

SINGAPORE

1. PRESENTATION

Basic Facts ¹	
Name of Country	Singapore
Capital	Singapore
Population	4,400,000
Area	693 sq km
Life Expectancy at Birth	79 years
Ethnic Groups	Chinese 77%, Malay 14%, Indian 8%, Other 1%
GDP per Capita, PPP (2005 est.)	US\$28,100
GDP, PPP (2005 est.)	US\$124 billion
HDI Rank 2005	25
Adult Literacy (% population >15 yrs)	93%
Infant Mortality (deaths /1000 live births)	2.3
Women in Labor Force	39%

Community of Democracies	
Previous Participation	Warsaw 2000: Not invited Seoul 2002: Observer Santiago 2005: Observer

Timeline of Recent Major Events in Singapore

- **2004** August – Lee Hsien Loong, the elder son of Singapore's founding father Lee Kuan Yew, takes office as prime minister without an election. The handover of power from Goh Chok Tong was planned within the ruling party.
- **2005** January – Singapore's High Court rules that Chee Soon Juan, leader of the opposition Singapore Democratic Party, must pay Lee Kuan Yew and former Prime Minister Goh Chok Tong a total of S\$500,000 (US\$303,600) in damages for defamation.
- **2005** April – An application by Joshua Benjamin Jeyaretnam, the former secretary-general of the opposition Workers' Party, for a permit to march from City Hall near parliament to the (only) free-speech corner on the fringes of the business district is turned down by the police who argue the protest would “give rise to law and order problems.”²
- **2005** August – Four protesters stage a peaceful protest with the words “CPF, NKF, HDB, GIC: Be transparent now” painted on their T-shirts in an allusion to irregularities known or suspected in the respective government institutions.

¹ CIA World Factbook at <https://www.cia.gov/cia/publications/factbook/geos/sn.html> (accessed on July 5, 2006)

² Agence France Presse, March 31, 2005.

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- Although the law only requires a license for assemblies of more than four persons, the police send in the anti-riot squad to disperse the four protesters.
- **2005** September – President S R Nathan begins a second successive six-year term after the other contenders for the post are disqualified for not meeting Singapore's strict selection criteria.
 - **2006** February – Prime Minister Lee Hsien Loong in the run-up to elections announces a S\$2.6 billion (US\$1.6 billion) budget spending package including a S\$200 handout for every adult Singaporean, discounts on housing and utilities charges and up to S\$400 for all army conscripts.
 - **2006** April – The government states that political debate on the Internet could fuel “dangerous discourse”³ and warns people posting political commentary on web sites that they could face prosecution.
 - **2006** May – In the general election, the People's Action Party (PAP) under the leadership of Prime Minister Lee Hsien Loong wins 66.6% of the overall votes, and 82 of 84 seats as well as a 12th consecutive term in office. Thirty-seven of the 84 available seats were uncontested and won by the PAP.
 - **2006** June – During a nine-day visit to Australia and New Zealand, Prime Minister Lee Hsien Loong criticizes both countries' liberal democratic practices and says that Singapore's system is more efficient.
 - **2006** July – The Today newspaper's publisher MediaCorp suspends “Mr. Brown's” weekly column without substantiation. The Minister for Information, Communication and the Arts, Dr. Lee Boon Yang, says the government is duty bound to respond to unfair and unjustified comments on key government policies.⁴
 - **2006** July – Nine Falun Gong adherents are charged for illegal assembly (i.e., for gathering without a permit).
 - **2006** February - Chee Soon Juan declared bankrupt by the High Court for not paying former prime ministers Lee Kuan Yew and Goh Chok Tong \$500,000 in the defamation suit in 2005.
 - **2006** April - Chee Soon Juan prevented from traveling to a democracy conference in Turkey.
 - **2006** April - Lee Kuan Yew and his son, Prime Minister Lee Hsien Loong, sue the Singapore Democratic Party (SDP), its leaders and the SDP's printer for defamation.
 - **2006** September - The government bans activists from protesting during the World Bank-International Monetary Fund meetings.
 - **2006** November - Gandhi Ambalam, Chee Soon Juan, and Yap Keng Ho are convicted and imprisoned for speaking in public without a license during the elections in April/May 2006.
 - **2006** December - The government announces that the Penal Code will be amended to increase the punishment for certain crimes. Persons convicted of illegal assembly (five or more people) will now face a jail-term of up to two years

³ Reuters, April 3, 2006.

⁴ “If the government lets those comments pass, they would undermine Singapore's national strategy.”
Channel NewsAsia, July 12, 2006.

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- (up from six months). The revised laws will also allow the government to prosecute Internet users for causing "public mischief".
- **2007** January - Police question Singaporean protesters involved in the WB-IMF meeting on offences of "inciting violence", "counseling disobedience to the law", "holding an illegal assembly and procession", and "gathering outside Parliament House".

2. BACKGROUND

Singapore was founded as a British trading colony in 1819. It joined the Malaysian Federation in 1963, but separated and became independent in 1965. Despite the authoritarian rule of its first prime minister, Lee Kuan Yew, Singapore has become one of the world's most prosperous countries with strong international trading links and with a per capita GDP equal to that of the leading nations of Western Europe.

The problems of a multiethnic society, unemployment, low housing standards, low education levels, separation from its agricultural hinterland, politicized trade unions, communist infiltration, and the withdrawal of the British naval base appeared insurmountable. To deal with rampant corruption, violence and dissent, the Peoples' Action Party (PAP) exerted a firm hand under the leadership of a group consisting mainly of English-educated members, among whom Lee Kuan Yew rose to become the undisputed leader.

Since relinquishing the premiership in 1990, Lee Kuan Yew has remained a member of the cabinet in the newly created posts of "Senior Minister" and "Minister Mentor" and is regarded by observers as the mainspring of the repressive measures still in force today. While these measures can be interpreted as instruments of maintaining power, they are seen by the ruling party as the only means of preserving an efficient socioeconomic system that provides and maintains social peace, economic prosperity and security while preventing corruption. In the past, this view has relied on the conviction that distinctive "Asian values" place the welfare of the community over that of the individual, and that individual human rights consequently need to be subjugated to the maintenance of a manifestly efficient structure run by incorruptible leaders. Although references to unique "Asian values" have become less frequent or are made with less conviction, most of the ruling elite continue to argue in favor of curtailing individual rights that endanger system maintenance in any way. In the estimation of Lee Kuan Yew, the most efficient means of achieving this is the use of "a big stick"⁵ to mete out visible punishment to erring individuals and to publicize the punitive actions in the government-controlled media. While this strategy generates a high level of popular compliance, in the eyes of the opposition it also generates a climate of fear, which in turn hampers creativity for Singapore's further development.

The city state of Singapore is run similar to a corporation with the government under the leadership of Prime Minister Lee Hsien Loong, who in turn is under the critical scrutiny of his father, the "Minister Mentor" Lee Kuan Yew. Private and public

⁵ *The Straits Times Weekly*, November 28, 1992.

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enterprises operate under an administrative hierarchy rather than according to democratic rules. Though there are separate departments with different functions, they are all equally subordinate to the “Minister Mentor”. External criticism of internal affairs is not tolerated and is countered with all available instruments. Internal criticism of operations is acceptable, as long as the criticism passes through the proper channels. But all attempts by subordinates to bring about substantive changes in the organizational structure are met with stiff disciplinary action, and if necessary, removal and exclusion.

Apart from some historic reasons, the government continues to engage in the rituals of democracy as a means of pandering to its citizens. Although many academics and a small portion of the general population see through (but go along with) the charade, the public remains content with the status quo (i.e., the present is an improvement over the past and there are good prospects for a better future). There is order, peace and very little crime, the economy is run efficiently and smoothly, incomes are high and people have a general sense of security. The papers they read and broadcasts they hear reinforce their pride in Singapore’s achievements.

Foreign investors, and the continued need to attract more, are another reason for maintaining a semblance of democratic institutions. Foreign investors have brought capital, technology and management skills to Singapore’s economy, contributing much to growth and prosperity. Investors look for a climate of efficient administration, quick judicial redress when required, low levels of corruption, a disciplined and compliant labor force, and the perception that all is well in the local society.

Given the above, Singapore unsurprisingly ranks high internationally in terms of competitiveness, liberal trade policies, property rights, legal efficiency, incorruptibility, and general ease of doing business, but low in terms of democracy and human rights. For the 12th year running, Singapore ranked second (after Hong Kong) of 157 countries in the Heritage Foundation’s 2006 Index of Economic Freedom, which is compiled as an average of 10 criteria scores, including trade policy, fiscal burden, government intervention, monetary policy, foreign investment and property rights. Singapore received the highest score (1.0) for most of the criteria. Singapore was ranked 3rd of 61 countries in the International Institute for Management Development’s (IMD) 2006 World Competitiveness Yearbook, receiving the second highest score for “ease of doing business.”⁶

However, Singapore ranked second to last on the latest (2005) Alliance for Reform and Democracy in Asia’s (ARDA) Asia Democracy Index, receiving a low score of 30.42 on a scale of 0 – 100. Only Myanmar scored worse. Singapore’s human rights record is dismal, particularly in terms of free speech and the right of assembly.

⁶ IMD, *World Competitiveness Yearbook, Ease of doing business* at <http://www.imd.ch/research/publications/wcy/upload/Overall%202006.pdf#search=%22IMD%20World%20Competitiveness%20%2> (accessed on September 7, 2006).

3. ANALYSIS

Democratic Institutions and Processes

Elections

At independence, Singapore inherited a unicameral Westminster-type parliament. Elections are held at least every five years, suffrage is universal, equal and compulsory for all resident Singaporeans of at least 21 years of age. Names of persons who do not exercise their vote are expunged from the register of electors but can be re-instated on giving credible and acceptable reasons for not voting and after payment of a fine. Voting rights of overseas Singaporeans are limited to persons having a Singapore residential address registered with the Commissioner of National Registration.

The election procedures are fair and conducted by secret ballot. Ballot papers are numbered to control and account for ballot papers that go unused, not, as suggested by critics, to control individual behavior. Nevertheless, many voters are fearful and intimidated by this practice. Intentionally or otherwise, election officials fuelled this fear at polling stations by conspicuously transcribing such numbers onto voting stubs and reading aloud voters' ID numbers. Only nine of 84 seats are contested by individual candidates. All other seats are contested in so-called Group Representation Constituencies (GRCs), in which the contesting teams of five to six candidates must contain a prescribed ethnic mix. In addition to the 84 elected members of parliament, the constitution provides for up to six non-constituency members "to ensure the representation in Parliament of a minimum number of Members from a political party or parties not forming the Government" and up to six nominated members. These non-elected members may not vote on the following: motions to amend the constitution; supply or money bills; a vote of no confidence in the government; removing the president from office.⁷

However, the government decides on the delineation of election ward boundaries, the determination of individually contested constituencies and GRCs, and setting and announcing the election date. These are potentially powerful instruments to influence the election chances of an opposition. In fact, the campaign period is kept extremely short and election ward boundary changes are often announced just before campaigning begins, which means opposition parties have difficulty in fielding candidates in teams of the prescribed ethnic mix at such short notice. In 2006, changes in election ward boundaries were announced on March 3, the election date was announced on April 20, nomination day was on April 27 and polling on May 6.

Outwardly, the government claims it "encourages contests in elections so issues can be debated and voters can make a conscious choice as to who should be their MP."⁸ But critics claim the ruling People's Action Party maintains its dominance in part by intimidating organized political opposition and circumscribing the bounds of legitimate political discourse and action. The belief that the government might directly or indirectly harm the employment prospects of opposition supporters inhibits opposition political

⁷ Constitution of the Republic of Singapore, § 39 (1) and (2).

⁸ *The Straits Times*, April 24, 2006.

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activity. Vocal opposition politicians have been sued for defamation on grounds deemed illegitimate elsewhere. The judiciary justifies the high amounts of damages awarded to government politicians by referring to the need to protect their reputations. In the process, government politicians' opponents have been bankrupted, which renders them ineligible to contest elections (e.g., Joshua Benjamin Jeyaretnam of the Workers' Party and, most recently, Chee Soon Juan of the Democratic Party) or compels them to go into voluntary exile (e.g., the former Attorney General Francis T. Seow and Tang Liang Hong of the Workers' Party).

Multipartyism

Singaporeans are free to form democratic political parties that can participate in elections. Only communist parties are banned. In fact, critics of government policies are regularly admonished by the power elite to enter the political arena by forming or joining a political party rather than dissenting from the sidelines. Political parties and organizations are subject to strict financial regulations, including a ban on receiving foreign donations. Government regulations hinder attempts by opposition parties to rent office space in public housing or to establish community foundations.

Rule of Law

Singapore's wealth is often attributed to its strong rule of law. Firms that have invested in Singapore praise the country's judiciary and legal system with regard to corporate law and commercial and economic activity. Several international rankings based on surveys of commercial enterprises such as those periodically conducted by the Hong Kong-based Political and Economic Risk Consultancy (PERC) or the World Competitiveness Report regularly place Singapore at or near the top, and Singapore's judiciary is proud of this achievement.

Because of its overwhelming strength in parliament, the government is able to introduce, pass, and amend laws essentially at will. For example, to maintain Lee Kuan Yew's controlling authority after he ceased to be prime minister, the constitution was changed to provide him the offices of "Senior Minister" and subsequently "Minister Mentor". The constitutional provisions concerning the presidency have been changed many times to curtail the office's powers. When the Privy Council in Britain overturned a decision of the High Court of Singapore to strike the then lone opposition member of parliament from the roll of advocates and solicitors, the Singapore parliament quickly passed an amendment abolishing appeals to the Privy Council. Clearly, the Singapore government has the sovereign right to make such changes. But given the context of politically motivated attacks on opposition members, the amendment is sure to encourage an erosion of the bar and the judiciary's independence.

Coercive laws are used to quell and punish opposition activities. The executive controls the administrative and prosecutorial apparatuses; it determines who will be charged or sued, when, and for what reason. The government has made use of the Internal Security Act, which permits indefinite detention without trial for those committing acts it deems harmful to the security of the state. The Sedition Act prohibits a person from saying or doing anything that excites disaffection, including disaffection against the

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administration of justice in Singapore. Under this act, Lee Kuan Yew detained without trial scores of dissidents such as a former lecturer, Chia Thye Poh (imprisoned for 32 years), and a former journalist, Said Zahari (imprisoned for 17 years). However, a more recent technique for controlling opposition or criticism of the government is the use of defamation suits. Lee Kuan Yew himself has successfully sued PAP opponents and the foreign news media, winning damage awards that financially crush the defendants.

Singapore's judiciary is marred by the court's bifurcated record with regards to commercial and political issues—a fact often ignored in the international surveys cited by Singapore as proof of the absence of political interference in the law. Though given high marks by the international business community, even Singapore's commercial law is beginning to show signs of strain. Singapore's reputation for reliability in arbitrating commercial disputes is under increasing scrutiny. For the first time, a court of appeal in Canada is being asked to determine whether legal decisions made in Singapore are sufficiently fair and impartial to meet the standards of justice in other developed countries. The case centers on a dispute between a Canadian and a Singapore company, which the latter won in Singapore. The Singapore company has now applied to the Ontario Court to have the award enforced in Canada. Canadian lawyers, however, have attacked the integrity of Singapore's justice system, arguing that foreign legal systems must meet Canadian constitutional standards for their rulings to be upheld in Canada. According to the plaintiff, "In this case the Canadian firm is faced with having its assets seized under Canadian law to pay a judgment that was granted by a corrupt legal system before biased judges in a jurisdiction that operates outside the rule of law. The uncontradicted evidence in this case, from leading international experts, reveals that Singapore is ruled by a small oligarchy who control all facets of the Singapore state, including the judiciary, which is utterly politicized."⁹

Constitutionalism

Singapore has a written constitution to which the government adheres. However, just as the government changes laws for political expediency, it also changes the constitution as it sees fit. There is therefore no need for extra-constitutional actions, leading some critics, such as a former Vice Dean of the National University of Singapore Law Faculty, to state that Singapore effectively does not have a constitution.

Equality before the law

Formally, there is equality before the law, equal protection under the law, and equal access to the law. However, the absence of discrimination toward minority groups or on the basis of ethnic, religious or social criteria does not necessarily preclude inequality in the application of the law. Many of Singapore's laws impinging on individual rights are extremely repressive but selectively applied, and the authorities use their discretion in focusing on cases involving persons they regard as troublemakers. For instance, while assemblies of more than four persons de jure require a permit and speaking in public requires an entertainment license, de facto many assemblies take place unhindered and many public speeches are made without interference by the authorities. Tai chi and yoga are widely practiced, but Falun Gong meditative exercises at a waterside park are

⁹ Memorandum of fact and law of the appellant, Endernorth Industries Inc., Oakwell Engineering Limited v. Endernorth Industries Inc., Court of Appeal for Ontario, File No. C43898, September 2003, p.4.

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regarded as interfering with the public. When opposition to or criticism of government policies is involved, the law comes down heavily on the perpetrators.

Separation of powers

Singapore's judiciary, legislative and executive powers are formally separated, but the judiciary's lack of independence from the government and the ruling PAP has been widely criticized both in Singapore and by international observers (Privy Council, International Commission of Jurists).

The executive and the judiciary stress their mutual independence by referring to the favorable external assessments mentioned earlier, which consistently rank Singapore's legal system highly—sometimes as the best in the world. However, these surveys are based on rankings by private senior executives, who generally do not live in Singapore and have little direct experience or knowledge of the country's legal system.

The constitution or any written law—which can be changed at the whim of the executive—confer on the courts their jurisdiction and powers. All appointments to judicial positions are made by the president on the advice of the prime minister, with the exception of the chief justice appointment, in which the president exercises discretionary power. However, this discretionary power is once again constrained by executive control over the presidency. Judges in the civil courts are civil service officers in the Singapore Legal Service and are rotated regularly through the courts as part of their duties. There is no tenure. Subordinate court judges may be dismissed or transferred at the executive's will. A case in point is the dismissal of Senior District Judge Michael Khoo, when he supposedly dealt too leniently with Lee Kuan Yew's political opponent, J.B. Jeyaretnam. The office of judicial commissioner in the Supreme Court is likewise untenured, and the executive can dismiss judicial commissioners. The dismissal of judges must follow an impeachment process, which either the chief justice or the prime minister can initiate.

Human Rights

Singapore questions the universality of human rights for three reasons: (1) All countries respect individual human rights selectively; (2) the concept of universal human rights is open to abuse, since it ignores national difference; and (3) interpretations of human rights differ not only between industrialized western countries and developing countries but also among western industrialized countries themselves. According to former Foreign Minister Wong Kan Seng in an address on “[t]he real world of human rights” to the World Conference on Human Rights in Vienna in 1993, Singapore's experience is “that economic growth is the necessary foundation of any system that claims to advance human dignity, and that order and stability are essential for development.” Therefore, “[g]ood government is necessary for the realisation of all rights. ... [T]he first duty of all governments is to ensure that it has the power to govern effectively.”¹⁰ This view has remained constant. In fact, Singapore has not ratified any of

¹⁰ Singapore Ministry of Information and the Arts, Media Division, Singapore Government Press Release, No.: 20/JUN 09-1/93/06/16. “The Real World of Human Rights”, Statement by Foreign Minister Wong Kan Seng of Singapore, World Conference on Human Rights, Vienna, June 16, 1993, page 7. Accessible via <http://stars.nhb.gov.sg/public/index.html>.

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the principal United Nations human rights treaties, with the exception of those on the discrimination of women and children's rights.

Freedom of expression

While the law provides for freedom of speech and freedom of expression, it also permits official restrictions on these rights. In fact, the government significantly restricts freedom of speech and expression. On the one hand, the government seeks creativity, new ideas and debate, but on the other it requires support for the leadership's goals and that social and religious harmony be maintained. Strict press laws and the government's demonstrated willingness to respond vigorously to what it considers personal attacks on officials lead journalists and editors to moderate or limit what is published. The vast majority of print and broadcast media outlets, as well as internet service providers and cable television services, are either owned or controlled by the state or by companies such as Singapore Press Holdings or Media Corp. that have close ties to the ruling party.¹¹ The government holds special voting shares that give it virtually complete control over staff appointments. The government has exercised control over the broadcast media from the outset. Private satellite dishes are prohibited, with exceptions made for banks and other enterprises requiring international news for their operations.

Singapore's intolerance of dissent and free expression is most vividly captured in the case of opposition activist Chee Soon Juan, leader of the Democratic Party. In August 2002, Chee was found guilty of defaming Lee and Goh during the 2001 poll by questioning a loan of US\$10 billion previously offered to former President Suharto of Indonesia.¹² After losing on appeal, Chee was forced into bankruptcy after failing to pay former prime ministers Lee Kuan Yew and Goh Chok Tong some S\$500,000 in libel damages. The verdict effectively ruled him out of the next elections, as Singapore law bars declared bankrupts from holding political office. In March 2006, Chee was convicted for contempt of court after questioning the independence of the city-state's judges. Due to the previous bankruptcy, Chee could not pay the fine and was jailed.

During the September 2006 meetings of the World Bank and IMF in Singapore, Chee was not granted a permit to protest. His attempt to protest with six other individuals was countered with a force of a hundred police officers. He had planned to use the World Bank and IMF meetings to raise international awareness of the continuing human rights restrictions in Singapore. Twenty-eight civil society leaders accredited by the WB and the IMF were banned from entering Singapore. The police also prevented seven Singaporeans, calling for freedom of speech, from conducting a march. A three-day stand-off ensued when the protesters were cordoned off. Another three activists were detained by the police for one night and had their computers seized for plans to distribute flyers criticizing the Singapore Government. Despite pleas from the World Bank and the IMF, the government refused to relax its protest laws for the duration of the meetings.¹³

¹¹ Freedom House (ed.), *Freedom of the Press 2006: Singapore*, at <http://www.freedomhouse.org/template.cfm?page=251&year=2006> (accessed on December 13, 2006)

¹² Amnesty International, "Singapore: Defamation suits threaten Chee Soon Juan and erode freedom of expression", November 2, 2001, at <http://web.amnesty.org/library/Index/ENGASA360102001?open&of=ENG-SGP> (accessed on December 12, 2006).

¹³ , "Singapore democracy campaigner ends standoff" (September 19, 2006) *Agence France Presse – English*, accessed through www.nexis.com.

With regard to foreign press commentary on Singapore, the government insists on the right of reply and refuses to allow editing of its statements. It has taken major Asian and other dailies (Asian Wall Street Journal, International Herald Tribune) and weeklies (Far Eastern Economic Review, Asiaweek, Economist) to court in extensive defamation suits, or restricted their circulation in Singapore. These “big stick” measures have proven effective. The foreign media have been tamed to such an extent that only one case was reported in 2005: After having been threatened with a lawsuit for posting an article on a Singaporean investment company with links to the government, the Hong Kong-based financial website FinanceAsia.com apologized and agreed to pay compensation.

On September 28, 2006, the Singaporean authorities banned the sale and distribution of the Far Eastern Economic Review, a monthly magazine owned by Dow Jones & Co., as it failed to comply with its press regulations. On August 3 the government ordered five foreign publications -- the Far Eastern Economic Review (FEER), Time, Newsweek, Financial Times and the International Herald Tribune -- to post bonds of S\$200,000 (\$126,000) and appoint representatives in Singapore. Later in August, Singaporean Prime Minister Lee Hsien Loong and his father, Minister Mentor Lee Kuan Yew, both filed defamation suits against FEER's publisher and editor over an article that it published in July about opposition politician Chee Soon Juan.¹⁴

Reporters without Borders placed Singapore 140th of 167 countries in its 2005 survey and 146th in 2006. Singapore's low ranking was explained in the report by the complete absence of independent newspapers, radio stations and TV stations, the application of prison sentences for press offences, media self-censorship and the opposition's lack of access to the state media. Questioned by the international press about Singapore's position in the 2005 World Press Freedom Index, senior minister Goh Chok Tong called it a “subjective measure computed through the prism of Western liberals.”¹⁵ Defending the Singapore model for media control, he claimed that “an unthinking press is not good for all countries.”¹⁶ According to the International Committee to Protect Journalists, “state control of the media in Singapore is so complete that few dare to challenge the system and there is no longer much need to arrest or even harass journalists.”¹⁷

Freedom from arbitrary arrest

Singapore's constitution states, “No person shall be deprived of his life or personal liberty save in accordance with law.”¹⁸ However, some laws—among them the Internal Security Act (ISA)—have provisions for arrest and detention without a warrant or judicial review. The ISA gives broad discretion to the minister of home affairs to order detention without filing charges if it is convinced that an individual poses a national

¹⁴ Singapore Bans Far Eastern Economic Review, *Reuters*, September 29, 2006.

¹⁵ Quoted by Robert Ménard, Secretary General of Reporters without Borders, in his Open Letter to Prime Minister Lee Hsien Loong of November 29, 2005 at http://www.rsf.org/article.php3?id_article=15721 (accessed on September 7, 2006).

¹⁶ *Ibid.*

¹⁷ International Committee to Protect Journalists, 2004, quoted by the Singapore Democratic Party at <http://www.singaporedemocrat.org/media.html> (accessed on September 7, 2006).

¹⁸ Constitution of the Republic of Singapore, §9 (1)

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security threat. In the past, the act has been employed against social workers accused of organizing a communist front to overthrow the government, but it has been employed more recently against suspected terrorists. The initial detention may last up to two years and may be renewed without limitation for additional periods of up to two years at a time. Detainees have complained of inhumane and degrading treatment, but have either retracted their statements or gone into voluntary exile. Although there were no political detainees in 2005, the continued existence of ISA acts as a powerful deterrent to what the government may consider as undesirable behavior.

Right to a fair trial

The fairness of a trial presupposes the independence of the judiciary. In cases involving the government and political opponents, fairness may be compromised if judges' professional advancement rests with the government.

Jury trials have been abolished in Singapore. In past cases where PAP officials have sued opposition leaders, the matters have been argued in open court. In the past two defamation cases, however, the PAP has resorted to using summary judgment, where judgments are awarded to the PAP without even going to trial.

Detainees under ISA can appeal successfully against their detention only if they can prove that the minister of home affairs in fact does not consider them a security threat. This effectively excludes ISA detainees from the right to a fair trial and the chance to prove their innocence.

Rights of vulnerable groups

Although initially a socialist, Lee Kuan Yew rejected a welfare state, which he equated with "subsidies for consumption."¹⁹ However, children, elderly and persons with disabilities are taken care of, albeit mainly through private donations and a "community chest". Transparency of the agencies seeking private donations has recently left much to be desired, as witnessed by the recent case of the National Kidney Foundation, whose director had to leave in disgrace after his emoluments and life style were disclosed long after attention had been called to them.

Rights of minorities

Singapore is a multiethnic, multilingual, and multireligious country that strives for full and non-discriminatory participation in political, economic and cultural life. The authorities ground their justification for several of the restrictions mentioned above in the goal of maintaining these rights, as seen in the case of a group of Falun Gong adherents charged in July for illegal assembly. While the authorities insist the measure is not directed against Falun Gong per se, the Falun Dafa in Europe has expressed its doubts.

Individual freedom

Individuals in Singapore are ostensibly able to shape their destiny free of illegitimate constraints within the boundaries established by law. However, several areas lack clear legal demarcation. The threat of government intervention is therefore high and accounts

¹⁹ Lee Kuan Yew, *Memoirs, From Third World to First*. Times Editions, Singapore Press Holdings 2000, p. 128.

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for both the high level of discipline and much decried lack of creativity encountered in Singapore.

4. SUGGESTIONS FOR IMPROVEMENT

When Lee Hsien Loong took over the premiership from Goh Chok Tong he spoke of the need for a more “open” society.²⁰ There is no evidence, however, of any concrete positive step taken to open up the society. On the contrary, Penal Codes are now to be amended to increase the punishment for illegal assembly, widen authorities’ interpretation of what constitutes an illegal assembly and to make possible the preemptive arrest of potential assemblers. The revised laws also provide for the prosecution of Internet users for causing “public mischief”. Permits are still mandatory for public exhibitions, outdoor assemblies of more than four persons, or speeches beyond the Speakers’ Corner.

In an open letter to Singapore’s prime minister of November 29, 2005, Robert Ménard, the Secretary General of Reporters Without Borders, issued several concrete suggestions for improving freedom of expression in Singapore.²¹ Many of his recommendations are repeated here, along with additional suggestions:

1. Cease to systematically bring defamation actions against Singaporean and foreign news media that try to report Singaporean news freely (and ask your associates to also stop bringing such actions). It is unacceptable in a would-be democratic country that the head of government, his ministers and his associates assail journalists with lawsuits and thereby force them to adopt self-censorship.
2. Amend Singapore’s criminal law in order to abolish prison sentences for press offenses.
3. Amend the press law, especially those aspects concerning the allocation of licenses to publish a newspaper, which prevents the emergence of independent news media.
4. Repeal the law on newspapers and publications and the law on films.
5. Amend the national security law by abolishing administrative detention, which has in the past resulted in the imprisonment of journalists and human rights activists.
6. Amend the powers of the Media Development Authority so that it is no longer able to censor and can just make recommendations about television programs and films.
7. Allow representatives of the political opposition and civil society free access to the public news media.

²⁰ cf. Prime Minister Lee Hsien Loong’s National Day Rally 2004 Speech, “Our Future of Opportunity and Promise”, August 22, 2004, at the University Cultural Centre, NUS Accessible via <http://stars.nhb.gov.sg/public/index.html>.

²¹ Robert Ménard, Secretary General of Reporters without Borders, in his Open Letter to Prime Minister Lee Hsien Loong of November 29, 2005, http://www.rsf.org/article.php3?id_article=15721 (accessed on September 7, 2006).

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8. Guarantee the editorial independence of all the news media owned by Singapore Press Holdings (SPH) and Media Corporation of Singapore (MediaCorp).
9. Repeal the law that requires religious and political website moderators to have a license, as well as certain articles on the malicious use of computer technology which permits the surveillance and arrest of Internet users.
10. Rescind the requirement of prior permission to hold external news conferences.
11. Abolish laws under the Public Entertainment and Meetings Act that require Singaporeans to apply for permission to hold outdoor political activities.
12. Drop all outstanding charges against Chee Soon Juan and Yap Keng Ho for "speaking in public".
13. Restore Chee Soon Juan's right to travel freely outside of Singapore and return him his passport.
14. Stop the police harassment of the protesters at Hong Lim Park during the WB-IMF meeting in September 2006 and cease all "investigations" for peaceful assembly.

Substantive progress in fulfilling these desiderata of the press must be the litmus test for determining whether Singapore truly intends to become a democracy or continues to assert that control of the state by the present leaders is a prerequisite for the city-state's survival. As long as Lee Kuan Yew remains "Minister Mentor" in the cabinet and continues to propagate his view that democracy and civil and political rights are creations of the West unsuitable for Singapore, no changes should be expected. The fact that his son, now prime minister, regards democracy and the Singapore system as two alternatives, of which Singapore has chosen the latter, does not inspire confidence for the medium range future.

5. STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 1996- 2005	Singapore Score	Key
Voice and Accountability	38.2	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	84.0	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	99.5	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	99.5	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	95.7	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	99.0	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

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Freedom House: Freedom in the World 2007	Singapore Score	Key
Political Rights	5	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Freedom House: Freedom of the Press 2006	Singapore Score	Key
Total Score	66NF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Reporters Without Borders	Singapore Score	Key
Total Score 2004	57.00	0-100 (Lower value free, higher value less free)
Rank 2004	147	167 countries
Total Score 2005	50.67	0-100 (Lower value free, higher value less free)
Rank 2005	140	167 countries

Bertelsmann Transformation Index 2006	Singapore Score	Key
Stateness	10.0	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development)
Political Participation	3.8	
Rule of Law	6.0	
Stability of Democratic Institutions	2.0	
Political and Social Integration	5.0	
Total Score Political Transformation	5.35	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development) / Arrow shows trend in democratic development (↑Improved; ↓Worsened)
Total Score Political Management	5.78	Range 0-10 (Lower value indicates lower quality of political management; higher value indicates higher quality of political management)

Corruption Perceptions Index 2006	Singapore Score	Key
Total Score	9.4	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)
Rank	5	163 countries

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Asia Democracy Index 2005	Singapore Score	Key
Score	30.42	0-100 (Lower value low democracy level, higher value high democracy level)
Rank	15	16 countries

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