

Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Ref.: AL SGP 10/2022
(Please use this reference in your reply)

3 October 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on contemporary forms of slavery, including its causes and consequences, pursuant to Human Rights Council resolutions 43/6, 43/36 and 42/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of violations of the human rights of migrant workers with respect to the issuance of "popular places passes" targeting migrant workers; and limitations to their job mobility in Singapore.**

According to the information received:

Popular places passes

In April 2020, dormitories dedicated to migrant workers in Singapore started to be locked down due to the high infection rates of COVID-19 amongst residents. Migrant workers were confined to their rooms shared by twelve to twenty men in a single room with no requirement for spacing between beds, and were allowed to return to work under controlled transport arrangements; however, workers remained barred from leaving their dormitories for social activities and leisure. Information indicates that the only exceptions were for medical treatment and a window of three hours per weekly rest day to go to designated recreation centres.

On 2 June 2020, the Government amended the Employment of Foreign Manpower (Work Passes) Regulations, which reportedly allows employers to confine migrant workers to their accommodation. According to the regulations, workers may only leave their accommodation with employers' consent. Further amended in September 2020, the regulations established an "exit pass" system applicable to migrant workers living in dormitories during the coronavirus pandemic aimed at managing crowding. Specifically, outside work and essential appointments, migrant workers could only go out on community visits with an exit pass to pre-specified locations, or to the designated recreation centres. Reportedly, only 50,000 exit passes on weekends and public holidays were permissible and 25,000 exit passes on weekdays. Concerns have been raised over the "exit pass" system that targeted solely migrant workers and the quotas controlling the movement of around 275,000 migrant workers.

Information indicates that on 24 June 2022, the Government lifted the issuance of exit passes and replaced it with the “popular places pass” system for migrant workers who wish to leave their dormitory and visit four popular locations of Singapore on Sundays and public holidays. Reportedly, this new Pass system aimed at managing “the high footfall” at Little India, Jurong East, Geylang Serai and Chinatown. According to the Ministry of Health, approximately 80,000 popular places passes are available in total per Sunday or public holiday for the 275,000 migrant workers in Singapore. Initially, they issued 30,000 passes for Little India, 20,000 for Jurong East, and 15,000 each for Geylang Serai and Chinatown.¹ Concerns have also been raised about the discriminatory nature of this “popular places pass” system and the lack of clarity on how long the pass system will be in place.

The inability to change employers

We have also received worrying reports on the requirements that migrant workers need to follow in order to transfer to another employer. Allegedly, if migrant workers envisage to change employers, they are required to obtain permission from their current employer who may choose to repatriate or retain a worker for the length of the contract. On the other hand, if employers choose to terminate a contract, they may cancel the work permit unilaterally without prior notice and repatriate migrant workers.

According to the Ministry of Manpower of Singapore, “all Work Permit holders are allowed to transfer to another employer at any time while their work permit is valid if they have their current employer’s consent. From 1 July 2022, Work Permit holders will be able to transfer to another employer, without the need for their current employer’s consent, during the 40-to-21-day window before the expiration of their Work Permit. This is applicable to all business sectors.”² Migrant workers can therefore extend their work permits for 30 days, subject to mutual agreement between them and their employer.

Information indicates that work permit holders may use this 30-day period to search for another job position without the need for consent from the original employer. Furthermore, the employer may also retain the migrant worker in employment for up to 30 days. Should there not be an agreement from the employer or migrant worker to extend the work permit by 30 days, the latter can be reportedly enrolled in the industry associations’ job-matching and retention schemes, with a new employer within 30 days. However, such conditions do not permit migrant workers to freely choose an employer. The tight timeframe provided and the existing limitations for migrant workers to freely choose an employer may expose them to labour exploitation which may amount to contemporary forms of slavery. As the Special Rapporteur on contemporary forms of slavery noted in report A/HRC/51/26, an inability to change employers increases migrant workers’ vulnerability to exploitation (para 33).

Reports indicate that migrant workers who have work permit expiry dates approaching and may soon be within the transfer window, some employers –

¹ [MOH | News Highlights](#)
² [FAQs on Change of Employer \(COE\) schemes \(mom.gov.sg\)](#)

allegedly aware that migrant workers are seeking better opportunities – deliberately cancel their work permits and arrange repatriation a few days prior to the transfer window. As a result, the alleged practice may deprive workers of the opportunity to transfer to their preferred employer or may coerce them into an ultimatum by either signing their written consent to continue working for them, or they would be subjected to deportation. It has been reported that for some migrant workers outside the transfer window, their employers would rather repatriate them than grant written consent for them to change employment. Thus, employers are able to dismiss without observing any criteria and repatriate migrant workers without giving prior notice, making workers vulnerable to job loss and repatriation at any time. Concerns have been raised over the discriminatory legislation and practice that is applied solely to migrant workers, as national and permanent residents of Singapore are allegedly protected from being dismissed without a prior notice.

Without prejudging the accuracy of the information received, we are deeply concerned about the ongoing human rights situation affecting migrant workers in Singapore. In this regard, we would like to express our deepest concern regarding the implementation of the above-mentioned “popular places pass” system by your Excellency’s Government, which seems to be discriminatory as it targets solely migrant workers and refrains them from the enjoyment of their right to freedom of movement. In addition, it is unclear to us what the basis is for migrant workers to be subjected to such requirements while nationals and permanent residents are able to access any part of Singapore, regardless of their vaccination status. We further emphasize our serious concern over the existing regulations and practices that allegedly limit migrant workers’ job mobility and undermine their right to work and free choice of employment. Moreover, such practices appear to leave migrant workers vulnerable to job loss, forced labour, contemporary forms of slavery and other forms of exploitation.

If the above-mentioned allegations prove to be accurate, they may indicate a *prima facie* violation mainly of article 3 of the Universal Declaration of Human Rights (UDHR) which states that “Everyone has the right to life, liberty and security of person”, the right to freedom of movement as set forth in article 13 of the same Declaration; and of article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Singapore on 27 November 2017, regarding the prohibition and elimination of racial discrimination in all its forms without distinction as to race, colour, or national or ethnic origin, in enjoyment of the right to freedom of movement and free choice of employment.

We would like to refer to the Report of the Working Group on the Universal Periodic Review in 2021³, in which States recommended that your Excellency’s Government ratifies the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; improve long-term protections for migrant workers and foreign domestic workers, including by extending labour protections and increasing job mobility; make progress in the reduction of restrictive measures regarding the freedom of movement of migrant workers; and extend the legislative protections of the Employment Act to migrant workers.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the legal basis for the implementation of the above-mentioned “popular places pass” system, particularly how it is in line with international human rights law principles and instruments. Please provide detailed information on the grounds for the application of such a system specifically to migrant workers and not to Singaporean nationals and permanent residents.
3. Please provide information about steps taken to address discrimination, particularly against migrant workers, in line with relevant international standards, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the General Recommendation No. 30 of the Committee on the Elimination of Racial Discrimination on “Discrimination Against Non-Citizens”. Please include information about any relevant human rights training on anti-discrimination, as well as any legislation, standards, policies and/or protocols in place to prevent discrimination against migrant workers.
4. Please provide information regarding alternative and less restrictive measures or policies on the limitation to job mobility that can be applied to migrant workers in order to guarantee their right to free choice of employment and to prevent exploitation and/or abuse.
5. Please also indicate any consideration on whether your Excellency’s Government envisages to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

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E. Tendayi Achiume
Special Rapporteur on contemporary forms of racism, racial discrimination,
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consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government's attention to article 3 of the Universal Declaration of Human Rights (UDHR) which states that "Everyone has the right to life, liberty and security of person" and article 13 on the right to freedom of movement. Similarly, we would like to remind to your Excellency's Government of its obligations under the **International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD")**, which Singapore ratified on 27 November 2017. ICERD defines prohibited racial discrimination in **article 1, paragraph 1** as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". In particular, we would like to refer to **article 2, paragraph 1**, which obliges States Parties to condemn racial discrimination and to pursue, by all appropriate means and without delay, a policy of eliminating racial discrimination in all its forms. In addition, **article 5** provides that State parties have the obligation to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, as well as economic, social and cultural rights.

With regard to the inability to change employers, we are concerned that such restrictions make migrant workers vulnerable to exploitation and prevent them from exercising the right to free choice of employment enshrined in article 5 (e) (i) of the ICERD. Moreover, discriminatory housing policies hinder migrant workers from exercising their right to freedom of movement and residence, enshrined in article 5 (d) (i) of the ICERD. Differential treatment in housing based on citizenship or immigration status also reinforces discriminatory stereotypes and promotes racial segregation. The Special Rapporteur is concerned that the implementation of restrictions on access to certain public spaces affects migrants' non-discriminatory access to leisure and cultural activities as guaranteed under article 5 (e) (vi) of the ICERD.

Furthermore, we would like to draw the attention of your Excellency's Government to **General Recommendation No. 30 of the Committee on the Elimination of Racial Discrimination on "Discrimination Against Non-Citizens"**. The Committee urges States to address xenophobic attitudes and behavior towards non-citizens, ensure that legislative guarantees against racial discrimination apply to non-citizens regardless of their immigration status and guarantee that non-citizens enjoy equal protection of the law. The General Comment also includes important guidance on protecting the security of non-citizens. In General Recommendation No. 30, the Committee also recommended that States "remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health" (para. 29).

We would also like to refer to the recommendations made by the Special Rapporteur on contemporary forms of slavery in report A/HRC/39/52 which focused on domestic servitude affecting marginalized migrant women workers in the global economy. In this report, the Special Rapporteur called upon States to “create viable, accessible and non-discriminatory employment options for women as a sustainable alternative to poverty and to prevent exploitation” (para 82 a); to “adopt and implement labour and social protection laws which extend to all domestic workers, including migrant domestic workers” (para 82 f); to “avoid the isolation of domestic workers by ensuring their freedom of movement and access to communication” (para 82 j); to “ensure that national migration policies are in compliance with international obligations to respect, protect and fulfil the human rights of all persons within the jurisdiction of a State, irrespective of the migration status of individuals. On that basis, adopt gender-responsive migration policies, programmes and services, and safe, orderly and regular migration pathways, including for women and girls, as a means of preventing domestic servitude and other types of contemporary forms of slavery. Women should actively participate in decision-making regarding their safety and protection” (para 82 f) and to “ensure that migrant women have access to the regular labour market in the host country” (para 82 t).

We would also like to bring the report of the Special Rapporteur on contemporary forms of slavery A/HRC/51/26 to your attention, in which the Special Rapporteur urges States to “Ensure that minorities and migrant workers enjoy the same treatment as other nationals in respect of their rights to work and just and favourable conditions of work without discrimination, in areas such as wages, working hours and access to work related benefits (para 56 b); to “Enhance cooperation between sending and destination States to protect the rights of migrant workers and prevent contemporary forms of slavery and other exploitative practices; and conclude and implement bilateral agreements on issues such as employment contracts, change of employers, access to education and training, and other public services and grievance procedures (s); and to “Provide opportunities for granting permanent residency to migrant workers in order to enhance their access to rights and services and to prevent exploitation and abuse” (t).

Lastly, we wish to bring to your attention the ILO general principles and operational guidelines for fair recruitment which in general principle 1 states that “Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation”. Principle 10 stipulates that “Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment”; principle 11. States that “Freedom of workers to move within a country or to leave a country should be respected. Workers’ identity documents and contracts should not be confiscated, destroyed or retained”. Principle 12 stipulates that “Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer” and principle 13 states that “Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred”.