. We are not racist! Just being cautious," in the vicinity of the Immigration and Checkpoints Authority building.<sup>208</sup> Goh said he undertook the action to persuade the Singaporean government to ban all flights from India, amid a surge of COVID-19 infections in that country.<sup>209</sup> In a separate incident, on 14 December 2021, police issued a stern warning to Gilbert Goh for allowing a foreigner to participate in an assembly he had organized at Speakers' Corner on 3 November 2019.<sup>210</sup>

### Investigated for wearing a T-shirt at charity run

On 17 September 2019, the Singapore police announced in a press statement that they had opened an investigation into activist Nafiz Kamarudin and his wife after the two wore T-shirts with a message protesting against the death penalty during the Yellow Ribbon Prison Run.<sup>211</sup>

In a Facebook post on 12 September 2019, Nafiz wrote that event organizers had pressed him to change the message on his bib, which read "'2<sup>ND</sup> CHANCES' MEANS NOT KILLING THEM." He refused.<sup>212</sup> On the day of the run, 15 September 2019, Nafiz was not allowed to participate in the event because he had shown up in a yellow T-shirt printed with the message that he had originally placed on his bib. He decided to run on the public road in parallel with the event's route.<sup>213</sup>

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203. Straits Times, *Jolovan Wham held photo-taking session, not public assembly, at State Courts building: Lawyer*, 23 August 2021; <https://www.straitstimes.com/singapore/courts-crime/jolovan-wham-held-photo-taking-session-not-public-assembly-at-state-courts>

204. CNA, *Jolovan Wham charged with staging illegal protests outside old State Courts, in Toa Payoh*, 23 November 2020; <https://www.channelnewsasia.com/singapore/jolovan-wham-charged-illegal-protests-state-courts-toa-payoh-562631>

205. Straits Times, *Jolovan Wham held photo-taking session, not public assembly, at State Courts building: Lawyer*, 23 August 2021; <https://www.straitstimes.com/singapore/courts-crime/jolovan-wham-held-photo-taking-session-not-public-assembly-at-state-courts>

206. CNA, *Jolovan Wham convicted over unlawful assembly outside court asking for Terry Xu's charges to be dropped*, 7 January 2022; <https://www.channelnewsasia.com/singapore/jolovan-wham-unlawful-assembly-outside-court-holding-paper-terry-xu-charges-2420946>

207. Yahoo! Singapore, *Activist Gilbert Goh charged over public assembly without permit outside ICA building*, 15 December 2021; <https://sg.news.yahoo.com/activist-gilbert-goh-charged-public-assembly-permit-ica-building-023344598.html?guccounter=1>

208. Yahoo! Singapore, *Activist Gilbert Goh charged over public assembly without permit outside ICA building*, 15 December 2021; <https://sg.news.yahoo.com/activist-gilbert-goh-charged-public-assembly-permit-ica-building-023344598.html?guccounter=1>

209. Yahoo! Singapore, *Activist Gilbert Goh charged over public assembly without permit outside ICA building*, 15 December 2021; <https://sg.news.yahoo.com/activist-gilbert-goh-charged-public-assembly-permit-ica-building-023344598.html?guccounter=1>

210. Yahoo! Singapore, *Activist Gilbert Goh charged over public assembly without permit outside ICA building*, 15 December 2021; <https://sg.news.yahoo.com/activist-gilbert-goh-charged-public-assembly-permit-ica-building-023344598.html?guccounter=1>

211. The Yellow Ribbon Prison Run is a charity event in support of the Yellow Ribbon Project, a national campaign supporting rehabilitation and the re-integration of formerly incarcerated people into the community

212. Nafiz Kamarudin, 12 September 2019; <https://www.facebook.com/fizzardofoz/posts/10157982695583825>

213. TODAY, *Police investigating pair who wore anti-death penalty T-shirts at Yellow Ribbon Prison Run*, 17 September 2019; <https://www.todayonline.com/singapore/police-investigating-pair-who-wore-anti-death-penalty-t-shirts-yellow-ribbon-prison-run>

For this, Nafiz was questioned for two hours by the police, who alleged he participated in a public assembly without permit. His wife was also interrogated for about two hours, because she had worn an identical T-shirt that day. Nafiz was eventually issued a letter of warning by the police.<sup>214</sup>

#### Harassed for taking photos for climate action in public

Two climate activists were subjected to hours of police interrogation and the confiscation of their electronic devices after they posed for photos calling for climate action.

On 13 March 2020, 18-year-old Wong J-min posed for photographs outside the Singapore office of ExxonMobil while holding up signs printed on A4 paper condemning the presence of major oil companies in Singapore. She later shared the photos on social media platforms, linking her activism to Fridays for Future, a global school strike movement founded by Swedish activist Greta Thunberg.<sup>215</sup>

On 22 March 2020, 20-year-old Nguyen Nhat Minh posed for his own photograph for Fridays for Future, again sharing them on social media. Standing on a public street across from the Toa Payoh Central Community Club, he held up a cardboard sign drawing attention to the close relationship between Singapore and the fossil fuel industry.<sup>216</sup>

Both activists were interrogated for hours by the police for participating in public assemblies without permits. The police also confiscated their cell phones and Nguyen Nhat Minh's laptop. Their paper and cardboard signs were also seized, and the police asked them to remove their photos from social media.<sup>217</sup> The two were eventually issued stern warnings.

#### Charged for taking a photo with a smiley face in public

On March 28, 2020, Jolovan Wham replicated the solo protest carried out by Nguyen Nhat Minh a week earlier. Instead of holding a placard opposing the presence of oil and gas companies in Singapore, Wham stood in the same spot where Nguyen had posed for his photograph, holding a cardboard sign that had a smiley face drawn on it. On 23 November 2020, Wham was charged under the Public Order Act for participating in a public assembly without a permit.<sup>218</sup>

#### Prosecuted for a silent protest over detention without trial

In June 2017, the police opened an investigation into a silent protest that had taken place on Singapore's Mass Rapid Transit (MRT) trains on 3 June.<sup>219</sup> Eight protesters, all Singaporean citizens, boarded MRT trains dressed in black, and held up copies of the book *1987: Singapore's Marxist Conspiracy 30 Years On*. They also stuck up A4 sheets of paper with printed messages to draw attention to Operation Spectrum<sup>220</sup> to the wall of the train carriage and to call for an end to the use of detention without trial under the draconian Internal Security Act. Photos of the silent protest were shared on social media, after which the police called in participants for questioning.

Ultimately, every participant investigated was issued a police warning, except for activist Jolovan Wham, who was charged in November 2017 under the Public Order Act with organizing a public

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214. Nafiz Kamarudin, 8 February 2020; <https://www.facebook.com/fizzardofoz/posts/10158485113763825>

215. Al Jazeera, *Climate change activists test strict Singapore protest laws*, 10 April 2020; <https://www.aljazeera.com/news/2020/4/10/climate-change-activists-test-strict-singapore-protest-laws>

216. Al Jazeera, *Climate change activists test strict Singapore protest laws*, 10 April 2020; <https://www.aljazeera.com/news/2020/4/10/climate-change-activists-test-strict-singapore-protest-laws>

217. Al Jazeera, *Climate change activists test strict Singapore protest laws*, 10 April 2020; <https://www.aljazeera.com/news/2020/4/10/climate-change-activists-test-strict-singapore-protest-laws>

218. CNA, *Jolovan Wham to be charged for staging illegal protests*, 21 November 2020; <https://www.channelnewsasia.com/singapore/jolovan-wham-illegal-protests-smiley-face-558261>

219. TODAY, *Police looking into protest in MRT, calling for information*, 5 June 2017; <https://www.todayonline.com/singapore/police-looking-protest-mrt-calling-information>

220. Operation Spectrum was the codename for a spate of arrests carried out in 1987, during which 22 young social workers, Catholic church workers, lawyers, and theatre practitioners were accused of involvement in a "Marxist conspiracy" to overthrow the government, and were detained without trial for periods ranging from three months to three years.

assembly without a permit. He was also charged for vandalism under the Vandalism Act, in relation to putting up the signs in the train carriage, even though these signs were removed after the protest and did not cause any damage. In addition, Wham was also charged for refusing to sign the statement he gave to the police, which amounted to an offense under Section 180 of the Penal Code.<sup>221</sup> He claimed that he had decided not to sign the statement because the police refused to give him a copy. In February 2021, Wham pleaded guilty to these offenses.<sup>222</sup> He was fined S\$4,500 (US\$3,285) for organizing the public assembly without permit, S\$1,000 (US\$730) for vandalism, and S\$2,500 (US\$1,825) for refusing to sign his statement. He agreed to pay the S\$2,500 (US\$1,825) fine, but chose to serve time in prison in lieu of the first two fines. He served a prison term of 22 days.



Activist Jolovan Wham arrives at the State Courts on 15 February 2021 for sentencing over a protest aboard a metro train against the detention without trial of alleged communists in the 1980s.  
© Roslan Rahman / AFP

### Investigated over anti-death penalty candlelight vigil

On the night of 13 July 2017, around 20 individuals gathered outside Changi Prison to hold a candlelight vigil for Prabakaran Srivijayan, a Malaysian death row inmate who was to be executed at dawn the next day. Participants, including Prabakaran's family members, put up photographs of him against the prison fence, and lit small candles. The police arrived within 15 minutes. The photographs and candles were confiscated, but participants were told that they would be allowed to remain outside the prison as long as they did not light any more candles.

More than six weeks later, 17 individuals who had participated in the vigil were investigated by the police under the Public Order Act.<sup>223</sup> Some of those investigated also discovered that they had been banned from leaving the country, although there had been no notification of any travel ban, nor confiscation of travel documents beforehand.<sup>224</sup> Ultimately, the police issued stern or conditional warnings to all the individuals investigated, except for activist Jolovan Wham, who was charged under the Public Order Act for organizing a public assembly without permit and for refusing to

221. Straits Times, *Civil rights activist Jolovan Wham charged with organising public assemblies without permit and vandalism*, 29 November 2022; <https://www.straitstimes.com/singapore/courts-crime/civil-activist-jolovan-wham-charged-in-court>

222. Straits Times, *Activist Jolovan Wham fined \$8,000 over protest on MRT trains three years ago*, 15 February 2021; <https://www.straitstimes.com/singapore/courts-crime/activist-jolovan-wham-fined-8000-over-protest-on-mrt-trains-three-years-ago>

223. Straits Times, *Police probe 17 over possible illegal assembly*, 10 September 2017; <https://www.straitstimes.com/singapore/courts-crime/police-probe-17-over-possible-illegal-assembly>

224. The Online Citizen, *Skipping legal procedures: Are police acting as judges*, 6 September 2017; <https://www.theonlinecitizen.com/2017/09/06/skipping-legal-procedures-are-police-acting-as-judges/> [Accessed on 19 August 2021]



sign his statement to the police.<sup>225</sup> Prosecutors eventually dropped the charges against Jolovan Wham after the activist pleaded guilty to the offenses stemming from his participation in the MRT protest.<sup>226</sup>

### Sanctioned for #FixSchoolsNotStudents protest

On 26 January 2021, five Singaporeans staged a silent protest with placards outside the headquarters of the Ministry of Education to draw attention to the issue of discrimination against LGBTIQ students in the Singaporean education system. Two of the protesters left the scene after posing for photos with their placards, but three remained. Within minutes, they were surrounded by police officers, who issued them with a “move-on” direction under the Public Order Act.<sup>227</sup> The three were arrested under the Public Order Act after they decided to continue with their protest despite the “move on” direction.<sup>228</sup> The police later summoned the two other protesters, a journalist who was covering the event, and other individuals who had been in the vicinity of the protest for questioning. A total of nine individuals were investigated in connection with the protest. On 30 November 2021, the police revealed that six had received sanctions ranging from a stern warning to a 24-month conditional warning for various violations of the Public Order Act.<sup>229</sup>



Activists hold a protest outside the Ministry of Education to draw attention to the issue of discrimination against LGBTIQ students in the Singaporean education system on 26 January 2021. © Kirsten Han

225. Straits Times, *Activist Jolovan Wham to be charged today*, 29 November 2017; <https://www.straitstimes.com/singapore/activist-jolovan-wham-to-be-charged-today>

226. TODAY, *Activist Jolovan Wham chooses 22 days' jail over fine for holding illegal public assembly on MRT train*, 15 February 2021; <https://www.todayonline.com/singapore/activist-jolovan-wham-chooses-22-days-jail-over-fine-holding-illegal-public-assembly-mrt>

227. Xtra Magazine, *Inside the fight against transphobia in Singapore schools*, 2 February 2021; <https://xtramagazine.com/power/singapore-school-trans-protest-lgbt-194450>

228. Channel News Asia, *3 arrested over protest against transphobia outside MOE building*, 26 January 2021; <https://www.channelnewsasia.com/news/singapore/moe-transphobia-protest-3-arrested-student-hormone-therapy-14045320>

229. Singapore Police Force, *Six warned for their involvement in a public assembly without a permit outside Ministry of Education Headquarters*, 30 November 2021; [https://www.police.gov.sg/media-room/news/20211130\\_6\\_warned\\_fr\\_their\\_invlvmtnt\\_in\\_a\\_public\\_assembly\\_without\\_a\\_permit\\_outside\\_moe\\_hq](https://www.police.gov.sg/media-room/news/20211130_6_warned_fr_their_invlvmtnt_in_a_public_assembly_without_a_permit_outside_moe_hq)



## 5. Government adopts “stricter approach” during COVID-19 pandemic

In addition to the suspension of all gatherings at Speakers’ Corner until further notice during the COVID-19 pandemic, the government imposed additional restrictions on public assemblies. These restrictions varied over the course of 2020 and 2021, with the maximum size of public and social gatherings limited to between two and eight people, as specified under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020, which is the subsidiary legislation for the COVID-19 (Temporary Measures) Act.<sup>230</sup> As of 21 February 2022, gatherings were limited to a maximum of five people.<sup>231</sup> According to official information, between April 2020 and October 2021, the Attorney General’s Chambers prosecuted 1,020 people and business entities for “egregious or complex cases” involving alleged breaches of the COVID-19 (Temporary Measures) Act, and COVID-19 (Temporary Measures) (Control Order) Regulations 2020.<sup>232</sup> Offences under these regulations include illegal gatherings and causing public nuisance.<sup>233</sup>

During the pandemic, it has also become more difficult to obtain a permit to organize a public assembly. In a February 2021 e-mail responding to queries from *The Online Citizen* Chief Editor Terry Xu, police said that “a stricter approach” was being taken during the pandemic and all activities deemed “non-essential” had been restricted. “Outdoor public assemblies or processions even if carried out by one individual, may lead to a spontaneous or unanticipated gathering of crowds, and put the public and participant at higher risk of COVID-19 infection,” the police added.<sup>234</sup>

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230. Section 6, COVID-19 (Temporary Measures) (Control Order) Regulations 2020

231. Ministry of Health, *Covid-19 Phase Advisory*; <https://www.moh.gov.sg/covid-19-phase-advisory>

232. Channel News Asia, *Dealing with COVID-19 offences: More than 1,000 cases prosecuted in court in 18 months*, 10 December 2021; <https://www.channelnewsasia.com/singapore/dealing-covid-19-offences-more-1000-cases-prosecuted-court-18-months-2368806>

233. Channel News Asia, *Dealing with COVID-19 offences: More than 1,000 cases prosecuted in court in 18 months*, 10 December 2021; <https://www.channelnewsasia.com/singapore/dealing-covid-19-offences-more-1000-cases-prosecuted-court-18-months-2368806>

234. E-mail correspondence between Terry Xu and the Singapore Police Force, as seen by FIDH.

## 6. UN concern over repression of the right to peaceful assembly

Over the past 10 years, relevant UN human rights monitoring mechanisms have expressed their concern over several aspects related to the right to freedom of peaceful assembly in Singapore, including: 1) criminal charges brought by the Singaporean authorities against individuals for their legitimate exercise of the right to freedom of peaceful assembly; and 2) the country's legislation that imposes serious restrictions on the exercise of such right. These UN human rights bodies and experts consistently urged Singapore to adhere to international human rights standards, especially those enshrined in Article 20 of the UDHR [See above, 2. *Repressive legal framework inconsistent with international standards*]. In addition, a request for a country visit made by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in 2014 remains pending.<sup>235</sup>

On 4 May 2011, the Committee on the Rights of the Child released its concluding observations following the review of Singapore's combined second and third periodic reports under the Convention on the Rights of the Child, which had been held on 20 January 2011 in Geneva, Switzerland.<sup>236</sup> The committee was concerned that despite constitutional guarantees for the rights to freedom of expression, peaceful assembly, and association, including for children, "these rights are severely restricted in practice and the freedom to express one's views in public continues to be limited." The committee recommended that the Singaporean government ensure "the full practical implementation of the rights of children to freedom of expression, association and peaceful assembly."

On 10 December 2012, three UN Special Rapporteurs<sup>237</sup> wrote to the Singaporean government to raise their concern over the criminal prosecutions of four migrant public bus drivers from China who had taken part in a strike to demand equal pay in November 2012 [See above, 2.1. *Non-discrimination principle violated*].<sup>238</sup> The three rapporteurs reiterated that all individuals, including migrants, are guaranteed the rights to peacefully assemble and freely associate, and that restrictions to the exercise of such rights must be in accordance with international human rights law.<sup>239</sup>

On 30 December 2015, the same three Special Rapporteurs raised concern over the charges brought against human rights defender and blogger Han Hui Hui and five other protesters for organizing a demonstration without the authorities' prior approval, in relation to a protest at Speakers' Corner on 27 September 2014 [See above, 2.5. *Speakers' Corner: The protesters' reserve*].<sup>240</sup>

On 11 July 2017, four UN human rights experts<sup>241</sup> declared that the right to freedom of peaceful assembly in Singapore was "narrowly defined and did not meet international human rights

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235. UN Human Rights Council, *Compilation on Singapore, Report of the Office of the United Nations High Commissioner for Human Rights*, 26 February 2021, UN Doc. A/HRC/WG.6/38/SGP/2

236. UN Committee on the Rights of the Child, *Consideration of Reports submitted by States Parties under Article 44 of the Convention*, 4 May 2011, UN Doc. CRC/C/SGP/CO/2-3

237. The three Special Rapporteurs were: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

238. UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders - UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) SGP 4/2012*, 10 December 2012

239. UN Human Rights Council, *Resolution 15/21: The rights to freedom of peaceful assembly and of association*, 6 October 2010, UN Doc. A/HRC/RES/15/21

240. UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders - AL SGP 2/2015*, 30 October 2015

241. The four human rights experts were: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

standards.”<sup>242</sup> They made these remarks as they expressed their concern regarding the amendments to the Public Order Act, adopted on 3 April 2017, which effectively prohibited foreigners from participating in public assemblies as well as foreign entities from financially sponsoring the organization of the annual Pink Dot event [See above, *Pink Dot subject to burdensome requirements*].<sup>243</sup>

On 20 October 2017, the UN OHCHR Regional Office for South-East Asia issued a press release that called on the Singaporean government to drop the charges against performance artist and activist Seelan Palay in relation to a peaceful performance that he staged in front of Parliament House on 1 October 2017 [See above, 4. *Systematic criminalization and harassment of peaceful protesters*].<sup>244</sup> OHCHR deemed the action by law enforcement officials to be a disproportionate and excessive reaction which aimed to curtail the peaceful exercise of Seelan Palay’s rights. In addition, OHCHR remained concerned about the extremely low threshold used by Singapore to arrest and prosecute individuals peacefully exercising their rights to freedom of opinion and expression and urged the government to uphold its commitment made during its second UPR in January 2016 to ensure that freedoms of opinion and expression and peaceful assembly are encouraged and protected in Singapore.

On 22 December 2017, in a communication to the Singaporean government, two Special Rapporteurs<sup>245</sup> raised their concern over the criminal prosecution of activist Jolovan Wham for organizing three public assemblies in November 2016,<sup>246</sup> in June,<sup>247</sup> and in July 2017<sup>248</sup> without a police permit, in violation of the Public Order Act.<sup>249</sup> The UN experts opined that the charges against Jolovan Wham stemmed from his legitimate exercise of the rights to freedom of expression and freedom of peaceful assembly and that the penalties for these charges were inconsistent with the necessity and proportionality principles under international human rights law [See above, 2.4. *Restrictions on assemblies unnecessary and disproportionate*]. In addition, the UN experts expressed further concern over the increasingly restricted space for civil society in Singapore as a result of the changes in public order regulations in 2009, particularly the enactment of the Public Order Act.

On 29 January 2019, three Special Rapporteurs<sup>250</sup> issued a public statement that urged the Singaporean government to amend the Public Order Act to be consistent with international human rights law and standards on the rights to freedom of expression and freedom of peaceful

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242. UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity* - AL SGP 3/2017, 11 July 2017

243. UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity* - AL SGP 3/2017, 11 July 2017

244. UN OHCHR Regional Office for South-East Asia, *New Release: UN Human Rights Office calls on the Government of Singapore to drop charges against performance artist and activist*, 20 October 2017; <https://bangkok.ohchr.org/news-release-un-human-rights-office-calls-on-the-government-of-singapore-to-drop-charges-against-performance-artist-and-activist/>

245. The two Special Rapporteurs were: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.

246. Hong Kong Free Press, *Singapore activist Jolovan Wham convicted of illegal assembly after Joshua Wong Skype call event*, 3 January 2021; <https://hongkongfp.com/2019/01/03/singapore-activist-jolovan-wham-convicted-illegal-assembly-joshua-wong-skype-call-event/>

247. Straits Times, *Activist Jolovan Wham fined \$8,000 over protest on MRT trains three years ago*, 15 February 2021; <https://www.straitstimes.com/singapore/courts-crime/activist-jolovan-wham-fined-8000-over-protest-on-mrt-trains-three-years-ago>

248. Straits Times, *Activist Jolovan Wham to be charged today*, 29 November 2017; <https://www.straitstimes.com/singapore/activist-jolovan-wham-to-be-charged-today>

249. He was additionally charged with violations of the 1966 Vandalism Act for the June 2017 protest and Section 180 of the Penal Code for refusing to sign his recorded statement on multiple occasions during police investigations; FIDH, *Singapore: Judicial harassment against Mr. Jolovan Wham and eight other activists*, 8 December 2017; <https://www.fidh.org/en/issues/human-rights-defenders/singapore-judicial-harassment-against-mr-jolovan-wham-and-eight-other>; UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders* - UA SGP 4/2017, 22 December 2017

250. The three Special Rapporteurs were: the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

assembly.<sup>251</sup> The statement was in response to the conviction of Jolovan Wham on 3 January 2019<sup>252</sup> in relation to a protest he held in November 2016 [See above, 4. *Systematic criminalization and harassment of peaceful protesters*] and a guilty verdict on 9 October 2018 for his criticism of the Singaporean judiciary in a Facebook post in April 2018, in violation of the Administration of Justice (Protection) Act.<sup>253</sup>

On 28 June 2019, the Committee on the Rights of the Child released its concluding observations following the review of Singapore's combined fourth and fifth periodic reports under the Convention on the Rights of the Child, which had been held on 16-17 May 2019 in Geneva, Switzerland.<sup>254</sup> The committee repeated its previous concerns over the severe restriction and undue limitations to the rights to freedom of expression, association, and peaceful assembly, which had "serious repercussions on the rights of children to freely express themselves." The committee urged the Singaporean government to review its domestic laws, especially the Administration of Justice (Protection) Act and the Public Order Act, and ensure that they comply with international standards.

The earlier concerns over Jolovan Wham's convictions and prison sentences<sup>255</sup> were reiterated in a communication sent by the same three Special Rapporteurs to the Singaporean government on 12 October 2020.<sup>256</sup> The UN experts also raised concern about the broader pattern of restrictions of civic space in Singapore as a result of the enforcement of the Public Order Act, which they said had adversely impacted the ability of human rights defenders to carry out their work safely and effectively, and without fear of retribution.

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251. UN OHCHR, *Singapore must ensure fundamental rights for all after conviction of Jolovan Wham, say UN experts*, 29 January 2019; <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24126&LangID=E>

252. FIDH, *Singapore: Jolovan Wham sentenced for illegal assembly*, 25 February 2019; <https://www.fidh.org/en/issues/human-rights-defenders/singapore-jolovan-wham-sentenced-for-illegal-assembly>; Amnesty International, *Singapore: First convictions under 'contempt of court' law confirms fears over muzzling critics*, 9 October 2018; <https://www.amnesty.org/en/latest/news/2018/10/singapore-first-convictions-under-contempt-of-court-law-confirms-fears-over-muzzling-critics-2/>

253. FIDH, *Singapore: Jolovan Wham convicted for "scandalizing the court"*, 18 October 2018; <https://www.fidh.org/en/issues/human-rights-defenders/singapore-jolovan-wham-convicted-for-scandalising-the-court>

254. UN Committee on the Rights of the Child, *Concluding observations on the combined fourth and fifth periodic reports of Singapore*, 28 June 2019, UN Doc. CRC/C/SGP/CO/4-5

255. Jolovan was sentenced to 10 days in prison on 21 February 2019 in relation to the November 2016 protest and to one week in prison on 29 April 2019 in relation to his Facebook post in April 2018.

256. UN OHCHR, *Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders - AL SGP 3/2020*, 12 October 2020

## 7. Recommendations

With a view to making Singapore's laws, policies, and practices related to the right to freedom of peaceful assembly consistent with relevant international standards, FIDH calls on the government of Singapore to implement, without delay, the following recommendations:

- Guarantee in law and in practice the right to freedom of peaceful assembly of everyone, including non-citizens, without exception.
- Allow, protect, and facilitate peaceful assemblies and demonstrations, including those intended to voice dissent and criticism of government laws, policies, and practices.
- Ensure that the prior notification process under the Public Order Act is not used as a *de facto* authorization regime to regulate the exercise of the right to freedom of peaceful assembly.
- Ensure that assemblies are presumed to be lawful, in accordance with international human rights standards.
- Ensure that all restrictions on the right to freedom of peaceful assembly are: prescribed by law; necessary in a democratic society; and proportionate to the aim pursued.
- Provide individuals, including solo protesters, who exercise their rights to freedom of peaceful assembly with the protection offered by international standards related to the right to freedom of expression.
- Guarantee a conducive and safe environment for all those who exercise, or seek to exercise, their right to freedom of peaceful assembly.
- Refrain from investigating, holding criminally or civilly liable individuals who take part in peaceful assemblies and protests. In addition, refrain from subjecting them to threats, harassment, persecution, or reprisals.
- Ensure that participants in demonstrations and assemblies who have suffered violations of their right to freedom of peaceful assembly have access to effective remedies.
- Ensure that protest organizers are given sufficient time and opportunity to challenge any orders or decisions that limit the exercise of their right to freedom of peaceful assembly.
- Ensure access to free legal aid to assembly participants and organizers who face legal action in relation to the exercise of their right to freedom of peaceful assembly.
- Refrain from using national security legislation to criminalize protesters for their legitimate exercise of the right to freedom of peaceful assembly.
- Refrain from enacting new laws, rules, and regulations that unduly restrict the right to freedom of peaceful assembly.
- Uphold the rights of all categories of assembly participants, including youth, women, LGBTIQ individuals, and persons with disabilities.
- Amend Article 14 of the Constitution, Section 7 of the Public Order Act, and Sections 5 and 6 of the Public Order (Unrestricted Area – Speakers' Corner) Order 2020 to ensure that there is no discrimination against non-Singaporeans in the application of the legal framework governing the rights to freedom of peaceful assembly.
- Amend Section 7 of the Public Order Regulations 2009 to eliminate permit fees required to hold peaceful assemblies.
- Amend provisions of the Public Order Act that unduly limit the right to freedom of peaceful assembly, particularly:
  - Section 6, in order to allow for the holding of spontaneous or urgent assemblies, which should be exempt from prior notification requirements;
  - Sections 7, 8, 12, 13, and 21, to remove restrictions on the place, content, and modalities of assemblies which are inconsistent with international standards;
  - Section 11, to ensure that restrictions on the right to freedom of peaceful assembly are subject to an independent, impartial, and prompt judicial review; and



- Section 30, to ensure that no costs are imposed on assembly organizers, including to cover expenses related to security management.
- Amend Section 4 of the Public Order Regulations 2009 to allow for police permit applications to be submitted online in any of Singapore's four official languages—English, Mandarin, Malay, and Tamil.
- Amend Section 4(1)(c) of the First Schedule of the Public Order (Exempt Assemblies and Processions) Order 2009 and Section 4(2)(a) of the Second Schedule of the Public Order (Exempt Assemblies and Processions) Order 2009 to remove restrictions on the content of indoor assemblies which are inconsistent with international standards.
- Amend all legal provisions related to the right to freedom of peaceful assembly to remove jail terms and significantly reduce fines for violators. Such provisions include:
  - Sections 15, 16, 30, 37 of the Public Order Act; and
  - Sections 4, 5, and 6 of the Public Order (Unrestricted Area – Speakers' Corner) Order 2020.
- Publish regular statistical information about the number of police assembly permits granted and refused, and the reasons for refusals.
- Ratify the International Covenant on Civil and Political Rights and its Optional Protocol.
- Comply with requests for information and implement recommendations pertinent to the right to freedom of peaceful assembly made by: United Nations Treaty Bodies during periodic reviews; United Nations Special Procedure mandate holders in letters, urgent actions, and other communications; and UN member states during the Universal Periodic Review.
- Extend an invitation to the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association for an official visit to Singapore.
- Establish a protest ombudsman to which individuals who allege violations of the right to freedom of peaceful assembly can file complaints and seek reparations.
- Establish an independent and adequately resourced National Human Rights Institution, in accordance with the Paris Principles.

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