



**IN SINGAPORE, AN  
ALREADY UNFAIR VOTE  
UNDERMINED BY COVID-19**



**ASEAN PARLIAMENTARIANS  
FOR HUMAN RIGHTS**



APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on the most important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.

First published in 2020 by ASEAN Parliamentarians for Human Rights (APHR)  
GoWork - Coworking and Office Space, 9th floor, Chubb Square, Jl. M.H. Thamrin No.10, RT.14/RW.20, Kb. Melati, Jakarta, Kota Jakarta Pusat, Daerah Khusus Ibukota Jakarta 10230, Indonesia

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## Executive summary

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With the release of the Electoral Boundaries Review Committee (EBRC) report on 13 March 2020, Singapore is expected to soon head to the polls. The publication of the report is regarded as a sign that an election is imminent. Based on previous elections, the vote could be called within a matter of days, or weeks, after the report's issuance. Despite the COVID-19 outbreak, the Singaporean government appears keen to begin electoral preparations, and the recent passage of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020 has paved the way for the elections department to implement special measures should an election be conducted in the midst of the pandemic.

The upcoming general election, which according to electoral rules must be held by 14 April 2021,<sup>1</sup> will see about 2.6 million eligible voters head to the polls to elect 93 members of

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<sup>1</sup> Elections Department Singapore, *Press Release: Parliamentary Elections (Covid-19 Special Arrangements) Bill Passed to Ensure a Safe Election for All*, 4 May 2020, available at: [https://www.eld.gov.sg/press/2020/PRESS\\_RELEASE\\_ON\\_PASSING\\_OF\\_PARLIAMENTARY\\_ELECTIONS\\_COVID-19\\_SPECIAL\\_ARRANGEMENTS\\_BILL.pdf](https://www.eld.gov.sg/press/2020/PRESS_RELEASE_ON_PASSING_OF_PARLIAMENTARY_ELECTIONS_COVID-19_SPECIAL_ARRANGEMENTS_BILL.pdf).

parliament on a first-past-the-post basis. While the President is responsible for dissolving Parliament, and issuing the writ of election,<sup>2</sup> this is conducted upon the advice of the Prime Minister, who decides when an election is called.

Every citizen has the right to take part in the conduct of public affairs, the right to vote, and to be elected. These rights are enshrined in Article 21 of the Universal Declaration of Human Rights (UDHR)<sup>3</sup> and in Article 25 of the International Covenant on Civil and Political Rights (ICCPR)<sup>4</sup>.

Even though Singapore has not ratified the ICCPR, and the UDHR is not a legally binding document, elections remain an indispensable instrument in strengthening democratic processes through the will of the people. They promote the effective realization and respect for human rights. In doing so, governments must ensure that everyone can regularly exercise their right to vote or run as an electoral candidate in free and fair elections, by secret vote. Fundamental freedoms such as the right to freedom of expression, peaceful assembly, and association are essential conditions for the effective exercise of the right to vote and must be fully protected without discrimination.<sup>5</sup>

In Singapore, the ruling People's Action Party (PAP) has been in power since the country's self-governance in 1959 and, since independence in 1965, has never seen the popular vote fall below 60%.<sup>6</sup> As a new election is approaching, APHR sought to examine the country's electoral system and respect of fundamental freedoms to assess its election process.

What APHR found is that Singapore's elections, while generally free of irregularities,<sup>7</sup> are neither free nor fair. A number of pervasive structural restrictions prevent the development of a viable electoral competition, and create a system that continuously puts the ruling PAP at an unfair advantage to the opposition.

Singapore's electoral process is not impartial. The Prime Minister is its sole administrator through the supervision of both the Elections Department and the EBRC. The conduct, time, and boundaries of the election are entirely at his discretion, with no oversight, as well as a complete lack of transparency, seriously undermining the fairness and impartiality of the process.

Challenging regulations for the registration of candidates have also often led to a number of seats going automatically to PAP without a contested vote, while the brief campaigning time, coupled with the Prime Minister's power to call for an election at short notice, also hinders the ability of opposition parties to prepare and campaign.

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<sup>2</sup> These are initial steps that must be taken before an election is called. See: Section 65(3) of the Constitution of the Republic of Singapore, available at: <https://sso.agc.gov.sg/Act/CONS1963#pr38->; Section 24(2) of the Parliamentary Election Act 1954, available at: <https://sso.agc.gov.sg/Act/PEA1954>; and New Naratif, *Explainer: Singapore's Electoral System*, 26 March 2020, available at: <https://newnaratif.com/research/explainer-how-singapores-electoral-system-works/share/cwguhzcfc208495d565ef66e7dff9f98764da/>.

<sup>3</sup> Article 21 of the Universal Declaration of Human Rights: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives [...] The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

<sup>4</sup> Article 25 of the International Covenant on Civil and Political Rights: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

<sup>5</sup> UN Office of the High Commissioner for Human Rights (OHCHR), *Monitoring Human Rights in the Context of Elections*, p .3, available at : <https://www.ohchr.org/Documents/Publications/Chapter23-MHRM.pdf>.

<sup>6</sup> BBC, *Singapore election: Governing party secures decisive win*, 12 September 2015, available at: <https://www.bbc.com/news/world-asia-34205869>.

<sup>7</sup> Freedom House, *Freedom in the World 2019: Singapore*, available at: <https://freedomhouse.org/country/singapore/freedom-world/2019>.

Elections in Singapore are also not free. Election candidates and voters face intimidation and politically motivated reprisals, with PAP members filing lawsuits against political opponents to potentially bankrupt and disqualify individuals from running as candidates. The government also controls the media, uses restrictive laws to judicially harass dissenting voices and critical journalists, and regulates the Internet. Such a restrictive environment prevents the free debate that is necessary to the holding of democratic elections from taking place, and leaves little space for the opposition to voice their views, concerns, and challenge the government.

Finally, APhR found that holding an election during the COVID-19 pandemic could worsen an election that is already not free and unfair. Despite the issuance of guidelines to enhance health and safety protection for voters, candidates, and electoral staff during nomination and polling days, the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020 excludes the sick - both under a quarantine order and those who exhibit acute respiratory symptoms - from the electoral process. In addition, it remains unknown what measures will be taken in relation to campaigning, potentially further disadvantaging the opposition. While the postponement of any election should be a last resort, and the democratic process must continue as much as possible, there are no clear reasons for the Government of Singapore to hold an election during the pandemic. It has until April 2021 to do so, raising concerns that the current pandemic might be used to put PAP at a further advantage.

The report concludes with key recommendations to the Singaporean government to improve the conduct of the election process, including the need to establish independent and transparent elections bodies, to end the use of politically-motivated cases against opposition members, to repeal all laws that unduly restrict fundamental freedoms, to ensure that the media is free and able to provide balanced reporting of the election and candidates, and to delay the election unless additional measures are taken to ensure all eligible voters are able to vote, and ensure that opposition parties are able to campaign on an equal footing with PAP.

## **Methodology**

This research is based on an extensive desk review of existing literature on the topic, including reports by civil society organizations, international standards produced by the United Nations and other international human rights organizations, academic papers, and credible media reports. APhR also conducted six online interviews with human rights defenders, journalists, and human rights organizations in Singapore and beyond. An earlier draft of this document was shared with several individuals who had participated in interviews, and their review sought. APhR wishes to thank all those who contributed to this research for their time, knowledge, and inputs.



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## Elections are not fair

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For elections to be fair, “*all participants in the electoral process must be treated equally and impartially under the law and by the authorities.*”<sup>8</sup> Singapore’s electoral process, however, is not impartial and puts the opposition in an unequal position.

### **Singapore’s electoral bodies are neither independent nor impartial**

According to international human rights standards, it is crucial that the authority supervising the electoral process is independent, to ensure that the election is conducted

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<sup>8</sup> OHCHR, Monitoring Human Rights in the Context of Elections, p 8.

“fairly, impartially, and in accordance with established law.”<sup>9</sup> Such a body should enjoy broad confidence among election stakeholders, undertake activities freely without political pressure or interference, and act in a transparent and accountable manner.<sup>10</sup>

In Singapore, there is no independent electoral body. The Elections Department, which is responsible for preparing and managing the conduct of presidential and parliamentary elections and national referendums, is part of the Prime Minister’s Office and reports to the Prime Minister’s Office Permanent Secretary. Between elections, the Elections Department is responsible – among other roles – for training election officials, maintaining the register of electors, and informing the public about the electoral system.<sup>11</sup> The Elections Department is therefore an agent of the Prime Minister, vulnerable to direct political manipulation and interference.

The Election Department’s failure to respond to media requests about irregularities with some of the PAP’s posters during the 2015 election reinforces allegations of a lack of impartiality on the part of the election body.<sup>12</sup>

The Elections Department does not however determine the election boundaries. This is conducted by the EBRC, which consists of senior members from the civil service.<sup>13</sup> The EBRC reviews the boundaries before each general election, including the number and size of the Group Representation Constituencies (GRCs) and Single Member Constituencies (SMCs). This means that the number of seats in parliament often changes from election to election.

This process is problematic for several reasons. Firstly, the EBRC also lacks independence, and is directly appointed by the Prime Minister who can, with complete discretion, decide the composition of the body and determine its terms of reference. Secondly, Article 8 of the Parliamentary Elections Act, which empowers the Prime Minister to determine the electoral divisions, is vague and overly broad. The law does not establish the criteria for drawing or reviewing boundaries and how often this process should be conducted, granting the Prime Minister unfettered powers to do so. For example, when announcing the establishment of the EBRC in September 2019, the Prime Minister unilaterally instructed the Committee to reduce the size of GRCs and increase the number of SMCs without any explanation or justification.<sup>14</sup>

This also means that the EBRC’s decision-making process lacks transparency, public consultation, and oversight from the legislative or judicial branches. EBRC reports are often “*exceedingly sparse and brief*” and do not include details on how their recommendations

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<sup>9</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, 12 July 1996, para. 20, available at: <https://www.refworld.org/docid/453883fc22.html>.

<sup>10</sup> OHCHR, Monitoring Human Rights in the Context of Elections, p 23.

<sup>11</sup> Elections Department Singapore, Website, *Our Role*, available at: [https://www.eld.gov.sg/our\\_role.html](https://www.eld.gov.sg/our_role.html), and Lay Hwee Yeo, *Electoral Politics in Singapore*, January 2002, p. 209, available at: [https://www.researchgate.net/publication/241614797\\_Electoral\\_Politics\\_in\\_Singapore](https://www.researchgate.net/publication/241614797_Electoral_Politics_in_Singapore).

<sup>12</sup> Interview conducted with Terry Xu on 21 April 2020; The Online Citizen, *What action did Election Department take in response to PAP candidates’ posters at Nee Soon GRC?*, 31 May 2016, available at: <https://www.onlinecitizenasia.com/2016/05/31/action-election-department-take-response-pap-candidates-nee-soon-grc/>.

<sup>13</sup> Elections Department Singapore, Website, *Electoral Divisions*, available at: [https://www.eld.gov.sg/elections\\_map\\_electoral.html](https://www.eld.gov.sg/elections_map_electoral.html).

<sup>14</sup> Election’s Department – Prime Minister’s Office, Press Release, *Formation of the Electoral Boundaries Review Committee*, 4 September 2019, available at: [https://www.eld.gov.sg/press/2019/Press\\_Release\\_on\\_Formation\\_of\\_the\\_Electoral\\_Boundaries\\_Review\\_Committee.pdf](https://www.eld.gov.sg/press/2019/Press_Release_on_Formation_of_the_Electoral_Boundaries_Review_Committee.pdf).

were reached.<sup>15</sup> The latest 2020 report for example, only stated that the Committee's decision was based on the current configurations of the existing electoral division, as well as population shifts and housing developments.<sup>16</sup> The Committee did not explain why certain constituencies were removed, old ones reshaped, or why new constituencies were created. In the absence of transparency, the Committee is protected from scrutiny or any form of accountability.<sup>17</sup>

The current delimitation process runs afoul of existing international best practices and standards. According to the International Institute for Democracy and Electoral Assistance (International IDEA), delimiting boundary procedures must clearly be made in law, and the person or institution in charge of this process should ideally be “*non-partisan, independent, professional and impartial*.”<sup>18</sup> Where the redrawing of boundaries has political concerns, all political parties must be allowed equitable access in the process. The legal framework should also provide for public participation. Each electoral division should have approximately the same population in order to ensure equal suffrage to the maximum degree possible, and any deviation should be kept within acceptable and clearly stated limits.<sup>19</sup> In essence, the drawing of boundaries should not “*distort the distribution of voters*” or be discriminatory, and must respect the right of citizens to choose their representatives freely.<sup>20</sup>

Without oversight, there is no effective safeguard in place to prevent the current government from taking advantage of the delineation exercise through malapportionment. This is especially important given that the EBRC is not independent from the executive, and most of its workings are shrouded in secrecy.

## Challenging regulations for the registration of candidates

A major challenge for those planning to run as an electoral candidate is the GRC system. A GRC is an electoral division in which a team of candidates must run together rather than a single person. The number of MPs in each GRC is determined by the EBRC. In the upcoming election, a total of 31 constituencies, or 93 parliamentary seats, have been allotted: 14 seats are SMCs and the remaining 79 seats have been divided into 17 GRCs with a mix of either four or five members per team.<sup>21</sup> The multiple-member constituency system was first introduced in 1988 with the aim of ensuring better ethnic representation in parliament.<sup>22</sup> In each GRC, at least one representative must be a Malay, Indian, or from one of Singapore's other ethnic minority communities.<sup>23</sup> The President is responsible for

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<sup>15</sup> MARUAH, *Defending the Legitimacy of Singapore Elections: MARUAH Position Paper on Electoral Boundary Delimitation*, Q3 2014, p. 5, p.8, and p. 26, [Hereinafter: MARUAH, *Defending the Legitimacy of Singapore Elections*], available at: <https://maruah.org/2014/10/10/defending-the-legitimacy-of-singapore-elections-part-3-electoral-boundaries-and-cdcs/>.

<sup>16</sup> The Electoral Boundaries Review Committee (EBRC), *The Report of the Electoral Boundaries Review Committee*, 13 March 2020, p. 2, available at: [https://www.eld.gov.sg/pdf/White\\_Paper\\_on\\_the\\_Report\\_of\\_the\\_Electoral\\_Boundaries\\_Review\\_Committee\\_2020.pdf](https://www.eld.gov.sg/pdf/White_Paper_on_the_Report_of_the_Electoral_Boundaries_Review_Committee_2020.pdf).

<sup>17</sup> MARUAH, *Defending the Legitimacy of Singapore Elections*, p. 7.

<sup>18</sup> International IDEA, *International Electoral Standards: Guidelines for reviewing the legal framework of elections* 2002, p. 30, available at: <https://www.idea.int/sites/default/files/publications/international-electoral-standards-guidelines-for-reviewing-the-legal-framework-of-elections.pdf>.

<sup>19</sup> *Ibid.*

<sup>20</sup> HRC, CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, para. 21.

<sup>21</sup> EBRC, *The Report of the Electoral Boundaries Review Committee*, 13 March 2020.

<sup>22</sup> Section 39A of the 1965 Constitution of Singapore.

<sup>23</sup> Section 39A(2) of the 1965 Constitution of Singapore.

allocating a specific group to a constituency, and about three-fifths of the total number of GRCs are designated to Malay candidates.<sup>24</sup>

As the opposition tends to be smaller, and to have less resources, some parties struggle to find enough qualified minority candidates to compete in GRCs.<sup>25</sup> This is exacerbated by the fact that people might be hesitant to compete with and join opposition parties due to the stigma and repressive environment political opponents face.<sup>26</sup>

The high registration fee can also make it difficult for the opposition to field candidates, especially in the GRC scheme. In 2015, each candidate was required to put down \$14,500 (about US\$ 10,200) as deposit – an amount that is forfeited if they fail to win at least 12.5% of votes.<sup>27</sup> While this fee applies to all candidates, including those contesting in single-member constituencies, it becomes significantly more expensive for group representation. This means that an already resource-limited opposition party will not only need to spend more money under the GRC, but also risk losing a large deposit since GRCs have previously been held by senior PAP leaders.<sup>28</sup>

These difficulties have contributed towards “walkovers” where unopposed contenders enter parliament without the need for constituents to cast a single vote.<sup>29</sup> With the exception of the 2015 general election, walkovers have been a common occurrence in all previous elections.<sup>30</sup> For example, between 1991 and 2011, three out of five elections had a walkover rate of more than 50%, while the lowest rate being 5.7% in 2011 and the highest in 2001 with 65.5%. Since 1991, all walkovers have happened in GRCs, with the exception of one SMC.<sup>31</sup>

These difficulties for the opposition to fill candidates have led to GRCs being seen as the “safe seats” for PAP. The PAP has won all GRCs since their establishment, except for Aljunied GRC, which was won for the first time by the opposition Workers’ Party (WP) in 2011 and narrowly retained in 2015.

## Limited campaigning time

While an election has to be held every five years, it is not uncommon for the Prime Minister to advise the President to dissolve parliament before the end of its five-year cycle and call for a “snap” election. Being in a position to determine the polling date is, in the case of

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<sup>24</sup> Section 8A(1)(b) and 8A(3) of the Parliamentary Elections Act

<sup>25</sup> Interview with Jolovan Wham on 20 April 2020; Interview with Kirsten Han and Thum Ping Tjin on 25 March 2020; Interview with Terry Xu on 21 April 2020; and The Interpreter, *The guessing game for Singapore’s elections*, 16 July 2019, available at: <https://www.lowyinstitute.org/the-interpreter/guessing-game-singapore-elections>.

<sup>26</sup> See Chapter 2 of this brief; Interview with Jolovan Wham on 20 April 2020; and New Naratif, *How Gerrymandering Creates Unfair Elections in Singapore*, 2 April 2020, available at: <https://newnaratif.com/research/how-gerrymandering-creates-unfair-elections-in-singapore/>.

<sup>27</sup> The Interpreter, *The guessing game for Singapore’s elections*, 16 July 2019; and Government Gazette, *Notice of Election for All Electoral Divisions*, 25 August 2015, available at: <https://www.eld.gov.sg/gazettes/2015/Notice%20of%20Elections%20for%20All%20EDs.pdf>.

<sup>28</sup> Interview with Kirsten Han and Thum Ping Tjin on 25 March 2020; and Hussin Mutalib, *Constitutional-Electoral Reforms and Politics in Singapore*, *Legislative Studies Quarterly* Vol. 27, No. 4 (Nov., 2002), p. 665, available at: [https://www.jstor.org/stable/3598663?read-now=1&seq=7#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/3598663?read-now=1&seq=7#page_scan_tab_contents).

<sup>29</sup> International Business Publications, *Singapore Country Study Guide Volume 1 Strategic Information and Developments* (2017), p. 49.

<sup>30</sup> Straits Times, *No walkovers, 2.46m to vote on Sept 11*, 2 September 2015, available at: <https://www.straitstimes.com/politics/no-walkovers-246m-to-vote-on-sept-11>.

<sup>31</sup> Straits Times, *GE2015: A look back at the last 5 general elections from 1991 to 2011*, 28 August 2015, available at: <https://www.straitstimes.com/politics/ge2015-a-look-back-at-the-last-5-general-elections-from-1991-to-2011>.

Singapore, significantly beneficial for the ruling party due to an extremely short campaigning period.

Election campaigning can last between nine and 55 days. It begins at the close of the nomination of candidates and lasts until the eve of the day before polling day, also known as “cooling off day”.<sup>32</sup> Historically, campaigning periods have been kept to or near the bare minimum - never more than 11 days since 1972.<sup>33</sup>

As preparations are supposed to start only once an election is officially called, opposition parties only have a few days to organize,<sup>34</sup> while PAP members can prepare for elections ahead of time.<sup>35</sup>

This is compounded by PAP’s practice of calling elections shortly after the publication of the EBRC’s report, giving the opposition limited time to plan their campaign according to the new boundary lines.<sup>36</sup> Coupled with the brief campaigning period, this makes it immensely difficult for opposition parties to field candidates, effectively build rapport with voters, and adequately prepare in advance.<sup>37</sup>

Elections in Singapore are therefore not fair. The Prime Minister is the sole administrator of the election process through the supervision of both the Elections Department and the EBRC. The conduct, time and boundaries of the election are decided at his discretion, with no oversight and a total lack of transparency, seriously undermining the fairness and impartiality of the process. Complicated regulations for the registration of candidates lead to a number of seats going automatically to PAP without a contested vote, while the short campaigning time, coupled with the Prime Minister’s power to call for an election at very short notice, creates difficulties for the opposition to prepare and campaign for the vote.

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<sup>32</sup> Elections Department Singapore, Website, *Campaigning*, available at: [https://www.eld.gov.sg/candidate\\_parliamentary\\_campaign.html](https://www.eld.gov.sg/candidate_parliamentary_campaign.html); and Section 34(6)(d) of the Parliamentary Elections Act.

<sup>33</sup> New Naratif, *A Brief History of Elections in Singapore*, 19 March 2020.

<sup>34</sup> New Naratif, *A Brief History of Elections in Singapore*, 19 March 2020; Meredith L. Weiss, Hoe-Yeong Loke and Luenne Angela Choa, *The 2015 General Election and Singapore’s Political Forecast: White Clouds, Blue Skies*, (2016), *Asian Survey* Vol. 56, No. 5, September/October 2016, p. 871, available at: <https://online.ucpress.edu/as/article/56/5/859/24866/The-2015-General-Election-and-Singapore-s>.

<sup>35</sup> The Interpreter, *The guessing game for Singapore’s elections*, 16 July 2019, available at: <https://www.lowyinstitute.org/the-interpreter/guessing-game-singapore-elections>.

<sup>36</sup> Netina Tan & Bernard Grofman, *Electoral rules and manufacturing legislative supermajority: evidence from Singapore*, 2017, p. 10, available at: [http://www.socsci.uci.edu/~bgrofman/201-TAN%20and%20%20GROFMAN-Plurality%20Bloc%20Voting-\\_j.%20Commonwealth%20-nqf%20Text.pdf](http://www.socsci.uci.edu/~bgrofman/201-TAN%20and%20%20GROFMAN-Plurality%20Bloc%20Voting-_j.%20Commonwealth%20-nqf%20Text.pdf).

<sup>37</sup> Interview with Jolovan Wham on 20 April 2020; Interview with Kirsten Han and Thum Ping Tjin on 25 March 2020; and New Naratif, *How Gerrymandering Creates Unfair Elections in Singapore*, 2 April 2020.



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## Elections are not free

For elections to be free: *“all citizens should enjoy their fundamental rights and should be able to cast their votes without intimidation, violence or administrative interference. Candidates should be free to present their views, and voters should be able to freely engage in election campaigns and learn about the views of the different candidates. The media should be able to cover electoral campaigns freely, without interference or unreasonable restrictions imposed by the authorities.”*<sup>38</sup>

In Singapore however, elections are not free. Election candidates and voters face intimidation and politically motivated reprisals. People’s rights to freedom of expression, opinion and peaceful assembly are severely restricted, and the media tightly controlled.

<sup>38</sup> OHCHR, Monitoring Human Rights in the Context of Elections, p 8.

## Intimidation and reprisals of candidates and voters

The right to vote and stand for public office are fundamental components of a democratic electoral system. These rights however can only be achieved if the electoral process is conducted in an atmosphere that is free of fear and intimidation. Everyone who participates in the election, including candidates and voters, must have the confidence that they will not be targeted, threatened or intimidated due to their participation.<sup>39</sup>

In Singapore, key political opposition members have been targeted with lawsuits by PAP leaders. These include members of the WP, such as Tang Liang Hong, the late J.B. Jeyaratnam,<sup>40</sup> as well as the leader of the Singapore Democratic Party (SDP), Chee Soon Juan, all of whom have been sued, amongst other actions, for defamation.<sup>41</sup> This tactic of judicial harassment continues.

Targeting opposition leaders and members with lawsuits has direct consequences on an election. Under Article 45(1) of the Constitution, a person is disqualified as a lawmaker or from standing for election if he or she, amongst others, is an “undischarged bankrupt”, or have been convicted of an offense and sentenced to at least a year's jail time, or a fine of not less than \$2,000 (about US\$ 1,400).

Several human rights activists and political opponents have either recently been, or could be, barred from participating in the upcoming election as a result of them facing legal cases.

In November 2019, SDP's John Tan saw his application to run for election rejected by the court, because of his earlier conviction for contempt of court under the 2016 Administration of Justice (Protection) Act (AJPA). He had posted on Facebook a comment affirming human rights activist Jolovan Wham's earlier post about the judiciary's lack of independence.<sup>42</sup> Jolovan Wham was fined \$5,000 (about US\$3,500) for his post and is similarly barred from contesting the election.<sup>43</sup>

Han Hui Hui, a human rights activist was also disqualified from contesting in elections after she was fined \$3,100 (about US\$2,200) for co-organizing a peaceful protest without a police permit in September 2014.<sup>44</sup> According to Section 45(2) of the Constitution, such disqualification can either be removed by the President or will cease at the end of five years from the date the fine was imposed. Since she was fined on 27 June 2016, the disqualification will end only in 2021.

In another case, three lawmakers of the opposition WP have also been found guilty of breaching their fiduciary duties or “*duty of skill and care*” to the town councils of Aljunied-Hougang and Pasir Ris-Punggol, whom initiated the case, for their alleged mishandling of

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<sup>39</sup> OHCHR, Monitoring Human Rights in the Context of Elections, p 10.

<sup>40</sup> Human Rights Watch (HRW), *Kill the Chicken to Scare the Monkeys: Suppression of Free Expression and Assembly in Singapore*, 12 December 2017, available at: <https://www.hrw.org/report/2017/12/12/kill-chicken-scare-monkeys/suppression-free-expression-and-assembly-singapore>.

<sup>41</sup> Amnesty International, *Press Release: Singapore: Defamation suits threaten Chee Soon Juan and erode freedom of expression*, 5 November 2001, available at: <https://www.amnesty.org.uk/press-releases/singapore-defamation-suits-threaten-chee-soon-juan-and-erode-freedom-expression>.

<sup>42</sup> Straits Times, *SDP's John Tan not eligible to run in general election after contempt of court conviction: High Court*, 6 November 2019, available at: <https://www.straitstimes.com/politics/high-court-sdps-john-tan-conviction-for-contempt-disqualifies-him-from-ge>.

<sup>43</sup> Interview with Jolovan Wham on 20 April 2020.

<sup>44</sup> Interview with Han Hui Hui on 14 April; and Amnesty International, *Urgent Action: Activists fined for peaceful protest*, 8 November 2016, available at: <https://www.amnesty.org.uk/files/ua24916a.pdf>.

the hiring of the managing agent.<sup>45</sup> The court has yet to determine the exact damages owed to the town councils, but as the estimated amount is in the millions of dollars, it is a decision that could potentially bankrupt, and disqualify them from holding elected office.<sup>46</sup> Aljunied is the only GRC that has ever been won by an opposition party. Several individuals APHR interviewed suggested the case involved “double-standards” as other PAP-controlled Town Councils engaged in similar practices without any consequences.<sup>47</sup> PAP has also used this case to lambast the WP during the 2015 election campaign.<sup>48</sup>

The resort to legal avenues appears politically-motivated and a tool used to prevent opposition leaders and candidates from standing in the election. These cases can also be used to weaken political opponents and deter individuals from joining or running as opposition candidates for fear of repercussion.

APHR is also concerned about the withholding of town council funds by the ruling party in opposition constituencies.<sup>49</sup> Town councils were formed in the late 1980s through the Town Councils Act to empower elected MPs with responsibilities to manage the public housing estates in their constituencies.<sup>50</sup> However, as funding remains under the control of the central government, this allows the ruling party to deny upgrading funds to opposition-led town councils as a form of punishment to the residents who did not vote for PAP.<sup>51</sup> Other complaints of voter intimidation also include the presence of PAP candidates inside polling stations.<sup>52</sup>

Such reprisals undermine the right to vote freely without intimidation or fear, and the legitimacy of the election.

## Restrictions on civic space and the media

The right to participate in free and fair elections is intrinsically linked to a number of basic human rights, the enjoyment of which is crucial to a meaningful electoral process.<sup>53</sup> These rights include the right to free expression, a free media to inform public opinion without censorship, freedom to debate public affairs, equal access to the media, the right to hold peaceful demonstrations, to criticize and oppose, to campaign for election and advertise political ideas.<sup>54</sup>

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<sup>45</sup> The Online Citizen, *AHTC case: High Court finds WP's Aljunied GRC MPs Pritam Singh, Sylvia Lim and Low Thia Kiang liable for damages against town council*, 11 October 2019, available at: <https://www.theonlinecitizen.com/2019/10/11/ahtc-trial-high-court-finds-wps-aljunied-grc-mps-pritam-singh-sylvia-lim-and-low-thia-khang-liable-for-damages-against-town-council/>; The Straits Time, *AHTC case: Residents not surprised by verdict but many hope WP MPs will not be disqualified*, 11 October 2019, available at: <https://www.straitstimes.com/politics/ahtc-case-residents-not-surprised-by-verdict-but-most-hope-wp-mps-will-not-be-disqualified>; and The Online Citizen, *Justice Kannan Ramesh's full judgment on the AHTC trial*, 11 October 2019, available at: <https://www.todayonline.com/singapore/ahtc-trial-verdict-grounds-decision>

<sup>46</sup> South China Morning Post, *Singapore opposition leaders liable for damages in US\$24 million civil suit*, 11 October 2019, available at: <https://www.msn.com/en-sg/news/singapore/singapore-opposition-leaders-liable-for-damages-in-usdollar24-million-civil-suit/ar-AAID1Yy>.

<sup>47</sup> APHR interviews April 2020.

<sup>48</sup> Straits Times, *PAP using town council matter for political gain: WP*, 4 September 2015, available at: <https://www.straitstimes.com/politics/pap-using-town-council-matter-for-political-gain-wp>.

<sup>49</sup> New Naratif, *Explainer: Singapore's Electoral System*, 26 March 2020.

<sup>50</sup> Ministry of National Development, *Website, About town councils*, 28 February 2019, available at: <https://www.mnd.gov.sg/our-work/regulating-town-councils/about-town-councils>.

<sup>51</sup> New Naratif, *Explainer: Singapore's Electoral System*, 26 March 2020.

<sup>52</sup> MARUAH, *Defending the Legitimacy of Singapore Elections: MARUAH Position Paper on Improving Citizen Confidence in the Secrecy of the Ballot*, p. 8.

<sup>53</sup> OHCHR, *Monitoring Human Rights in the Context of Elections*, p. 8; and HRC, *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote)*, *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, para. 25.

<sup>54</sup> *Ibid.*

In Singapore, free speech is heavily restricted. According to Reporters Without Border's World Press Freedom Index, in 2020 Singapore ranked 158 out of 180 countries.<sup>55</sup> The government control the media, use restrictive laws to judicially harass dissenting voices and critical journalists, and regulate the Internet. In this context, journalists and opposition voices will think twice before criticizing PAP, and many will self-censor. Such a restrictive environment prevents the free debate that is necessary to the holding of democratic elections from taking place, and leaves little space for the opposition to voice their views, concerns and challenge the government.

Recently, authorities have relied on the Protection Against Online Falsehoods and Manipulation Act (POFMA),<sup>56</sup> supposedly aimed at combating disinformation, but instead is used against dissidents and critical voices. Since POFMA was introduced in October 2019, at least "48 distinct uses of POFMA affecting 43 electronic communications,"<sup>57</sup> including orders to place a correction notice alongside the social media post and to block a page, have been issued. Many of those targeted are journalists, political opponents, and human rights activists.<sup>58</sup>

Other laws, many of which were amended or introduced in the last few years, have been used to target human rights activists, alternative media, and members of the opposition, such as the Protection for Harassment Act, Public Order Act, AJPA, Sedition Act, and Defamation Act.<sup>59</sup>

The legal provisions related to contempt of court has also been frequently used to limit discussions related to the law, administration of justice, and human rights.<sup>60</sup> The authorities have also resorted to using sedition and defamation laws to silence critical opinion - including those related to government policies, socio-political issues, and religion.<sup>61</sup> During the 2016 by-election, authorities launched investigations under the Parliamentary Elections Act against opposition supporters and media personnel for posting election-related information online the day before polling day, where campaigning is prohibited.<sup>62</sup>

All domestic newspapers, radio stations, and television channels are owned by companies linked to the government,<sup>63</sup> meaning that news coverage, including during the election, generally supports the government and state policies.<sup>64</sup> The two main media organizations in Singapore are state investment-owned MediaCorp, and Singapore Press Holdings (SPH),

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<sup>55</sup> Reporters Without Border, *World Press Freedom Index 2020*, Singapore, available at: <https://rsf.org/en/singapore>.

<sup>56</sup> Protection from Online Falsehoods and Manipulation Act, 28 June 2019, available at: <https://www.pofmaoffice.gov.sg/regulations/protection-from-online-falsehoods-and-manipulation-act/>.

<sup>57</sup> POFMA'ed, Website, A dataset of every electronic communication subject to Singapore's fake news legislation, available at: <http://www.pofmaed.sg/pofma-in-numbers-v2020-05-16/>.

<sup>58</sup> Amnesty International, Singapore: Social media companies forced to cooperate with abusive fake news law, 19 February 2020, available at: <https://www.amnesty.org/en/latest/news/2020/02/singapore-social-media-abusive-fake-news-law/>; and Channelnews Asia, *Correction direction issued to New Naratif and Thum Ping Tjin over video about POFMA*, 13 May 2020, available at: <https://www.channelnewsasia.com/news/singapore/correction-direction-pofma-new-naratif-thum-ping-tjin-12728088>.

<sup>59</sup> Han Hui Hui, Blog available at: <http://huihui247.blogspot.com/>; Interview with Han Hui Hui on 14 April 2020; HRW, *Kill the Chicken to Scare the Monkeys: Suppression of Free Expression and Assembly in Singapore*.

<sup>60</sup> APhR, *Singapore: Drop investigations under abusive contempt of court law*, 26 March 2020, available at: <https://aseanmp.org/2020/03/26/joint-statement-singapore-contempt/>; and interview with Terry Xu on 21 April 2020.

<sup>61</sup> HRW, *Kill the Chicken to Scare the Monkeys: Suppression of Free Expression and Assembly in Singapore*.

<sup>62</sup> Ibid.

<sup>63</sup> Freedom House, *Freedom in the World 2019*, Singapore.

<sup>64</sup> Ibid and New Naratif, *A Brief History of Elections in Singapore*, 19 March 2020.

which has close relations with PAP.<sup>65</sup> MediaCorp operates all local television stations, while SPH monopolizes digital and print newspapers.

Over the past few years, as more alternative voices have turned to the Internet, the government has also increasingly enhanced online regulation.<sup>66</sup> For instance, since 2013, popular online sites, such as *Mothership.sg*, have been subjected to stricter registration requirements, including the need to post a deposit of \$50,000 (about US\$35,200) and to remove information that breaches content standards within 24 hours.<sup>67</sup>

The right to peaceful assembly is also restricted in Singapore. Singaporean residents can only hold peaceful assembly in one location, “*Speakers’ Corner*” in Hong Lim Park.<sup>68</sup> If not, the organizers must apply for a permit from the police.<sup>69</sup> In 2017, the Public Order Act was amended to introduce additional requirements on organizers, including applying for a permit at least 28 days in advance and informing the police of the estimated gathering size. Failure to do so will result in a fine of up to \$20,000 (about US\$ 14,297) and/or maximum of one year in prison.<sup>70</sup>

The police are known to be selective in approving permits, and those for assemblies outside of Hong Lim Park are rarely granted.<sup>71</sup> Even gatherings conducted at the designated site, without the need for a permit, face heavy police surveillance, including from CCTV cameras and plain clothed police officers. Both organizers and participants routinely face harassment and intimidation.<sup>72</sup>

Although political parties are able to organize assemblies during election campaigns, the use of repressive laws and other intimidation and restrictive State tactics have created a chilling environment that hinders the free flow of opinions and discussion in Singapore. These are crucial to helping voters make an informed choice at the polls, and without them the electoral process cannot be free.

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<sup>65</sup> Reuters Institute for Journalism, *Digital News Report 2019*, p. 139, available at: [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/inline-files/DNR\\_2019\\_FINAL.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/inline-files/DNR_2019_FINAL.pdf).

<sup>66</sup> Broadcasting (Class License) Notification, The Schedule, S 330/2013, available at: <https://sso.agc.gov.sg/SL/BA1994-N1?DocDate=20161227&Timeline=On>.

<sup>67</sup> Government of Singapore Website, *What is the licensing framework for online news sites all about?*, 18 June 2013, available at: <https://www.gov.sg/article/what-is-the-licensing-framework-for-online-news-sites-all-about#sthash.gAhxeHWx.dpuf>; and Today Online, *Mothership.sg to operate under MDA individual licensing regime*, 31 July 2015, available at: <https://www.todayonline.com/singapore/mda-asks-mothershipsg-register-individual-licence>.

<sup>68</sup> Section 2 of the Public Order (Unrestricted Area) Order 2016, available at: <https://sso.agc.gov.sg/SL/POA2009-S208-2016#Sc->

<sup>69</sup> Section 5 and 6 of the Public Order Act 2009, available at: <https://sso.agc.gov.sg/Act/POA2009>.

<sup>70</sup> Amnesty International, *Singapore: Authorities given broad new powers to police protests*, 4 April 2017, available at: <https://www.amnesty.org/en/latest/news/2017/04/singapore-authorities-given-broad-new-powers-to-police-protests/>.

<sup>71</sup> HRW, *Kill the Chicken to Scare the Monkeys: Suppression of Free Expression and Assembly in Singapore*; and Interview with Jolovan Wham on 20 April 2020.

<sup>72</sup> HRW, *Kill the Chicken to Scare the Monkeys: Suppression of Free Expression and Assembly in Singapore*; Interview with Jolovan Wham on 20 April 2020; and Interview with Han Hui Hui on 14 April 2020.



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## Potential rights impacts from holding elections during the Covid-19 pandemic

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As the Prime Minister decides when to call for an election, considerations should be given to the challenges that holding a nationwide vote during the COVID-19 pandemic represent to people's right to health, the exercise of their civil and political rights, and if the planned additional measures are sufficient to protecting the integrity of the vote.

As of 12 June 2020, Singapore has 39,387 COVID-19 cases, with a growing rate of several hundred new cases per day since early April.<sup>73</sup>

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<sup>73</sup> World Health Organization, Singapore, 26 May 2020, available at: <https://covid19.who.int/region/wpro/country/sg>.

The virus poses risks that could affect all stages of the election: from political rallies, poll workers' trainings, ballot casting, vote tallying and packing of the ballot boxes.<sup>74</sup> These activities could contribute to the further spread of the coronavirus from overcrowding and human-to-human contact, as well as from contaminated surfaces.<sup>75</sup> Eligible voters who are elderly or have underlying medical conditions are also more vulnerable should they contract the virus.<sup>76</sup>

On 4 May 2020, the Singapore parliament adopted the Parliamentary Elections (COVID-19 Special Arrangements) Bill to allow authorities to take additional measures should the poll be held amid the virus.<sup>77</sup> On 8 June the Elections Department also issued a list of safety measures to ensure a safe election.<sup>78</sup>

Among the measures adopted are the establishment of special polling stations for those under a COVID-19 stay order<sup>79</sup> and the fact that eligible voters who are under a COVID-19 quarantine order,<sup>80</sup> or a stay order not due to the virus, will not be penalized for not voting.<sup>81</sup> In addition, aspiring candidates can authorize a representative to deliver their nomination papers on their behalf should they fall ill or be subjected to quarantine or stay orders.<sup>82</sup>

However, the law fails to respond to a number of important issues that matter to the fairness of the conduct of the election. Under the law, only those under a COVID-19 stay order will have access to the special polling stations, which appears that those under a quarantine order would be excluded from the vote. In addition, authorities - through the Returning Officer or the Director of Medical Services - are able to advise constituents who are not subject to a quarantine order but show acute respiratory symptoms, or may have been exposed to the virus, against casting their vote.<sup>83</sup> Such broad powers could potentially lead to the arbitrary exclusion of voters.

While operations at special polling stations are to be conducted, so far as is practicable, in the same manner as other polling stations, only one polling agent for each political party and independent candidate contesting is allowed - regardless of the number of polling places within a station.<sup>84</sup> As of 26 May, a total of 72,300 Stay-Home-Notices have been issued - of which, 3,100 orders remain active.<sup>85</sup> Although not all in this figure are eligible voters, if more than a thousand voters are designated to a special polling station, this will

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<sup>74</sup> International Foundation for Electoral Systems, *Guidelines and Recommendations for Electoral Activities During the Covid-19 Pandemic*, 19 March 2020, available at: [https://www.ifes.org/sites/default/files/guidelines\\_and\\_recommendations\\_for\\_electoral\\_activities\\_during\\_the\\_covid-19\\_pandemic\\_march\\_2020.pdf](https://www.ifes.org/sites/default/files/guidelines_and_recommendations_for_electoral_activities_during_the_covid-19_pandemic_march_2020.pdf).

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> The Parliamentary Elections (COVID-19 Special Arrangements) Act 2020, available at: [https://www.parliament.gov.sg/docs/default-source/default-document-library/parliamentary-elections-\(covid-19-special-arrangements\)-bill-18-2020.pdf](https://www.parliament.gov.sg/docs/default-source/default-document-library/parliamentary-elections-(covid-19-special-arrangements)-bill-18-2020.pdf).

<sup>78</sup> Election Department Singapore, Website, *Press Release: Safety Measures to Ensure Safe Elections during COVID-19 Situation*, 8 June 2020, available at: [https://www.eld.gov.sg/press/2020/PRESS\\_RELEASE\\_ON\\_SAFETY\\_MEASURES\\_TO\\_ENSURE\\_SAFE\\_ELECTIONS.pdf](https://www.eld.gov.sg/press/2020/PRESS_RELEASE_ON_SAFETY_MEASURES_TO_ENSURE_SAFE_ELECTIONS.pdf).

<sup>79</sup> Section 4 and 5 of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020. A stay order under Section 3 of the Infectious Diseases (COVID-19 - Stay Orders) Regulations 2020 (G.N. No. S 182/2020) prevents any "at-risk individual" from leaving his or her place of accommodation for a period not exceeding 14 days. Any individual who has a medical certificate certifying that s/he has acute respiratory symptoms must not leave his or her place of accommodation for a period of five days beginning from the day the medical certificate was issued.

<sup>80</sup> A quarantine order under Section 15 the 1976 Infectious Diseases Act involves the detention or isolation of a person who is or a suspect case or carrier of an infectious disease in a hospital or other place for a specific time period.

<sup>81</sup> Section 3(2) of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020.

<sup>82</sup> Sections 9(1) and (2) of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020.

<sup>83</sup> Section 8 of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020.

<sup>84</sup> Section 6(2)(c) of the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020.

<sup>85</sup> Ministry of Health, *26 May 2020 Daily Report on COVID-19*, 26 May 2020, available at: <https://www.moh.gov.sg/docs/librariesprovider5/local-situation-report/situation-report-26-may-2020.pdf>.

differ from the usual practice in Singapore and could risk undermining the integrity of the voting process.<sup>86</sup>

The law also fails to clarify measures relating to campaigning. It is understood however that the law empowers the authorities to adopt new safety regulations and that the Elections Department will be publishing those at a later stage.<sup>87</sup> However political parties must be given enough time to prepare for alternative ways of campaigning. With existing restrictions on free movement, it will be difficult for electoral candidates to use traditional methods to engage with eligible voters on public policy issues and keep them informed of the contents of their manifesto. These include door-to-door house visits, walkabouts, gatherings, and rallies.<sup>88</sup> This could place the opposition in a disadvantaged position, as they tend to rely on some of these methods for fundraising, and have in the past been able to draw large crowds to their rallies.<sup>89</sup> This is particularly true due to the limited campaigning time.<sup>90</sup> While the Elections Department has said that voters will have access to the campaigning messages of all political parties, this is only meaningful if such access is done on an equal basis.<sup>91</sup> Yet, PAP's monopoly of mainstream media and support from grassroots organizations,<sup>92</sup> will certainly allow the ruling party easier access to voters.<sup>93</sup>

The Parliamentary Elections (COVID-19 Special Arrangements) law also makes no special arrangements for eligible voters abroad. Presently, there is no postal voting option. Overseas Singaporean voters will need to either return to the country or register to cast their vote in one of the few polling stations outside the country.<sup>94</sup> With the limited flights and other travel restrictions imposed due to the virus, it is likely to be challenging for them to reach these stations or return to their place of residence without being quarantined.

Pursuant to the Parliamentary Elections (COVID-19 Special Arrangements) law, the Elections Department issued guidelines<sup>95</sup> on 8 June 2020 to enhance health and safety protection for voters, candidates, and electoral staff during nomination and polling days. The key safety measures include temperature screening, the use of contact tracing systems, social distancing of at least one meter, compulsory wearing of face masks, equipping electoral officials with protective gear, and the use of cleaners to ensure a high level of hygiene throughout the process.

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<sup>86</sup> The number of polling agents that may be admitted to a polling station for an electoral division is 1 polling agent per candidate/group of candidates for every 1,000 voters allotted to vote at a polling station. See Elections Department Singapore, Website, *Polling Agent*, available at: [https://www.eld.gov.sg/candidate\\_parliamentary\\_polling.html](https://www.eld.gov.sg/candidate_parliamentary_polling.html).

<sup>87</sup> Elections Department Singapore, *Press Release: Parliamentary Elections (Covid-19 Special Arrangements) Bill Passed to Ensure a Safe Election for All*, 4 May 2020, available at: [https://www.eld.gov.sg/press/2020/PRESS\\_RELEASE\\_ON\\_PASSING\\_OF\\_PARLIAMENTARY\\_ELECTIONS\\_COVID-19\\_SPECIAL\\_ARRANGEMENTS\\_BILL.pdf](https://www.eld.gov.sg/press/2020/PRESS_RELEASE_ON_PASSING_OF_PARLIAMENTARY_ELECTIONS_COVID-19_SPECIAL_ARRANGEMENTS_BILL.pdf).

<sup>88</sup> Interview with Jolovan Wham on 20 April 2020; Interview with Kirsten Han and Thum Ping Tjin on 25 March 2020.

<sup>89</sup> Ibid; *Mothership, Rally turnout: A case of size of the boat or motion of the ocean?*, 3 September 2015, available at: <https://mothership.sg/2015/09/rally-turnout-a-case-of-size-of-the-boat-or-motion-of-the-ocean/>.

<sup>90</sup> See Chapter 1 of this briefer.

<sup>91</sup> Election Department Singapore, Website, *Press Release: Safety Measures to Ensure Safe Elections during COVID-19 Situation*, 8 June 2020, available at: [https://www.eld.gov.sg/press/2020/PRESS\\_RELEASE\\_ON\\_SAFETY\\_MEASURES\\_TO\\_ENSURE\\_SAFE\\_ELECTIONS.pdf](https://www.eld.gov.sg/press/2020/PRESS_RELEASE_ON_SAFETY_MEASURES_TO_ENSURE_SAFE_ELECTIONS.pdf); and Article 19, *Free speech, elections and the Coronavirus pandemic*, 4 May 2020, available at: <https://www.article19.org/resources/free-speech-elections-and-the-coronavirus-pandemic/>.

<sup>92</sup> Kenneth Paul Tan, *Democracy and the Grassroots Sector in Singapore*, *Space & Polity*, Vol 7, No.1, 2003, p 8 and 9 available at: [https://www.researchgate.net/publication/233231924\\_Democracy\\_and\\_the\\_Grassroots\\_Sector\\_in\\_Singapore](https://www.researchgate.net/publication/233231924_Democracy_and_the_Grassroots_Sector_in_Singapore), and Ostwald and Oliver, *Explaining Elections in Singapore: Dominant Party Resilience and Valence Politics*, 9 February 2018, p. 25, available at: [https://www.researchgate.net/publication/311453606\\_Explaining\\_Elections\\_in\\_Singapore\\_Dominant\\_Party\\_Resilience\\_and\\_Valence\\_Politics](https://www.researchgate.net/publication/311453606_Explaining_Elections_in_Singapore_Dominant_Party_Resilience_and_Valence_Politics).

<sup>93</sup> The Online Citizen, *Opposition parties make use of social media to leverage against Singapore's biased media landscape to reach more voters*, 16 March 2020, available at: <https://www.theonlinecitizen.com/2020/03/11/opposition-parties-make-use-of-social-media-to-leverage-against-singapores-biased-media-landscape-to-reach-more-voters/>; and Interview conducted with Terry Xu on 21 April 2020.

<sup>94</sup> There are only 10 overseas polling stations: Canberra, London, Tokyo, Beijing, Washington DC, Hong Kong, Shanghai, Dubai, San Francisco, and New York; See: Election Department Singapore, Website, *Overseas Voter*, available at: [https://www.eld.gov.sg/voters\\_overseas.html](https://www.eld.gov.sg/voters_overseas.html).

<sup>95</sup> Election Department Singapore, Website, *Press Release: Safety Measures to Ensure Safe Elections during COVID-19 Situation*, 8 June 2020.

These are important operating measures that would enhance the safe conduct of elections and mitigate the public's fear of contracting the virus. Nonetheless, concerns over the exclusion of the sick and their impact on the fairness of the electoral process remains. For instance, although the Elections Department plans to issue further guidance as to whether voters with fever or respiratory symptoms will be allowed to vote, the body has advised those unwell on polling day to stay home.<sup>96</sup> Further, subscribers<sup>97</sup> found unwell on nomination day will not be allowed to enter the nomination centre – a restriction the media has raised as problematic as it could disadvantage the opposition. Under the law, each candidate is required to bring six subscribers to support his or her nomination.<sup>98</sup> As it is, opposition candidates are already having difficulties meeting this condition and may not be able to find additional subscribers as backups.<sup>99</sup>

Although the postponement of any election should be a last resort, and maintaining the democratic process the priority, delaying an election is considered appropriate when there are concerns that the process will not be free and fair. Despite mandatory voting in Singapore, it is a real concern that the country will see a lower turnout in the upcoming poll, mainly due to the exclusion of the sick, and challenges faced by overseas voters. In fact, some countries that have gone on to hold elections amid the virus – including France, Iran and the United States – saw a low voter turnout, even though safety measures such as social distancing and disinfectants were used at polling stations.<sup>100</sup> There are no apparent reasons for the Government of Singapore to hold an election during the pandemic. It has until April 2021 to do so, raising concerns that the current pandemic might be used to put PAP at a further advantage.

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<sup>96</sup> Today Online, Elections Department sets out Covid-safe polling, nomination procedures; campaigning rules to be unveiled later, 9 June 2020, available at: <https://www.todayonline.com/singapore/elections-department-sets-out-covid-safe-polling-and-nomination-procedures-campaigning>.

<sup>97</sup> These include persons known as proposers, seconders, and assentors, who are required to sign a candidate's nomination form. Subscribers must be eligible voters from the same constituency in which the person seeks election. See Section 27 (2)(b) of the Parliamentary Elections Act.

<sup>98</sup> *Ibid.*

<sup>99</sup> The Independent Singapore, *New ELD election rule may disadvantage opposition candidates*, 10 June 2020, available at: <http://theindependent.sg/new-eld-election-rule-may-disadvantage-opposition-candidates/>.

<sup>100</sup> Article 19, Free speech, elections and the Coronavirus pandemic, 4 May 2020.



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## Conclusion and recommendations

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While polling days in Singapore are generally free from irregularities, the current electoral system entrenches structural barriers that favour the incumbents and limit the opposition from mounting a serious challenge against the ruling PAP. Many of these barriers, including the lack of independent electoral bodies, structural obstacles to filing candidates for the opposition, limited campaigning time, filing of lawsuits against opposition candidates, tight state control and censorship on the media, and discriminatory practices to punish supporters of the opposition, have ensured PAP's dominance in politics since self-governance in 1959.

Unless urgent and immediate steps are taken, it is unlikely that the current system can adequately safeguard Singaporeans' right to a free and fair election. These difficulties risk being compounded by the fact that an election may be held during the COVID-19 pandemic. Measures introduced under the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020 lack protocols to ensure the participation of the sick in the

election, and a fair campaigning process. It also excludes specific groups in society, which could cause a low voter turnout.

In light of the above, APHR urges the Singapore authorities to take the following actions:

- Establish an independent electoral department that is separate from the Prime Minister's Office;
- Establish clear delimiting boundary procedures in line with international standards and ensure that the process is placed under the responsibility of an individual or institution that is independent and impartial;
- Give significantly longer notice for election dates and more campaigning time to ensure an equal electoral competition and for voters to make their opinions;
- Replace the GRC system with one that ensures better respect for the principle of "*one person one vote*";
- Immediately drop all ongoing politically-motivated legal cases against political opposition members, human rights defenders, and journalists. Also, remove the disqualification against those who have been unjustly barred from running as candidates, including John Tan, Han Hui Hui, and Jolovan Wham;
- Immediately amend or repeal all laws that restrict the rights to freedom of expression, and peaceful assembly in Singapore;
- Ensure that state-owned media provide balanced and neutral information on the election and on candidates and parties in all election-related programs, including news. All contesting points of view should be fairly and equitably communicated; and
- Delay the general election unless additional measures are taken to: ensure all eligible voters are able to vote, including the sick and those abroad; and ensure that opposition parties are able to campaign on an equal footing with PAP.

