



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

8 September 2017

Mr David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms Annalisa Ciampi

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr Michel Forst

Special Rapporteur on the situation of human rights defenders

Mr Vitit Muntarbhorn

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Dear Mr Kaye, Ms Ciampi, Mr Forst and Mr Muntarbhorn,

I refer to your letter dated 11 July 2017 [Ref: AL SGP 3/2017] on the amendments to Singapore's Public Order Act on 3 April 2017. I would like to take this opportunity to explain Singapore's position on protecting the rights to freedom of expression and peaceful assembly, and the impact of the recent amendments on the 2017 Pink Dot rally.

Freedom of Expression and Freedom of Peaceful Assembly in Singapore

Singaporeans have a constitutionally protected right to freedom of speech and expression. This, however, is not an unqualified right, as acknowledged by the International Convention on Civil and Political Rights, which also recognises limits to freedom of expression, including those provided

by law and those necessary for the respect of the rights and reputations of others, for the protection of national security, public order or public health or morals.

Singaporeans also have a constitutionally protected right to freedom of assembly as long as it is exercised in accordance with the rule of law. However, the right to assembly must be exercised within the context of broader societal priorities and with mutual respect to preserve a harmonious society. The Government has a responsibility to preserve public order in our densely populated city state. As you have pointed out in the Annex to your letter, the right to freedom of peaceful assembly and association is similarly not an absolute right, and may be subject to restrictions.

The law regulating public assemblies and processions in Singapore, including those held in Speakers' Corner, is the Public Order Act. The Government established the Speakers' Corner in 2000 as a space for Singaporeans to express their views on issues that concern them. Only Singapore citizens are exempted from applying for permits to engage in public speaking and organise demonstrations at the Speakers' Corner. Foreigners can apply for a permit if they wish to participate in an event at the Speakers' Corner. This rule has been in place since the establishment of the Speakers' Corner in 2000. Our position has always been that foreign entities/persons should not interfere in our domestic issues, especially political issues or controversial social issues with political overtones. These are political, social or moral choices for Singaporeans to decide for ourselves. Lesbian, gay, bisexual and transgender (LGBT) rights is one such issue. On such sensitive issues with consequences to the wider society, we have to decide what is good for us and deal with this our own way.

The Government amended the Public Order (Unrestricted Area) Order 2016, which sets out the rules for events at the Speakers' Corner, in 2016 to reinforce the key principle that the Speakers' Corner was set up primarily for Singaporeans. Unlike Singapore citizens and Singapore entities, non-Singapore entities will need a permit if they want to organise or assist in the organising of activities at the Speakers' Corner.

With regard to the Public Order (Amendment) Act that was passed on 3 April 2017, the main objective is to protect the Singaporean public and large-scale events against terror attacks or public order incidents by putting in place adequate security measures. To prevent Singapore from being used as a platform by foreigners to further their political causes, the Commissioner of Police is

empowered to reject permit applications for assemblies and processions involving foreigners using such events for political purposes.

The provisions in the Public Order Act ensure, amongst others, public safety and public order. Furthermore, the Speakers' Corner rules are cause-neutral, and apply equally to any Speakers' Corner event, regardless whether its purpose is to support or oppose a particular cause. They are applied without discrimination on the basis of sexual orientation and gender identity. They do not disproportionately impact on the rights of freedom of expression and peaceful assembly of the LGBT community. The Public Order Act and its subsidiary legislation, including on the involvement of foreigners in assemblies and processions, are therefore compatible with international human rights standards on the rights of freedom of expression and opinion, as well as freedom of assembly and association. The LGBT community in Singapore has held and continues to hold public discussions, publishes websites, and expresses its views through art, films and plays.

Pink Dot Rally 2017

The recent amendments to the Public Order Act did not adversely affect the 2017 edition of the annual Pink Dot rally. In fact, the Pink Dot Rally 2017 adapted to these rules and according to the event organisers, over 20,000 Singaporeans and Permanent Residents participated in this year's Pink Dot rally. The number of local sponsors for the event had also significantly increased compared to previous years, and the organisers reportedly exceeded their target in raising funds for their activities. This shows that Singapore citizens can more than ably organise and take part in civic activities on issues they care about, including LGBT issues, on their own and without foreign assistance and involvement.

We had comprehensively explained, during our Universal Periodic Review in January 2016, our position on the issue of freedom of speech and expression, and peaceful assembly and association. We welcome more vibrant public discourse because it encourages greater civic participation. We have seen more vigorous debates on policies and politics on various platforms in Singapore, in particular on social media, over the years. In the last five years (between 2012 and July 2017), 156 peaceful demonstrations were registered in the Speakers' Corner in Singapore. We strongly hold the view that these rights of freedom of speech and expression, and peaceful assembly and association, which are

constitutionally guaranteed in Singapore, must be exercised responsibly in accordance with the rule of law and the context of broader societal interests.

Yours *sincerely,*

A handwritten signature in black ink, appearing to read 'Jwee', with a horizontal line drawn underneath it.

Foo Kok Jwee
Ambassador and Permanent Representative