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**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**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**

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
SGP 4/2012

10 December 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding legal sanctions brought against migrant public bus drivers from China in relation to a strike they undertook to demand equal pay.

According to the information received:

On 26 November 2012, 171 migrant public bus drivers from China employed by SMRT undertook a strike demanding better living conditions and equal pay comparable to that received by migrant drivers from Malaysia. SMRT is a state-controlled transport operator, with 54 per cent owned by a state investment firm. SMRT's salary scale differentiates not only between citizens and non-citizens, but also between foreign employees from different countries.

On 28 November, the strike was continued by approximately 88 migrant drivers. The police arrested about 20 of them for questioning.

On 29 November, four of the migrant drivers, Mr. **He Jun Ling**, Mr. **Gao Yue Qiang**, Mr. **Liu Xiangying** and Mr. **Wang Xiangjie**, were charged under section 10(a) of the Criminal Law (Temporary Provisions) Act which provides for "[a]ny person who ...instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under this Part...shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to

imprisonment for a term not exceeding 12 months or to both,” read with Section 109 of the Penal Code, Chapter 224 [abetting]. Mr. He Jung Ling faces an additional charge for allegedly posting a statement on a Chinese website, urging drivers to fight for their dignity. On 2 December, 29 drivers were summarily deported back to China, after their work permits were revoked.

On 3 December, one Chinese driver, Mr. **Bao Fengshan**, was convicted after pleading guilty under section 9(1) of the Criminal Law (Temporary Provisions) Act which provides that “[a]ny workman who commences, continues or otherwise acts in furtherance of a strike which is illegal under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.” He was sentenced to six weeks imprisonment. He reportedly did not have a lawyer.

On 6 December, four drivers appeared in court and were granted bail. Their next court appearance is scheduled on 12 December 2012.

Section 6(1) of the Criminal Law (Temporary Provisions) Act places conditions on workers from other essential services, including public transportation, should they wish to strike. These conditions include a notice of the intention to go on strike to the concerned employer at least 14 days prior to the date of the strike; the notice must be signed by at least 7 employees of the concerned employer. If these conditions are not met, strikes are deemed illegal.

Concerns are expressed that the aforementioned legal sanctions brought against migrant public bus drivers from China in relation to the strike they undertook may be related to the exercise of their right to freedom of association.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration, and in particular to article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and

knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

We would also like to recall the rights to freedom of peaceful assembly and of association as set forth in article 20 of the UDHR which provides that “[e]veryone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”

In this context, we would also like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of Mr. He Jun Ling, Mr. Gao Yue Qiang, Mr. Liu Xiangying, Mr. Wang Xiangjie and Mr. Bao Fengshan in compliance with the above international instruments.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide or confirm information concerning the legal grounds for:
  - a) the charges against He Jun Ling, Mr. Gao Yue Qiang, Mr. Liu Xiangying and Mr. Wang Xiangjie;
  - b) the sentencing of Mr. Bao Fengshan to six weeks’ imprisonment; and
  - c) the revocation of the work permits of 29 bus drivers and their subsequent deportation.
3. Please indicate how these measures are compatible with Singapore’s obligations under the aforementioned international human rights norms and standards.

We undertake to ensure that your Excellency’s Government’s response to these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. He Jun Ling, Mr. Gao Yue Qiang, Mr. Liu Xiangying, Mr. Wang Xiangjie and Mr. Bao Fengshan are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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

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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders