

**UNIVERSAL PERIODIC REVIEW – SINGAPORE  
APPENDIX TO JOINT SUBMISSION OF  
COSINGO (COALITION OF SINGAPORE NGOs)**

**A. Constitution of the Republic Of Singapore**

**Freedom of speech, assembly and association**

**14.**—(1) Subject to clauses (2) and (3) —

- (a) every citizen of Singapore has the right to freedom of speech and expression;
- (b) all citizens of Singapore have the right to assemble peaceably and without arms; and
- (c) all citizens of Singapore have the right to form associations.

(2) Parliament may by law impose —

- (a) on the rights conferred by clause (1) (a), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence;
- (b) on the right conferred by clause (1) (b), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order; and
- (c) on the right conferred by clause (1) (c), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by clause (1) (c) may also be imposed by any law relating to labour or education.

**B. Newspapers and Printing Presses Act, Chapter 206**

**Licence to use printing press**

**3.** —(1) The Minister may in his discretion grant to any person in Singapore a licence to keep and use a press for the printing of documents and may at any time withdraw the licence either permanently or for such period as he thinks fit.

**C. Newspapers and Printing Presses Act, Chapter 206**

**No newspaper to be published without permit**

**21.**—(1) No person shall print or publish or assist in the printing or publishing of any newspaper in Singapore unless the chief editor or the proprietor of the newspaper has previously obtained a permit granted by the Minister authorising the publication thereof, which permit the Minister may in his discretion grant, refuse or revoke, or grant subject to conditions to be endorsed thereon.

(2) No permit shall be granted to the chief editor or the proprietor of any newspaper whose publication will constitute an offence under section 8.

(3) Without prejudice to the generality of subsection (1), the Minister may —

- (a) direct that the newspaper shall be printed in such language as may be specified in the permit; and
- (b) before granting the permit require the applicant to execute a bond with or without sureties to secure the payment of any penalties which may be imposed upon the newspaper company, proprietor or editor of the newspaper under this Act or under any other written law.

- (4) Every such permit unless sooner revoked shall ordinarily be for one year from the date of its issue, and may be renewed for further periods not exceeding 12 months in respect of each renewal.
- (5) Notice of the withdrawal of a permit to publish a newspaper shall be published in the *Gazette*.
- (6) The Minister may make rules prescribing the particulars to be supplied by an applicant for a permit under this section.
- (7) A permit under this section shall be in addition to any licence granted under section 3 in respect of the printing press at which any newspaper is to be printed.
- (8) Any person dissatisfied with any decision of the Minister or with any condition imposed by the Minister under this section may appeal to the President whose decision shall be final.
- (9) Any person who contravenes this section or fails to comply with any condition attached to the grant of a permit under this section shall be guilty of an offence and shall be liable on conviction to the penalty prescribed by section 35.
- (10) This section shall not apply to any offshore newspaper within the meaning of section 23.

**Permit required for sale and distribution in Singapore of newspapers printed or published in Malaysia**

**22.**—(1) No newspaper printed in Malaysia shall be published, sold, offered for sale or distributed in Singapore unless the proprietor of the newspaper or his agent has previously obtained and there is in force a permit granted by the Minister authorising the publication, sale or distribution of the newspaper in Singapore, which permit the Minister may in his discretion grant, refuse or revoke, or grant subject to conditions to be endorsed thereon.

- (2) Nothing in this section shall affect the publication, sale, offer for sale or distribution of any newspaper in respect of which a permit has been granted under section 21.
- (3) Every such permit shall have effect only in respect of the proprietor to whom it was granted and shall unless sooner revoked ordinarily be for one year from the date of its issue, and may be renewed for further periods of 12 months.
- (4) It shall be a condition of the grant of any permit under this section that any newspaper to which it refers shall have printed legibly in the English or Malay language on its first or last printed leaf —
- (a) the name and address of its printer and its publisher;
  - (b) the place or places where it is printed and published; and
  - (c) an address within Singapore for the service of legal process upon the printer and the publisher or of a person or persons authorised by the printer and the publisher to accept service on their behalf.
- (5) The Minister may in his discretion impose as conditions of the grant of a permit that the proprietor shall —
- (a) establish and maintain a place of business within Singapore;
  - (b) appoint persons within Singapore authorised to accept service of any notice or legal process on his behalf and on behalf of the printer or the publisher; and

(c) furnish the Registrar with the names and addresses of the persons so appointed.

(6) Notice of the grant, refusal or revocation of a permit to sell and distribute a newspaper shall be published in the *Gazette*.

(7) Any person dissatisfied with the decision of the Minister as to the grant, refusal or revocation of a permit or with any condition imposed by the Minister as a condition of the grant of a permit under this section may appeal to the President whose decision shall be final.

#### **D. Affected foreign newspapers and magazines**

Time (1986), Asian Wall Street Journal (1986), Far Eastern Economic Review (1987), Asian Wall Street Journal (1990), International Herald Tribune (1995) have had restricted circulation. This often took place when these publications refused to retract comments made about Singapore or carry the Government's replies in full without editing.

#### **E. Films Act, Chapter 107**

##### **Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

"party political film" means a film —

(a) which is an advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body; or

(b) which is made by any person and directed towards any political end in Singapore;

#### **F. Films Act, Chapter 107**

##### **Minister may prohibit possession or distribution of any film**

35. —(1) Notwithstanding the provisions of this Act if the Minister is of the opinion that the possession or distribution of any film would be contrary to the public interest, he may, in his discretion, by order published in the Gazette prohibit the possession or distribution of that film by any person.

#### **G. Press Release on the Prohibition on the film 'Dr Lim Hock Siew' (Ministry of Information, Communications and the Arts)**

*"The Singapore Government will not allow individuals who have posed a security threat to Singapore's interests in the past, to use media platforms such as films to make baseless accusations against the authorities, give a false portrayal of their previous activities in order to exculpate their guilt, and undermine public confidence in the Government in the process."*

#### **H. Supreme Court of Judicature Act, Chapter 322**

##### **Contempt**

7.—(1) The High Court and the Court of Appeal shall have power to punish for contempt of court.

#### **I. Seditious Act, Chapter 290**

##### **Offences**

4. —(1) Any person who —

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
  - (b) utters any seditious words;
  - (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- or
- (d) imports any seditious publication,
- shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 5 years; and any seditious publication found in the possession of that person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

#### **J. Penal Code, Chapter 224**

##### **Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person**

**298.** Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

##### **Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony**

**298A.** Whoever —

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or
  - (b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility,
- shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

#### **K. Societies Act, Chapter 311**

##### **Unlawful societies**

**14.—**(1) Every society, not being a registered society, shall be deemed to be an unlawful society: Provided that no society shall be deemed to be unlawful under this section if and so long as the Registrar is satisfied that —

- (a) it is organised wholly outside Singapore; and
- (b) does not carry on any activity in Singapore.

(2) Any person who manages or assists in the management of any unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

(3) Any person who is or acts as a member of an unlawful society, or attends a meeting of an unlawful society, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Every offence under subsection (3) shall be deemed to be a non-bailable offence and a seizable case within the meaning of the Criminal Procedure Code.

#### **L. Public Order Act 2009**

##### **Direction to move on**

**36.**—(1) Subject to this section, a police officer of or above the rank of sergeant may give to a person or group of persons whose behaviour is of a kind mentioned in section 35 any direction in writing that is reasonable in the circumstances.

(2) A police officer shall not give a direction under subsection (1) that interferes with a person's right of peaceful assembly unless it is reasonably necessary in the interests of —

- (a) public safety;
- (b) public order; or
- (c) the protection of the rights and freedoms of other persons.

(3) The rights and freedoms referred to in subsection (2)(c) includes a reference to the rights and freedoms of the public to enjoy the place and the rights of persons to carry on lawful business in or in association with the place.

(4) Without prejudice to the generality of subsection (1), a direction may require a person to do one of the following:

- (a) leave the regulated place and not return or be within the regulated place within a stated reasonable time of not more than 24 hours;
- (b) leave a stated part of the regulated place and not return or be within the stated part of the regulated place within a stated reasonable time of not more than 24 hours;
- (c) move from a particular location at or near the regulated place for a stated reasonable distance, in a stated direction, and not return or be within the stated distance from the place within a stated reasonable time of not more than 24 hours.

#### **M. Parliamentary Elections Act, Chapter 218**

##### **Disqualification of electors**

**6.**—(1) No person shall be entitled to have his name entered or retained in any register of electors if he —

- (b) is serving a sentence of imprisonment (by whatever name called) imposed by any court in or outside Singapore for an offence punishable with imprisonment for a term exceeding 12 months, or is under sentence of death imposed by any such court or is serving a sentence of imprisonment awarded in lieu of execution of any such sentence;

#### **N. Penal Code, Chapter 224**

##### **Outrages on decency**

**377A.** Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years.

#### **O. Constitution of the Republic of Singapore**

##### **Equal protection**

**12.**—(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

**P. Employment of Foreign Manpower Act, Chapter 91A, Fourth Schedule, Conditions of Work Permit/Visit Pass for Foreign Worker**

**Conduct**

9. The foreign worker shall not go through any form of marriage or apply to marry under any law, religion, custom or usage with a Singapore Citizen or Permanent Resident in or outside Singapore, without the prior approval of the Controller, while he/she holds a Work Permit, and also after his/her Work Permit has expired or has been cancelled or revoked.

10. If the foreign worker is a female foreign worker, the foreign worker shall not become pregnant or deliver any child in Singapore during the validity of her Work Permit/Visit Pass, unless she is a Work Permit holder who is already married to a Singapore Citizen or Permanent Resident with the approval of the Controller. This condition shall apply even after the Work Permit of the foreign worker has expired or has been cancelled or revoked.

11. The foreign worker shall not indulge or be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore.

**Q. Immigration Act, Chapter 133**

**Prohibited immigrants**

8. —(3) The following persons are members of the prohibited classes:

(a) any person who is unable to show that he has the means of supporting himself and his dependants (if any) or that he has definite employment awaiting him, or who is likely to become a pauper or a charge on the public;

(b) any person suffering from mental disorder or being a mental defective, or suffering from a contagious or infectious disease which makes his presence in Singapore dangerous to the community;

(ba) any person suffering from Acquired Immune Deficiency Syndrome or infected with the Human Immunodeficiency Virus;

(c) any person desiring to enter Singapore who refuses to submit to an examination after being required to do so under section 29 (1);

(d) any person who —

(i) has been convicted in any country or state of an offence for which a sentence of imprisonment has been passed for any term;

(ii) has not received a free pardon; and

(iii) by reason of the circumstances connected with that conviction is deemed by the Controller to be an undesirable immigrant;

(e) any prostitute or any person who is living on or receiving or who, prior to entering Singapore, lived on or received the proceeds of prostitution;

(f) any person who procures or attempts to bring into Singapore prostitutes or women or girls for the purpose of prostitution or other immoral purpose;

(g) vagrants or habitual beggars;

(h) any person whose entry into Singapore is, or at the time of his entry was, unlawful under this Act or any other written law for the time being in force;

- (i) any person who believes in or advocates the overthrow by force or violence of the Government or of any established government or of constituted law or authority or who disbelieves in or is opposed to established government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property;
- (j) any person who is a member of or affiliated with any organisation entertaining or teaching disbelief in or opposition to established government or advocating or teaching the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or officers generally, of the Government or of any established government, because of his or their official character, or advocating or teaching the unlawful destruction of property;
- (k) any person who, in consequence of information received from any source or from any government through official or diplomatic channels, is considered by the Minister to be an undesirable immigrant;
- (l) any person who has been removed from any country or state by the government of that country or state on repatriation for any reason whatever and who, by reason of the circumstances connected therewith, is considered by the Controller to be an undesirable immigrant;
- (m) any person who, being required by any written law for the time being in force to be in possession of valid travel documents, is not in possession of those documents or is in possession of forged or altered travel documents or travel documents which do not fully comply with that written law;
- (n) the family and dependants of a prohibited immigrant; and
- (o) any person prohibited by an order made under section 9 from entering Singapore.

#### **R. Parliament Question (21 July 2008)**

##### **Case of Mr Chan Mun Chiong (Charge under section 377A of Penal Code)**

60. Mr Siew Kum Hong asked the Deputy Prime Minister and Minister for Home Affairs what was the rationale for charging Mr Chan Mun Chiong under section 377A of the Penal Code in view of the Prime Minister's statement to Parliament last year that the provision is not proactively enforced.

Mr Wong Kan Seng:

Mr Chan Mun Chiong was convicted by a District Court under the Infectious Diseases Act (IDA) for not disclosing that he was HIV positive before engaging in sexual intercourse. He was sentenced to 12 months' imprisonment. A charge for committing an act of gross indecency under section 377A of the Penal Code by having oral sex with a 16-year old male in a public toilet of a shopping complex was not proceeded with but taken into consideration for purposes of sentencing.

As to why he was charged under section 377A, our basic approach remains, as stated by the Prime Minister during the debate on the Penal Code amendments in October last year, which is that the Police does not take active enforcement measures to seek out homosexual activities between consenting adults that take place in a private place with a view to prosecution. Mr Chan Mun Chiong's case, however, is not such a case. It is not the result of active enforcement against him in a private place.

Mr Chan was investigated by the Police after a report was lodged by a 16-year old male who had oral sex with him. Thereafter, Police referred the outcome of its investigation to the Attorney-General's Chambers.

The Public Prosecutor decided to charge the accused under section 377A after taking into account all the facts and circumstances of the case, including the complainant's age and the fact that the offence had taken place in a public toilet.

In short, if there is a complaint made by a person of an alleged offence under section 377A of the Penal Code, Police will act upon the complaint. Thereafter, for any report disclosing an offence, Police will place the evidence before the Public Prosecutor for a decision as to whether or not to proceed with prosecution.

## **S. Penal Code, Chapter 224**

### **Rape**

375. —(4) No man shall be guilty of an offence under subsection (1) against his wife, who is not under 13 years of age, except where at the time of the offence —

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

(iv) under a written separation agreement;

(b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;

(c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;

(d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or

(e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

## **T. Women's Charter, Chapter 353**

### **Traffic in women and girls**

141. —(1) Any person who buys, sells, procures, traffics in, or brings into or takes out of Singapore for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girl, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000.

(2) No person shall be charged with an offence under this section if he satisfies the Director that the woman or girl brought into or taken out of Singapore by him or intended to be brought into or taken out of Singapore by him was so brought into or taken out of Singapore or is intended to be so brought into or taken out of Singapore for the purpose of her marriage or adoption and that such marriage or adoption can be solemnized or made and has been or will be solemnized or made under the laws and customs for the time being in force in Singapore.

## **U. Retirement Age Act, Chapter 274A**

### **Raising of minimum retirement age and wage reductions**

5. —(1) This section shall only apply to employees who attain 60 years of age on or after 1st January 1999, and any reference in this section to an older employee shall be a reference to any such employee.

- (2) Where a retirement age higher than 60 years is prescribed under section 4 (1), an employer may, from time to time and in accordance with this section, reduce the wages of any of his older employees on or at any time after the employee attains 60 years of age.
- (3) An employer who intends to reduce the wages of any of his older employees under this section shall, before the older employee concerned attains 60 years of age or other higher age, as the case may be, give reasonable prior notice in writing to the older employee of his intention to reduce his wages, stating the amount of such reduction and the effective date of such reduction, and giving him a reasonable opportunity of being heard.
- (4) If an older employee does not agree with any proposed reduction in his wages, he may either retire or be retired by his employer on or after attaining 60 years of age notwithstanding any of the provisions of this Act.
- (5) An employer may reduce under this section the wages of different older employees differently except that —
- (a) the reduction shall be based on reasonable factors other than age (including but not limited to the employee's productivity, performance, duties and responsibilities, and the wage system such as the seniority system applicable to the employee) unless age is a bona fide occupational qualification reasonably necessary to the ordinary performance of the older employee's job; and
- (b) no employer may reduce the wages of any of his older employees by an aggregate amount which exceeds 10% of the wages paid or payable to the employee when that employee attains or attained 60 years of age.
- (6) Notwithstanding any law to the contrary, the service of a written notice under subsection (3) by an employer on any of his older employees shall not be regarded as a termination or repudiation of the contract of employment between the employer and the older employee, or as requiring or causing the older employee to retire or resign on the ground of age.
- (7) For the purpose of this section —
- (a) "wages" includes salaries; and
- (b) a person shall be regarded as attaining the age of 60 or more years on the sixtieth or other anniversary, as the case may be, of the date of his birth.