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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

REFERENCE: AL Cultural rights (2009) G/SO 214 (67-17)
SGP 3/2012

21 November 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolution 19/6 and 16/4.

In this connection, we would like to bring to your Excellency's Government's attention information we have received **concerning the cancellation of a play read and book launch at the Substation Theatre that was scheduled to take place on 26 August 2012.**

According to the information received:

Function 8 (a social enterprise set up in 2010 by activists and former detainees under the Internal Security Act - ISA, which aims to facilitate sharing and discussing of social, political and economic issues) organized a private event which was scheduled to take place on 26 August 2012. The event would have featured the reading of the new play *Square Moon* by Wong Souk Yee, who was arrested in 1987 and detained for 15 months under the ISA, together with 22 other people, for allegedly conspiring to overthrow the Government. Only those with invitation could have participated in the private event. As well, the event would have featured the launch of the books *Escape From the Lion's Paw: Reflections of Singapore's Political Exiles*, a collection of essays by six political exiles, and *Smokescreens and Mirrors: Tracing the 'Marxist Conspiracy'*, an account and analysis of the 1987 arrests by the former activist Tan Wah Piow.

Having booked the Substation Theatre on 24 April 2012 and paid the rent of S\$500, *Function 8* received a call from the artistic director of the Theatre on 16 August 2012, who informed the enterprise that he had been queried about the event by representatives of the National Arts Council (NAC) and the Internal

Security Department (ISD) and pressured to reject the booking, which he eventually did, cancelling the event.

The Substation Theatre has been described as the first independent contemporary art theatre in Singapore. It was founded by the late Kuo Pao Kun, a well-known playwright who was detained under the ISA for four years in the 1970s. The land on which the Substation stands belongs to the Singapore Land Authority (SLA). SLA rents it out to the National Arts Council (NAC) as part of the Arts Housing initiative. NAC subleases the land to the Substation at a "subsidized" rent. The NAC's Arts Housing Conditions attached to the Substation's Venue Hire Application/Enquiry Form provides that "no event, performance or activity shall... disparage or demean government bodies, public institutions or national leaders and/or subvert national security or stability". The NAC's Arts Housing Conditions also state that: "If NAC deems an event inappropriate for any reason whatsoever, the event can be cancelled without notice and without any restitution payable to the hirer by either the NAC or The Substation." Reportedly, the NAC receives instruction from the Internal Security Department or the Ministry of Home Affairs.

Allegedly, the exact reasons for the cancellation have not been communicated to Function 8. It is presumed that it would have been motivated by the contents of the play *Square Moon* (inspired by the escape of an ISA detainee and mocking the fictional Homeland Security Department), by the objection of the Government to the content and publication of the two books, or for the objection of the Government to Function 8 itself, due to its constant criticism of the Internal Security Act.

We have been further informed that the play *Square Moon* originally commissioned for a festival in 2013 has now been taken off the programme, allegedly based on the advice of the National Arts Council.

While we do not wish to prejudge the accuracy of the reports received, we would like to recall to your Excellency's Government that, according to the Universal Declaration of Human Rights, everyone has the right freely to participate in the cultural life of the community and to enjoy the arts.

We would also like to draw your Excellency's Government attention to the report of the Special Rapporteur in the field of cultural rights on the conceptual and legal framework related to the scope and content of cultural rights, submitted in 2010 to the Human Rights Council (A/HRC/14/36). In paragraph 35 of this report, the Special Rapporteur stressed that cultural rights may be subjected to limitations in certain circumstances, in the understanding that this should be a last resort only and in accordance with certain conditions. She concurred with the General Comment No. 21 of the Committee on Economic, Social and Cultural Rights (E/C.12/GC/21 of 21 December 2009), which stressed that limitations to cultural rights must pursue a legitimate aim, be compatible with the nature of this right and be strictly necessary for the promotion of

general welfare in a democratic society. Any limitations must therefore be proportionate, meaning that the least restrictive measures must be taken when several types of limitations may be imposed. In her report, she further stressed the need to take into consideration existing international standards on limitations that can or cannot be legitimately imposed on rights that are intrinsically linked to the right to take part in cultural life, in particular the right to freedom of opinion and expression.

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Did the Government have any direct involvement or interaction with the Substation Theatre in relation to the cancellation of the play read and book launch? If so, would you please indicate on which legal basis and following which procedure? What are the exact reasons for the cancellation of the play? What remedies does Function 8 have at its disposal against the decision of the Government?
3. Can you please provide further details on the criteria used, if any, by the NAC to consider an event as inappropriate?

We 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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights to freedom of expression, to freely participate in the cultural life of a community and to enjoy the arts 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.

Farida Shaheed
Special Rapporteur in the field of cultural rights

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