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July 8, 2016

Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: State Visit by Singapore Prime Minister Lee Hsien Loong

Dear President Obama:

As you prepare for the state visit of Singapore's Prime Minister Lee Hsien Loong on August 2, 2016, we write to highlight key human rights concerns that we hope you will raise in both public and private with Prime Minister Lee. These include issues of freedom of speech, assembly, and association, and the rights of LGBT people. We provide further detail on these topics in the appendix to this letter.

Singapore's political environment is highly stifling, and citizens face severe restrictions on their basic rights to freedom of expression, association and peaceful assembly. The government of Singapore effectively controls the print media, and online media outlets are forced to register with the government and post a significant bond. Bloggers who comment on political issues are targeted for prosecution using vague and overly broad legal provisions on public order, morality, security, and racial and religious harmony. For example, Alex Au, a popular blogger and LGBT activist, was convicted in January 2015 of violating the archaic offense of "scandalizing the judiciary" because he posted a critical comment about case management in the court's handling of two constitutional challenges to Singapore's anti-sodomy law.

Outspoken activists are subject to government harassment. In May 2016, the police intensively interrogated political activist and blogger Roy Ngerng Yi Ling and long-time activist Teo Soh Lung on grounds of allegedly violating election laws restricting political campaigning during a "cooling-off period" before the recent by-election. The enforcement action was prompted by posts they put on their personal Facebook pages. The

authorities' use of the law against private individuals was unprecedented since the election law specifically permits "the transmission of personal political views by individuals to other individuals, on a non-commercial basis, using the Internet." The heavy-handed action by the police, who searched the homes of both Teo and Ngerng, seizing phones and computers, appeared to be an effort to intimidate the outspoken activists.

Over the years, the government of Singapore has regularly used politically motivated defamation suits to bankrupt and silence critics and political opponents. More recently, Prime Minister Lee sued the activist noted above, Roy Ngerng Yi Ling, for defamation, seeking hundreds of thousands of dollars for damages allegedly caused by a single blog post criticizing the management of the government's Central Provident Fund. In December 2015, the court ordered Ngerng to pay 150,000 Singapore dollars (US\$111,166) in damages and S\$29,000 (US\$21,492) in legal costs.

Public demonstrations and other assemblies remain severely limited, with a permit required for any assembly outside of Hong Lim Park, where the so-called "Speaker's Corner" is situated. Even events held within Hong Lim Park can result in prosecution or harassment by the authorities. Activist Jolovan Wham was given a "stern warning" by the police after two Hong Kong citizens attended a protest he organized in solidarity with the Occupy Hong Kong movement, even though he made clear, in promotional materials and at the event itself, that participation by non-citizens was not permitted under Singapore's laws. Other activists have been charged for holding an "unauthorized demonstration" on the grounds that they checked the box, in the online registration form for use of Hong Lim Park, for "speeches" rather than the one for a "demonstration." Even efforts to hold a candlelight vigil in response to last month's Orlando shootings were hampered by restrictions that make it impossible to plan and hold an event on the same day, and include restrictions on speakers at assemblies in Hong Lim Park.

Consensual sexual relations between men remain a criminal offense under article 377A of the Penal Code in Singapore. While the government claims it does not enforce that statute, the reality is the law remains on the books ready to be used, and the government routinely censors positive portrayals of LGBT individuals, and even mention of LGBT issues. The law itself is demeaning to individuals who experience same-sex attraction. Even your own comments, Mr. President, are not exempt. For example, Singapore deleted the statement you made during an appearance on *The Ellen Show* in February 2016, praising Ellen DeGeneres for her LGBT activism, when the episode was broadcast in Singapore.

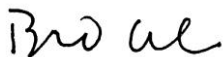
We urge you to ensure that discussions during this visit go beyond economic and strategic cooperation with the United States, and firmly address Singapore's seriously problematic human rights record. We hope you will make it clear to Prime Minister Lee that the United States expects its partners to create an environment in which basic civil and political rights are protected, activists and nongovernmental monitoring organizations can thrive, and where the law is used to protect – rather than repress – the country's people.

Specifically, we urge you to press Prime Minister Lee to act to:

- Eliminate the offense of “scandalizing the judiciary,” as many other commonwealth countries have done;
- End film censorship, in both law and practice;
- Revise the Public Order Act and the Public Entertainment and Meetings Act to bring them into line with international standards for the protection of freedom of assembly;
- Drop the investigations of Roy Ngerng and Teo Soh Lung for allegedly violating restrictions on political campaigning during the “cooling-off” period;
- Repeal section 377A of the Penal Code to decriminalize consensual sexual activity between men;
- Revise the Free to Air Radio Code and other media regulations to eliminate the prohibitions on positive depictions of LGBT lives; and
- Instruct the Registrar of Societies to permit the registration of LGBT organizations under the Societies Act.

Thank you for your consideration and we look forward to discussing these matters further with your staff.

Sincerely,



Brad Adams
Asia Director



Sarah Margon
Washington Director

Appendix: Key Human Rights Issues in Singapore

Singapore's constitution formally guarantees the rights to freedom of expression, peaceful assembly, and association, but these rights are severely and routinely restricted in practice. Government domination of media outlets is exacerbated by an interlocking system of laws and regulations designed to curb the speech of those with critical views in all media, and a judiciary that has long fined and imprisoned alleged violators for sedition, defamation, and "scandalizing the judiciary" when government institutions or leaders are the objects of criticism.

Freedom of Expression

The Media Development Authority (MDA) under the Ministry of Information, Communications and the Arts (MICA) has broad authority to censor broadcast media, the Internet, films, music, and computer games, and to sanction broadcasters for content, on broad national security, public order and decency grounds. Provisions in the Broadcasting Act, Films Act, the Newspaper and Printing Presses Act, and the Undesirable Publications Act elaborate on the comprehensive reach of the MDA.

All films and videos to be shown in Singapore must be submitted to a Board of Film Censors, which can order deletions, or seize or ban films, on vague and overly broad grounds. Screening a film that has not been approved can result in criminal penalties. Films on political issues are routinely banned, as are films featuring LGBT storylines. In 2014, the Singapore authorities banned the award-winning documentary film "To Singapore with Love," featuring political exiles who fled Singapore in the 1960s and 1970s, on grounds that it undermined national security by depicting these individuals sympathetically. Film director Tan Pin Pin appealed the decision, saying that "differing views about our past" should be aired, "even views that the government disapproves." The Films Appeal Committee denied her appeal. Similarly, the authorities banned filmmaker Martyn See's movie *Zahari, 17 years*, about Said Zahari, who was a political prisoner for 17 years. In 2011, the authorities gave an R21 rating to the film *The Kids are Alright*, an Oscar-nominated film with LGBT characters, meaning no one under 21 could view it, and allowed only one print of the film into the country. The Board of Censors noted that "imposing a condition of one-print serves as a signal to the public at large that such alternative lifestyles should not be encouraged... Films that promote or normalize a homosexual lifestyle cannot be tolerated."

Theater productions must also obtain a license under the Public Entertainment and Meetings Act, and to do so must submit their scripts for approval. In 2013, the MDA insisted that the entire first act of a play dealing with the subject of migrant workers be

removed, along with newspaper cuttings originally intended to be projected on the backdrop. In June 2016, a production of *Les Miserables* was forced to delete a same-sex kiss. Those who produce “political” work often find it difficult to access venues, or face loss of funding from Singapore’s Arts Council.

As the Internet has grown, the government has moved to increase its control over online content. The Broadcasting Act requires the registration of any online news website that receives, over a two-month period, an average of at least 50,000 unique visits per month from Singapore Internet addresses and is involved in “the propagation, promotion or discussion of political or religious issues related to Singapore.” Registering websites must provide a 50,000 Singapore dollar (US\$37,055) performance bond to guarantee that they will promptly take down content that the MDA designates as inappropriate. Even sites that do not have such a broad reach can be required to meet onerous financial reporting requirements. The authorities declared the website *The Online Citizen* to be a “political association,” a designation that carries additional financial reporting requirements and precludes the site from accepting any funds from foreign sources.

Criminal laws are also used against online speech. In February 2015, Singaporean police arrested the co-founders of the news portal *The Real Singapore*, and subsequently charged them with seven counts of sedition for publishing articles that authorities claimed had a “tendency to promote feelings of ill-will and hostility between different groups of people in Singapore.” In May, the MDA suspended the operating license of *The Real Singapore*, ruling it had violated the MDA’s Internet Code of Practice. In March 2016, Ai Takagi pled guilty to four counts of sedition and was sentenced to 10 months in prison. Yang Kaiheng, who co-founded with website with Takagi, pled guilty in June 2016 and was sentenced to 8 months in prison.

The Protection from Harassment Act (POHA), passed in 2014 to protect individuals, public servants and public service workers from “indecent, threatening, abusive, insulting words or behavior,” has also been used to silence criticism of the government. In January 2015, the news portal *The Online Citizen* posted a video interview with Dr. Ting Choong Meng about his allegation that the Ministry of Defense had stolen his patent, together with a story about the dispute. The attorney general, acting on behalf of the Ministry of Defense, sued all five editors of *The Online Citizen*, seeking an order under article 15 of POHA restricting publication of several of Dr. Ting’s statements. The District Court ordered that the statements at issue not be published unless accompanied by a statement that they were false, and a link to a statement on the issue by the Ministry of Defense. On appeal, the Court of Appeal held that the Ministry of Defense was not a “person” within the meaning of the act and thus did not have the right to invoke it. The government’s appeal of that decision is pending.

Singapore maintains the archaic offense of “scandalizing the judiciary,” which can be imposed for criticism of the judiciary or a specific judge. In October 2014, the authorities called on the court to convict Alex Au, a popular blogger and activist for LGBT rights and migrant worker empowerment, for scandalizing the judiciary in connection with two posts on his online blog. In one post, commenting on a case in which a man lost a discrimination case against a department store that he believed fired him because of his sexual orientation, Au commented that “confidence in the judiciary is as limp as a flag on a windless day.” The other post referenced the respective timing of two constitutional challenges to section 377A of the Penal Code, which criminalizes sex between male persons, and speculated about the reasons behind the scheduling of the two cases. Au argued in court that his writings constituted fair criticism consistent with the right to freedom of speech and expression. The court found that the comments on his personal lack of confidence in the judiciary did not constitute contempt, but that his comments on the timing of the court hearing “scandalized the judiciary.” The court imposed a fine of S\$8,000 (US\$5,928). Au’s conviction was upheld on appeal.

Prime Minister Lee Hsien Loong, following the example of his late father, Lee Kwan Yew, uses civil defamation suits to bankrupt his critics. In 2014, he sued Roy Ngerng Yi Ling for a blog post that criticized the management and investment strategies of the government’s Central Provident Fund. Soon thereafter, Tan Tock Seng Hospital fired Ngerng for “conduct incompatible with the values and standards expected of employees” in a move that was publicly applauded by the minister of health. Ngerng was found guilty of defamation in a summary decision and, in December 2015, ordered to pay Lee S\$150,000 (US\$111,166) in damages. He was also assessed S\$29,000 (US\$21,492) in legal costs.

Freedom of Assembly

In Singapore, strict censorship regulations overlap with and reinforce curbs on the right to peaceful assembly. Authorities use two laws, the 2009 Public Order Act and the Public Entertainment and Meeting Act (PEMA), to control and limit any public rallies or demonstrations, public discussions, and unauthorized political meetings. The Public Order Act requires a permit for any public assembly or public procession. The law defines “assembly” very broadly to include any cause-related gathering or meeting, including a demonstration by a single person, and deems an assembly public if it is in any location, indoors or out, to which the public can have access. Permits are routinely denied for anything remotely political. For example, in October 2013, the police denied a permit for a “March for a Minimum Wage” that was planned for International Human Rights Day. The police cited the “risk of public disorder” in denying the permit. Similarly, in April 2012, an application by migrant workers’ rights group HOME for a permit to march on Labor Day

wearing t-shirts bearing the words “Walk with Workers: Upholding the Dignity of Labour” was denied.

Hong Lim Park, known as “Speaker’s Corner,” is the only place in Singapore where an assembly can be held without a police permit, but even at Hong Lim Park there are many restrictions on exercise of this right. Only citizens may speak in Hong Lim Park, and only citizens or permanent residents may participate in assemblies there. Any speech must be in an official language of Singapore, and it is forbidden to speak about religion or religious belief, or about anything “that may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore.” Violation of any of these restrictions is a criminal offense. In addition, persons seeking to protest in Hong Lim Park must fill out an online registration form with the Parks Department, and the Parks Commissioner has the authority to cancel any approval or disallow any event where the commissioner feels the event may “cause discomfort or inconvenience to other parks users and/or the general public.”

Jolovan Wham, executive director of HOME, an NGO that works to protect workers’ rights, organized an event in Hong Lim Park in November 2014 to show solidarity with the Occupy Hong Kong movement. Although he made clear, both in announcements about the event and at the event itself, that non-citizens were not allowed to participate, two Hong Kong citizens came to the rally. Authorities then investigated Wham for violating the rules on assemblies, and police ultimately issued him a “stern warning.” Seeking to clear his name, Wham moved to quash the warning in court but the judge rejected his application in December 2015, holding that the warning was merely the police officer’s “expression of opinion” and had no legal effect. In February 2016, Wham was ordered to pay the attorney general S\$6,063 (US\$4,493) of court costs for his failed bid to quash the warning.

For four months beginning in June 2014, blogger Roy Ngerng Yi Ling publicly spoke in the designated “Speaker’s Corner” at Hong Lim Park about his concerns on the government’s management of the Central Provident Fund. At one of the rallies he organized in September 2014, authorities asked his group to move to a different area of the park because there was a conflicting event. After some in the group “marched” through the competing event on their way to the designated area of the park, Ngerng and fellow blogger Han Hui Hui were charged with conducting an unauthorized “demonstration,” because they had checked the box for “speeches” rather than the box for “demonstrations” in their online registration with the Parks Department. They were also charged, along with five others, with being a public nuisance. Ngerng pled guilty and paid a fine of S\$1,900 (US\$1,408), while the trial of others is ongoing.

Freedom of Association

The Societies Act requires that organizations with at least 10 members register, but permits the government to deny applications on grounds that the organization's "purposes [are] prejudicial to public peace, welfare or good order" or that registration would be "contrary to the national interest." The Registrar of Societies has refused to allow any LGBT organization to register as a society on the ground that "it is contrary to the public interest to grant legitimacy to the promotion of homosexual activities or viewpoints." The inability to register means LGBT organizations struggle to raise funds and have no standing to advocate with the government for LGBT rights.

Rights of LGBT People

The rights of Singapore's lesbian, gay, bisexual, and transgender (LGBT) community are severely restricted. Sexual relations between two male persons remain a criminal offense, and LGBT individuals have no legal protection against discrimination on grounds of sexuality. The Media Development Authority effectively prohibits all positive depictions of LGBT lives on television or radio. For example, the Free to Air Radio Program Code states that:

information, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transvestism, paedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorize such lifestyles. Explicit dialogue or information concerning the above topics should not be broadcast.

In May 2015, the song *We're All Different, Yet the Same*, by Jolin Tsia, was banned from TV and radio stations due to its promotion of gay marriage. When the first season of the television series *Desperate Housewives* was broadcast in Singapore, an entire subplot was excised because it involved a positive portrayal of a gay character. In 2011, the authorities gave an R21 rating to the film *The Kids are Alright*, meaning no one under 21 could view it, and allowed only one print of the film into the country. The Board of Censors noted that "imposing a condition of one-print serves as a signal to the public at large that such alternative lifestyles should not be encouraged... Films that promote or normalize a homosexual lifestyle cannot be tolerated."

In July 2014, the National Library Board removed three children's books with alleged LGBT themes from library shelves. The book "Who's in Our Family?" was pulped, but after pushback from civil society groups, the information minister, Yaacob Ibrahim, overruled the board's decision to destroy "And Tango Makes Three" and "The White Swan Express: A

Story About Adoption,” and the books were shifted to the library’s adult section. The same month, the MDA confirmed that the third installment of the comic, “Archie: The Married Life” had been withdrawn from bookstores because its content “breached guidelines by depicting same-sex marriage of two characters.”

The annual Pink Dot Festival in support of LGBT rights celebrated its eighth year in Hong Lim Park in June 2016, supported by the sponsorship of corporations such as Google, Barclays, J. P. Morgan, Goldman Sachs, BP, Bloomberg, Twitter, Apple, and Facebook. A few days after the event, the Ministry of Home Affairs moved to restrict such funding for the event on the grounds that sponsorship by multinational corporations constitutes “foreign interference” with domestic affairs. The MHA announced that it will “take steps to make it clear that foreign entities should not fund, support or influence such events held at the Speakers’ Corner... In the context of LGBT issues, this will apply both to events that advocate the LGBT cause such as the Pink Dot, as well as events whose purpose is to oppose the LGBT cause.”