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

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

**Mandate of the Special Rapporteur in the field of cultural rights.**

REFERENCE: AL Cultural rights (2009)  
SGP 2/2012

29 May 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur in the field of cultural rights, pursuant to Human Rights Council resolution 19/6.

I would like to draw the attention of your Excellency's Government to information I have received regarding **the planned building of an eight-lane highway through the Bukit Brown Cemetery, which is described as a remarkable space of natural, cultural and historical value.**

According to the information received, the Bukit Brown Cemetery is the largest Chinese cemetery outside China with approximately 100,000 graves. The remarkable natural, cultural and historical value of the Cemetery lies, in particular, in the uniqueness of the designs of the tombs, the artistic embellishment and fengshui orientation of the gravestones as well as the information found on the gravestones such as the origin of the deceased, their family relations including women, and personal epigraphs. It is reported that the Bukit Brown Cemetery, which is unique to the region, enables people to trace their family trees by providing otherwise unavailable information, to learn about their past including the history of Singapore and its regional linkages, thus contributing to building a sense of identity and belonging to the region; it also provides a valuable database for researchers and scholars. The value of the Bukit Brown is reflected in the living practices of people who continue to pay their respects to their ancestors in the form of ceremonial rites, offerings, as well as in highly personalized ways in continuity of living cultural practices. The Bukit Brown is also described as an important recreational and leisure space, with a unique combination of nature and heritage.

It is reported that in September 2011, the Government of Singapore announced the construction of a new eight-lane road through the Bukit Brown Cemetery to relieve traffic congestion, and that, in line with long term plans of the authorities, the Bukit Brown area will be developed for housing in the future. It is estimated that the new road will affect about 5 per cent of the graves (5000 graves). Reportedly, exhumation of affected graves is planned for the last quarter of 2012, and the construction of the new road should start in early 2013. It was also brought to my attention that the Governmental

authorities have announced that, in order to preserve the heritage of the Bukit Brown Cemetery, the Urban Redevelopment Authority and the Land Transport Authority will work with the Singapore Heritage Society and other stakeholders to identify and document key heritage elements of the Cemetery.

According to the information received, the decision taken by the Government to build the road was not preceded by a meaningful consultation process, in particular with civil society organizations and experts working on cultural heritage as well as environmental issues. Reportedly, some meetings were held only two weeks before the decision was announced, and were mainly aimed at informing civil society organizations about the rationale behind the decision and at managing public opinion. While recognizing that Singapore cannot continue to grow as a country and as a society without future building and infrastructure projects, opponents to the governmental decision propose that alternative options be considered. They also underline that the housing project is to be established in about 30 years, making it premature to install existing infrastructure into the area, as this would in effect pre-empt future choices.

Excellency, while I do not wish to prejudge the accuracy of the reports received, I would like to recall that, according to the Universal Declaration of Human Rights, everyone has the right freely to participate in the cultural life of the community.

I would also like to draw your Excellency's Government to my report on the right of access to and enjoyment of cultural heritage, submitted in 2011 to the Human Rights Council (A/HRC/17/38). In this report, I stressed the significance of accessing and enjoying cultural heritage by individuals and communities as part of their collective identity and development processes. I underscored that the right to participate in cultural life implies that individuals and communities have access to and enjoy cultural heritages that are meaningful to them, and that their freedom to continuously (re)create cultural heritage and transmit it to future generations should be protected. I underlined that States, in particular, have the duty not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities (recommendation b). In addition, concerned communities and relevant individuals should be consulted and invited to actively participate in the whole process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage (recommendation c). I encouraged States to develop cultural heritage mapping processes within their territory and to utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned communities (recommendation e). I also underscored that States should make available effective remedies, including judicial remedies, to concerned individuals and communities who feel that their cultural heritage is either not fully respected and protected, or that their right of access to and enjoyment of cultural heritage is being infringed upon (recommendation l).

It is my responsibility under the mandate provided to me by the Human Rights Council to identify possible obstacles to the promotion and protection of cultural rights and to work in cooperation with States in order to foster the adoption of measures aimed

at the promotion and protection of cultural rights. Since I am expected to report on these issues to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Have complaints been lodged to challenge the decision of the Government to build the road, and with what results?
3. Have the Governmental authorities made a cultural impact assessment of its plan to build an eight-lane road through the Bukit Brown Cemetery, and with what results? Was such assessment made in full cooperation with concerned communities, including in particular civil society organizations and experts working on environmental and heritage issues, and in the case not, why not?
4. Have the Governmental authorities examined possible alternatives?
5. Can you please provide more details on the plan of the Urban Redevelopment Authority and of the Land Transport Authority to work with the Singapore Heritage Society and other stakeholders to identify and document key heritage elements of the Cemetery?

I would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

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

Farida Shaheed  
Special Rapporteur in the field of cultural rights