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Committee on the Elimination of Racial Discrimination**Concluding observations on the initial report of Singapore***

1. The Committee considered the initial report of Singapore (CERD/C/SGP /1), at its 2843rd and 2844th meetings (see CERD/C/SR.2843 and CERD/C/SR.2844), held on 18 and 19 November 2021. At its 2856th meeting, held on 29 November 2021, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the initial periodic report of the State party and expresses its appreciation for the constructive dialogue with the State party's delegation. It thanks the high-level delegation for the information provided during the consideration of the report and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's accession to the Convention on the Rights of Persons with Disabilities in 2013.

4. The Committee also welcomes the following legislative, institutional and policy measures taken by the State party:

(a) The amendments made to the Constitution and the Presidential Elections Act in 2016, which are aimed at safeguarding the representation of ethnic minority groups in the office of the President;

(b) The adoption of the National Approach against Trafficking in Persons (2016-2026);

(c) The establishment of the Inter-Ministry Committee on the International Convention on the Elimination of All Forms of Racial Discrimination, in 2015, which is aimed at monitoring the implementation of the Convention;

(d) The adoption of the Prevention of Human Trafficking Act of 2014.

C. Concerns and recommendations**Data collection**

5. The Committee takes note of the data provided by the State party in its report and during the dialogue on the ethnic composition of the population and situations of minority groups on housing and education. The Committee, however, regrets the lack of comprehensive data that allows an empirical basis for evaluating the equal enjoyment of all

* Adopted by the Committee at its 105th session (15 November–3 December 2021).

rights protected under the Convention by ethnic groups, disaggregated by ethnic or national origin, including on non-citizens, such as migrants, refugees and stateless persons (arts. 1 and 5).

6. **Recalling the guidelines for reporting under the Convention (CERD/C/2007/1), the Committee recommends that, in its next periodic report, the State party provide comprehensive data on the ethnic composition of the population, disaggregated by ethnic or national origin, including on non-citizens, such as migrants, refugees and stateless persons, as well as on socioeconomic indicators, in order to provide it with an empirical basis to evaluate the equal enjoyment of rights under the Convention.**

Definition of racial discrimination and legislation

7. The Committee is concerned at the absence of comprehensive anti-discrimination legislation that includes a definition of racial discrimination in line with article 1 of the Convention and ensures adequate protection against and remedies for acts of racial discrimination (arts. 1, 2 and 6).

8. **The Committee recommends that the State party adopt a comprehensive anti-discrimination legislation that: (a) includes a definition of racial discrimination covering all grounds of discrimination, in line with article 1 of the Convention; (b) encompasses direct and indirect discrimination in both the public and private spheres; (c) provides for penalties in the case of violation of the legislation and reparation for victims of racial discrimination, bearing in mind the Committee's general recommendation No. 26 (2000) on article 6 of the Convention; and (d) establishes remedies and redress mechanisms.**

National human rights institution

9. The Committee is concerned at the absence of a national human rights institution in the State party, despite the existence of the Inter-Ministry Committee on the Convention and the Presidential Council for Minority Rights, which do not provide a substitute for the functions of an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

10. **The Committee encourages the State party to establish an independent national human rights institution with a broad mandate to promote and protect human rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also encourages the State party to invest such an institution with a mandate to address individual complaints regarding racial discrimination, as set out in article 14 (2) of the Convention.**

Racist hate speech and hate crimes

11. The Committee takes note of the existence and implementation by the State party's authorities of legislation criminalizing racist hate speech and hate crimes, as well as organizations that promote and incite racial discrimination, such as sections 298 and 298a of the Penal Code, the Internal Security Act, Undesirable Publications Act, Maintenance of Religious Harmony Act and the Protection from Online Falsehoods and Manipulation Act. The Committee, however, is concerned by reports that amendments to these laws may, in practice, result in intimidation, arrests and prosecution of journalists, human rights defenders or political opponents for exercising their rights to freedom of opinion and expression, including with regard to issues on racial discrimination and racism (art. 4).

12. **The Committee recalls its general recommendation No. 35 (2013) on combating racist hate speech according to which the relationship between proscription of racist hate speech and the flourishing of freedom of expression should be seen as complementary and not the expression of a zero sum game where the priority given to one necessitates the diminution of the other. Accordingly the Committee recommends that the State party review the abovementioned laws to ensure that, in law and in practice, freedom of expression is not curtailed, including regarding debates on issues of racial discrimination and racism. It should also take necessary measures to ensure**

that journalists, human rights defenders or political opponents are not intimidated, arrested or prosecuted for exercising their freedom of opinion and expression, including on issues of racial discrimination and racism.

Racial profiling

13. The Committee regrets the absence of specific legislation prohibiting acts of racial profiling or other measures addressing such acts. It is also concerned by reports that members of minority groups are more likely to be stopped and checked by law enforcement officers and that associating drug trafficking issues with certain ethnic minority groups, particularly Malays, may exacerbate prejudice and intolerance towards them (arts. 4 and 5).

14. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party develop and effectively implement laws and policies that define and prohibit racial profiling by law enforcement officials and provide mandatory training to counter discrimination and biased policing, including in relation to drug trafficking issues.

Situation of ethnic minorities

15. While noting the State party's explanation that the principle of meritocracy ensures equal opportunities for everyone and that more vulnerable groups are supported with targeted subsidies in the fields of employment, housing and education, the Committee remains concerned that these measures are not sufficient to address structural discrimination against members of ethnic minority groups and to improve their socioeconomic status (art. 5).

16. Taking into account its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party take effective measures to reduce poverty and inequality that affect members of ethnic minorities, including through the adoption of special measures designed to eliminate structural discrimination against such groups. In doing so, the State party should take into account inequality gaps and the specific needs of members of ethnic minority groups with a view to achieving meaningful reductions in poverty and inequality.

Right to health

17. The Committee is concerned about reports that persons belonging to ethnic minorities are statistically more likely to suffer chronic illness and have higher mortality rates than members of the majority, and that certain ethnic groups encounter linguistic barriers to access to healthcare services. It also notes that the Home Ownership Plus Education (HOPE) scheme, which provides low-income families with housing grants and financial aid on the condition that they do not have more than two children, particularly affects Malay women, who usually have a higher fertility rate and are more likely to be in low-income groups than women of other ethnicities (art. 5).

18. The Committee recommends that the State party:

(a) Ensure that members of minorities groups have adequate access to quality healthcare services, with assistance of interpreters where necessary;

(b) Review policies and legislation, including the HOPE scheme, in order to avoid a discriminatory impact on the rights of certain minority groups, including their right to reproductive health.

Minorities in public and political life

19. While noting the measures in place to promote the representation of ethnic minorities in public and political life, such as the Group Representation Constituency system, the Committee regrets the lack of disaggregated data on the representation of minority groups at all levels of public administration, law enforcement and the judiciary (arts. 2 and 5).

20. **The Committee recommends that the State party strengthen its efforts to achieve adequate representation of minorities in political and public life, including the civil service, law enforcement and judicial bodies, in particular in senior positions. The State party is invited to provide, in its next periodic report, disaggregated statistics in this regard.**

Criminal justice system

21. The Committee is concerned by the information that persons belonging to ethnic minorities, particularly Malays, are disproportionately overrepresented in the criminal justice system, especially among persons sentenced to the mandatory death penalty under the Misuse of Drugs Act as well as those who are subjected to corporal punishment, such as caning. It regrets that the State party does not make available detailed statistics disaggregated by ethnicity in this regard (arts. 2, 5 and 6).

22. **With reference to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee calls upon the State party to take concrete and effective steps to eliminate racial disparities at all stages of the criminal justice system by, *inter alia*:**

(a) **Reviewing and amending laws and policies leading to racially disparate impacts in the criminal justice system and implementing effective national strategies or plans of action aimed at eliminating structural discrimination, particularly in relation to offences of drug trafficking;**

(b) **Applying a moratorium on the death penalty with a view to abolishing it;**

(c) **Prohibiting the use of corporal punishment, such as caning;**

(d) **Collecting statistical data on the ethnic and national origin of prisoners, particularly those on death row.**

Migrant workers

23. The Committee is concerned that:

(a) The Employment of Foreign Manpower Act, which governs employment conditions of migrant domestic workers, lacks adequate protection of their labour rights;

(b) Migrant workers are vulnerable to abuse and exploitation by their employers mainly because their work permits are tied to their current employers who have to give them consent for changing jobs;

(c) Female migrant workers are subjected to mandatory testing for pregnancy and infectious diseases, and are deported upon failing these tests;

(d) The online reference channel allows former employers to provide unsubstantiated feedback about migrant workers, which can jeopardize their future job prospects;

(e) The right of migrant workers to form and join trade unions of their choice is curtailed under the Trade Unions Act, which requires, *inter alia*, trade union officers who are not Singaporean citizens to seek prior approval from the Minister of Manpower;

(f) The Protection from Online Falsehoods and Manipulation Act may have intimidating effects on the defenders of rights of migrant workers;

(g) Migrant workers who live in dormitories have been disproportionately affected by the coronavirus (COVID-19) pandemic and that their movement has been restricted heavily and for a longer period than the general public;

(h) Employment in the services sector, unlike in construction, marine shipyard or process sectors, is permitted only to migrant workers of certain nationalities;

(i) Insufficient measures have been taken to reduce wage discrimination based on nationality (arts. 5 and 7).

24. Recalling its general recommendations No. 25 (2000) on gender-related dimensions of racial discrimination and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

(a) Ensure the protection of labour rights for migrant workers, particularly migrant domestic workers, including through regulating their employment under the Employment Act, taking into account particular vulnerability of female migrant domestic workers;

(b) Effectively address the issue of abuse and exploitation of migrant workers, including by allowing them to change jobs without requiring consent of their employers, imposing stricter penalties on perpetrators of such abuse, and providing migrant workers with unhindered access to justice, including to free legal aid, and effective remedies without fear of being arrested, detained or deported;

(c) Put an end to the practice of mandatory testing of female migrant workers for pregnancy and infectious diseases and their repatriation based on the test results;

(d) Eliminate the online reference channel that allows former employers of migrant workers to leave unsubstantiated feedback;

(e) Ensure the full respect of the right of migrant workers to freedom of association, including the right to form and join trade unions of their choice;

(f) Ensure that the Protection from Online Falsehoods and Manipulation Act is not applied in a manner that has intimidating effects on the defenders of rights of migrant workers;

(g) Improve living conditions of migrant workers, especially of those living in dormitories, and prevent and prohibit the adoption of discriminatory measures in the context of the COVID-19 pandemic, in full respect of their right to freedom of movement;

(h) Take necessary measures to ensure that the existing employment restrictions on “source countries or regions” with regard to the services sector do not amount to discrimination based on nationality;

(i) Intensify its efforts to eliminate wage discrimination based on nationality.

Stateless persons, refugees and asylum seekers

25. The Committee is concerned about the absence of national asylum and refugee legislation and procedures. It further notes with concern the insufficient protection measures in place to ensure that children born in the State party, in particular if they would otherwise be stateless, can acquire nationality (art. 5).

26. Recalling its general recommendation No. 22 (1996) on refugees and displaced persons in the context of article 5 of the Convention, the Committee recommends that the State party establish a comprehensive legal and institutional framework for the consideration of asylum applications and for the determination of refugee status. The Committee also urges the State party to ensure that children born in the State party, in particular if they would otherwise be stateless, can acquire nationality.

Complaints of racial discrimination

27. While noting that complaints alleging racial discrimination in the field of employment are brought before the Tripartite Alliance for Fair and Progressive Employment Practices, the Committee is concerned by the information that national courts have not received a single complaint of racial discrimination to date (art. 6).

28. The Committee reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party, but may rather signify that barriers exist with regard to invoking the rights under the Convention before the domestic courts, including lack of public awareness of those rights and of the methods available for seeking judicial remedies. The Committee requests that the State party include information in its next periodic report on cases of racial discrimination and

their outcomes, and on types of complaints of racial discrimination and on the number of prosecutions and convictions of perpetrators, disaggregated by the age, gender, ethnic and national origin of the victims, and information on compensation granted to victims. The Committee recommends that the State party undertake public education campaigns on the rights under the Convention and on how to file complaints of racial discrimination.

Access to justice

29. While taking note of the legal aid scheme in the State party, the Committee is concerned that only its citizens and permanent residents are eligible to benefit from civil legal aid service. It also regrets the lack of statistics on the number of persons who applied for and passed the means and merits tests to receive the service (arts. 5 and 6).

30. The Committee recommends that the State party extend legal aid also to non-citizens who are not permanent residents, including migrant workers, to ensure equal access to justice, including for victims of racial discrimination. The State party is invited to collect information on the number of persons who have applied for and benefited from legal aid to bring claims of racial discrimination.

D. Other recommendations

Ratification of other treaties

31. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee encourages the State party to accede also to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Declaration under article 14 of the Convention

32. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

33. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

34. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State

party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

35. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

36. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention in the official and other commonly used languages, as appropriate.

Common core document

37. The Committee encourages the State party to submit a common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

38. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 18 (a) (right to health) and 30 (access to justice) above.

Paragraphs of particular importance

39. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 22 (criminal justice system) and 24 (migrant workers) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

40. The Committee recommends that the State party submit its combined second to fourth periodic reports, as a single document, by 27 November 2025, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.