



# UNITED NATIONS

## Press Release

28 April 2010

**Full text of the press statement delivered by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, in Singapore:**

“Ladies and Gentlemen,

I visited Singapore from 21 to 28 April. During my mission, I held meetings with representatives of the Government, members of the legislative and judicial branches, as well as with representatives of civil society, including community members, academics, lawyers and private individuals.

I came to Singapore at the invitation of the Government and wish to express my sincere gratitude for its full cooperation and openness in the preparation and conduct of my visit, as well as for the organization of a very rich programme. Its readiness to organise a last minute visit to the Changi Prison was much appreciated. I was truly impressed by the professionalism and dedication demonstrated by members of the civil service and I would like to convey my appreciation for the detailed information received during all official meetings. I am also extremely grateful to all those individuals, including numerous civil society partners, who granted me interviews and provided me with information and other assistance during my mission.

As UN Special Rapporteur, I would like to reaffirm that I undertook my visit with an open mind and without any preconceived ideas. I came here with the desire to obtain a deeper understanding of Singapore and its people, to engage in a constructive dialogue with the authorities and civil society, to identify best practices that could be shared with the international community at large and to prepare an objective report with clear recommendations.

\* \* \*

Singapore is rightly proud of its richly diverse society where individuals from a wide range of ethnic, religious and cultural backgrounds manage to cohabit and interact with each other on a small portion of territory. Considering that ethnic and religious riots occurred a few decades ago, the actual peaceful coexistence of the diverse communities is a remarkable achievement in itself.

The historical legacy of ethnic and religious tensions still casts a long shadow over the social and political life of Singapore today. To address this, the authorities have continuously and actively promoted social cohesion, religious tolerance and what they refer to as racial harmony, as fundamental pillars of the city-state. They have done so through a number of commendable policies and measures emphasizing tolerance, understanding and respect among the diverse ethnic and religious groups living in Singapore. The wide range of organisations seeking to and succeeding in offering common space for people to dialogue and learn about the cultural traditions and practices of the main ethnic groups in Singapore testify to the recognition that social

harmony must not be taken for granted and that continuous efforts are needed to preserve it. In this regard, I was deeply impressed by the work achieved and activities undertaken by, *inter alia*, the National Integration Council, the National Steering Committee on Racial and Religious Harmony, the People's Association, OnePeople, as well as the Inter Racial and Religious Confidence Circles.

Social cohesion and political stability undoubtedly constitute essential elements of nation-building in a young country like Singapore. In this regard, the authorities have taken wide-ranging measures to foster racial harmony and discourage intolerance. Most of these measures are widely appreciated by all sectors of the society. In addition, they demonstrate that the Government is committed to confronting these challenges in an open manner. On the other hand, various interlocutors pointed out that the legitimate goal of searching for racial harmony may have created blind spots in the policies and measures pursued by the Government.

There exist several legislative provisions which prohibit the promotion of feelings of "enmity", "ill-will" or "hostility" between members of the different ethnic groups in Singapore. It appears that these restrictions aim to frame and limit any public debate or discourse on an issue considered as highly sensitive. Given Singapore's historical legacy, the concerns of the authorities with regard to ethnic conflicts are understandable. However, it is absolutely necessary in a free society that restrictions on public debate or discourse and the protection of racial harmony are not implemented at the detriment of fundamental human rights such as freedom of expression and freedom of assembly. Many interlocutors assured me that Singaporean society had evolved substantially from the days of the violent confrontations 45 years ago, so as to have open public debate on a sensitive issue like ethnicity in a dispassionate and fruitful manner. I therefore believe that time is ripe for the authorities to review any legislative restrictions that may exist in the statute books in order to allow Singaporeans to share their views on matters of ethnicity, to identify potential issues of discomfort and above all, work together to find solutions.

Despite the existence of various policies and institutions seeking to provide all ethnic groups with equal opportunities, it would appear that the significance of ethnic identity has not diminished and indeed some would say has increased in one's interactions with the State and with the Singaporean society at large. Consequently, individuals find themselves classified into distinct categories defined along ethnic lines. As an illustration, the ethnic background of Singaporeans is indicated on identification documents, although I was informed that the practice has now been made more flexible so as to enable individuals of mixed origins to display several ethnic backgrounds. Yet, individuals of mixed origins may find it difficult to relate to any of the self-help groups (CDAC, SINDA, Yayasan Mendaki, EA and AMP) established to assist members of their own communities. These self-help groups, which play a critical role in the provision of social services, are ethnically based. Consequently, it might be difficult for a non Tamil-speaking Indian Muslim to identify him- or herself with the Mendaki or the SINDA.

I was informed that the Group Representation Constituencies (GRC) were created for the purpose of ensuring minorities' political participation by requiring that a minority candidate be fielded in each of the GRC. Some interlocutors were of the view that this scheme had actually institutionalised and entrenched the status of minorities within Singaporean society.

In addition, concern was expressed that such schemes may tend to reinforce and perpetuate ethnic categorization. This in turn may lead to certain prejudices and negative stereotypes held against certain minority groups taking root. As an example, I was informed that people tend to think of “Little India” as an unsafe neighbourhood.

The benefits of a society which allows for more permeability between delimited ethnic categories and in which social interactions are not predetermined by ethnic identity cannot be overemphasised. I would therefore recommend as a starting point that the identification documents should not indicate the ethnic background of individuals in order to accord less significance thereto.

\* \* \*

In addition to the general issues raised above, I am of the view that the following specific issues require attention:

### **Housing**

The 1989 Ethnic Integration Policy - whereby ethnic quotas are imposed in each State-subsidized building and each neighbourhood - put in place in order to prevent the formation of ethnic enclaves, has been generally successful in terms of social integration. I was indeed told by many interlocutors that this policy allows the great majority of Singaporeans from diverse ethnic backgrounds to mix together and regularly interact, for instance in the “void decks” situated on the ground floor of each State-subsidized building.

While the rationale and objectives of this policy may be laudable, there are those who think that its implementation has created new problems. For instance, it is felt that the existing public housing quotas may prevent members of ethnic minorities finding an accommodation close to their families or that ethnic minorities encounter greater difficulties in reselling their apartments to members of their groups, as sale to other ethnic groups is prohibited under this policy.

Although the implementation of the Ethnic Integration Policy may already be of a rather complex nature, I would nonetheless suggest that more flexibility be allowed and that the authorities keep it under constant review, so as to take into account the evolving needs of Singaporeans.

### **Education**

The Singaporean public educational system has been successful in allowing all children, regardless of their backgrounds, to learn and play together. Moreover, education programmes fostering tolerance, understanding and respect have very much contributed to the peaceful coexistence of the diverse communities in Singapore.

According to Government officials, the principle of meritocracy, which is at the core of the public educational system – and of Singaporean society – ensures that all children are offered equal opportunities. Meritocracy has its merits. However, where there are acknowledged historical inequalities, as is the case with Malay students, this principle may serve to entrench them. Indeed, this may very well be the reason why the

Government had until a decade ago directly supported free national education programmes for Malay students.

Despite statistics showing that great progress has been made in the last decades, Malay students seem to have remained below the national average. For instance, I was informed that since independence, only two Malay students had been granted Presidential scholarships which award the best students in the country.

Moreover, I was informed that Special Assistance Plan (SAP) schools, which have been established in order to nurture the best talents that will form the next generation of leaders in the various fields, had restricted access to Mandarin speakers. This has led to some resentment among non-Mandarin speakers. Critics argue that these schools favouring Chinese culture and language are a visible symbol of the marginalisation of minority groups, and that they create the impression that there exists a hierarchy of cultures.

Education is undoubtedly one of the most efficient tools to create a cohesive and tolerant society, where all children may be taught how diverse ethnic and national groups can coexist peacefully. Consequently, I would like to suggest that specific measures be taken to ensure that the educational interests of Malay students are protected and promoted, in accordance with article 152 of the Constitution of Singapore and international human rights standards. While there can be no doubt that meritocracy guarantees equality of opportunities, special measures within clearly defined timelines may help to address historical inequalities.

## **Employment**

During my official meetings, I was informed of the promotional approach taken to address problems of discrimination against job-seekers and workers from certain ethnic or religious backgrounds. In this regard, I welcome initiatives taken by the Ministry of Manpower and the Tripartite Alliance for Fair Employment Practices aimed at educating employers and employees about the principle of non-discrimination or at resolving labour issues related to discrimination through mediation.

While the results of this approach appear to be good, in particular when it comes to language discrimination affecting job-seekers, my attention has nonetheless been drawn to the difficulties and negative stereotypes faced by members of the Malay and Indian communities in the field of employment. For instance, I was told that Malay individuals continue to be underrepresented in senior positions of the armed forces, the police and intelligence services, as well as in the judiciary. These are critical institutions that ought to reflect the diversity of the nation. I would therefore recommend that the authorities urgently review all laws, regulations, guidelines, policies and practices, so as to ensure sufficient representation of the minority ethnic groups in all employment sectors. In addition, I would like to suggest that the authorities consider adopting legally binding provisions prohibiting discrimination of all kinds, including on the grounds of ethnic or national origin, in the field of employment.

## **Recent migrants**

The influx of foreigners which has been supported by the Government to satisfy the demands of a fast-growing economy and to counter a declining birth rate has contributed to the building and the prosperity of this young nation in a positive manner. Yet, it has also created significant challenges. I was for instance told both by Government officials and civil society actors that the recent wave of migrants coming mainly from the People's Republic of China and India had led to some resentment by the Singaporean population. Depending on the nationality of these recent migrants, they could in some instances be perceived as taking away jobs from Singaporean citizens, threatening Singaporean families or affecting the fragile national demographic balance. There was also a perception among some interlocutors that the Government seemed to favour migrants from certain countries.

The National Integration Council seeks to address some of these concerns. However, there is still a need to formulate a more open and transparent immigration policy.

## **Migrant workers, including domestic workers**

The Government has to a large extent determined the employment areas in which certain foreign communities can work. In this regard, I was informed that for each sector of employment, there exists a list of "approved source countries" from which employers may hire foreign workers. As a result, domestic workers may originate from Indonesia, Myanmar or the Philippines, but not from the People's Republic of China. Similarly, the construction sector may only hire foreign workers from the People's Republic of China, Malaysia, India, Sri Lanka, Thailand, Bangladesh, as well as few other Asian countries. This has raised concerns that the system may reinforce ethnic stereotypes and taint the rest of the employment system.

While my mandate does not specifically relate to migrant workers, it is nonetheless concerned with discrimination on the grounds of national or ethnic origin preventing individuals from enjoying, inter alia, just and favourable conditions of work, equal pay for equal work, as well as equality before the law. In this regard, the living and working conditions of migrant workers, in particular of the low-skilled ones commonly referred to as "transient workers", were frequently raised during my meetings.

I was told by virtually all my interlocutors that the authorities had taken numerous and commendable initiatives to prevent and address the manifold human rights violations and sometimes physical abuse suffered by low-skilled migrant workers. These include education programmes both for employers and employees; the conduct of random interviews of domestic workers during their initial months of employment; assistance by the Ministry of Manpower in resolving labour disputes through mediation; the sanctioning of companies when workers' wages are left unpaid or the enhancement of penalties for offences committed by employers against their domestic workers.

Yet low-skilled migrant workers continue to face a number of difficulties. These include the sponsorship system which places migrant workers in a highly dependent relationship to their employer and severely limits labour mobility; unilateral cancellations of work permits by their employers; poor and unhygienic living conditions or denial of medical insurance by their employers contrary to official policy. Concerns relating to migrant workers being trafficked into the country were also raised.

Migrant domestic workers, who constitute about a quarter of the migrant workforce, also face a number of additional difficulties due to their exclusion from the Employment Act and to their isolated working environment. For instance, migrant domestic workers are not always accorded a day of rest per week; in practice they are not always granted annual or medical leave; they are automatically deported if found pregnant and are prohibited from marrying Singaporean men.

While I received assurances from relevant authorities that these issues are under review, I would strongly urge the Government to act swiftly to ensure the protection of migrant workers' human rights, as this is one area where the situation is quite dire. In this regard, I particularly welcome the fact that the enforcement of a standard contract offering enhanced protection to migrant domestic workers is currently under review by the Ministry of Manpower. I recommend that the Government extends and enhances the effective implementation of the Employment Act; that efforts be undertaken to ensure that labour disputes are resolved expeditiously through accessible and effective mechanisms; and that a minimum wage for migrant workers particularly vulnerable to exploitation, such as construction and domestic workers, be introduced.

### **Legal and institutional framework to fight racism and xenophobia**

The fight against racism, racial discrimination, xenophobia and related intolerance can only be achieved in the most effective manner with the help of a solid and robust institutional and legal framework. While I understand that the Government wishes to ensure that it is in a position to fully implement international obligations contained in an international treaty before ratifying it, I nonetheless urge it to accede to international human rights instruments which enshrine the fundamental principles of equality and non-discrimination. These include the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Rights of All Migrant Workers and Members of Their Families.

In addition, the Durban Declaration and Programme of Action, as well as the Outcome Document of the Durban Review Conference, to which Singapore made a positive contribution, provide the most comprehensive frameworks for the fight against racism, racial discrimination, xenophobia and related intolerance. I would like to encourage the Government to continue taking concrete measures to achieve the goals and objectives contained therein.

While acknowledging that the Constitution of Singapore contains non-discrimination provisions, I would like to recommend that a specific legislation prohibiting racial discrimination in all areas of life, including employment, education and health, be enacted. This would allow for the set up of relevant reporting, reviewing and enforcement mechanisms, as well as specific funding, which usually allows for more effective policies against racism.

Given its constitutional status, the Presidential Council for Minority Rights (PCMR) appears to be the highest organ within the Government mandated with the task of protecting the rights of members of minority groups. It is my understanding that the PCMR, which is chaired by the Chief Justice, may consider and report on legislative

and policy matters affecting persons of ethnic and religious communities only if referred to by Parliament or the Government. I was surprised to learn that in 40 years of existence, the PCMR had never issued a statement or taken a position on any particular legislation or public policy that may have affected the rights of members of ethnic minority groups. Moreover, it seemed to me that there exists a potential conflict between the dual role of the Chief Justice as head of an independent judiciary (to which a case may be filed questioning the constitutionality of any law or policy) and as Chairperson of the PCMR.

I would therefore encourage the authorities to review the mandate conferred to the PCMR and its composition, so that it may consider any legislation or public policy on its own initiative and that its independence be ensured.

### **Concluding Remarks**

At the end of my visit, I have come to the conclusion that the Government of Singapore is acutely aware of the threats posed by racism, racial discrimination, xenophobia and related intolerance, and that it has endeavoured to put in place laws, policies and institutions that seek to combat these scourges. And while there may be no institutionalised racial discrimination in Singapore, several policies have further marginalized of certain ethnic groups. This is a situation that must be acknowledged and acted upon in order to safeguard the stability, sustainability and prosperity of Singapore.

The country report, which I expect to present to the Human Rights Council in June 2011 will include a more detailed and exhaustive analysis of my preliminary findings. As I have said earlier, I will be drafting my report in the spirit of contributing positively towards the reforms already undertaken. I will of course remain available for further constructive interaction with the Government in order to facilitate the implementation of these recommendations.

Finally, I would like to stress that the task of enhancing the enjoyment of human rights in the Singaporean society must be borne by all. These include the Government, citizens, residents and civil society organisations. My mandate stands ready to provide any assistance as may be required in this regard.

I thank you for your attention.”