



Our ref: LAW 06/021/026

14 Nov 2008

Via post and fax : +44 (0)20 7691 6544

Chairman
Human Rights Institute Council
International Bar Association
10th Floor, 1 Stephen Street,
London W1T 1AT
United Kingdom

I refer to your July 2008 Report on Singapore "Prosperity versus individual rights? Human rights, democracy and the rule of law in Singapore" (hereafter "the Report" or "your Report").

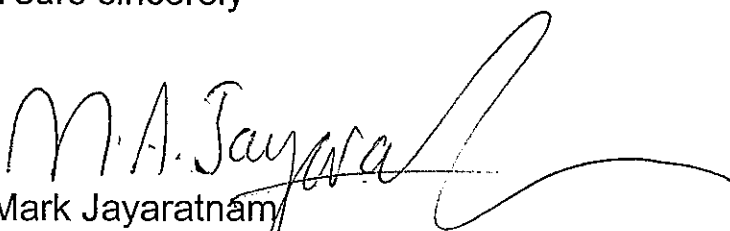
2. Your Report has a number of inaccuracies. You say at page 5 of the Report that "considerable efforts" were made to consult with interested parties, including the Singapore Government. The facts show otherwise. The draft report ("Draft") that was sent to us was a 20-page document. We gave you our comments on the Draft. You then issued a 72 page final Report. There are many new points in the Report which were not mentioned in the Draft, and upon which we did not have the opportunity to comment. For example:

- i. the case of Mr Tang Liang Hong (at pages 35 - 37 of the Report) was not dealt with in the Draft;
- ii. the Draft mentions the cases against the Far Eastern Economic Review and the International Herald Tribune in a single sentence on page 12. The final Report discusses the Far Eastern Economic Review case and the International Herald Tribune case in much greater detail;
- iii. the Report alleges that there is no security of tenure for High Court Judges who have been extended for terms beyond their 65th birthday. That was not in the Draft;
- iv. the Draft did not mention the role of the Attorney-General (which was raised for the first time at page 53 of the Report);
- v. the Draft did not discuss the role of the Singapore Law Society, which is addressed for the first time in the Report;

- vi. there was a half page section on former Judge Michael Khoo in the Draft. In the Report, it is 5 pages long and focuses on issues not covered in the Draft.
3. We sent you a detailed response on 9 April 2008 which clarified many inaccuracies in the Draft. Your Report has a number of references to our earlier comments but those references have been inserted in a manner which essentially ignores our points.
 4. Your Report also has a number of serious factual inaccuracies. Some examples are set out below.
 - a. The Public Entertainment and Meetings Act (PEMA) is cited at page 63 of your Report as a requirement for “outdoor protests and marches”, and a challenge to the constitutional guarantee of peaceful assembly. The Report also notes that the Asian Human Rights Commission has claimed that this Act is used to convict and imprison citizens “who attempt to voice their opinions or criticism of the government’s handling of social and political issues”. In fact, PEMA does not regulate assemblies and processions but various forms of public entertainment and public speaking. It is certainly not an instrument of imprisonment. Non-compliance with the Act carries a maximum penalty of a fine.
 - b. Page 53 of the Report wrongly suggests that the Attorney-General “is a Minister, a lawyer in the governing party takes over the job” (sic). We are not sure where this statement comes from or what relevance it has to Singapore. The Attorney-General of Singapore is neither a Minister nor a parliamentarian nor a member of the governing party. Even cursory research would have revealed the correct position.
 - c. Page 17 of the Report continues to maintain (erroneously) that Singapore “champions an ‘Asian values’ argument” regarding the application of human rights concepts in Singapore. This is notwithstanding the fact that we clearly informed you, in our comments on the Draft, that this perception is incorrect. We informed you earlier that the Singapore Government has never asserted the superiority of any particular set of values over others, nor do we believe that cultural differences should be allowed to justify violations of basic human rights.
 5. Our detailed comments regarding the final IBAHRI Report are set out at the Annex to this letter. Singapore shares a strong commitment to the development of human rights. Our laws and policies protect the

freedom, equality and dignity of individuals. We hope that the detailed Response to your Report will clarify the issues that your Report has overlooked and misunderstood.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. A. Jayaratnam', with a long, sweeping horizontal flourish extending to the right.

Mark Jayaratnam
Deputy Director
Legal Policy Division
for Permanent Secretary
Ministry of Law

SINGAPORE'S RESPONSE TO THE INTERNATIONAL BAR ASSOCIATION HUMAN RIGHTS INSTITUTE'S REPORT ON SINGAPORE

I Introduction

1. We will in this Report give our response to some of the main points you have made¹. Before doing that it will be useful for us to set out for you a brief summary of Singapore's progress as a society and state, and some of the key factors and philosophies that have helped achieve that progress.
2. We do so because your Report has not made an attempt to understand the democratic system in Singapore nor the values which underpin our society. Even your facts are inaccurate. And one of your central arguments, that Singapore champions an "Asian values" system which would give precedence to social and economic rights over civil and political rights, is simply wrong.
3. It is regrettable that in the end, your organization has been used to put out a Report which does not even make an attempt at objectivity.

Singapore's Progress Since Independence and the Reasons for the Progress

4. Singapore is a democratic state with a written Constitution which is supreme. The Government is elected through universal franchise.

¹ It is not necessary, in our view to deal with any point that has been made.

The Constitution provides for elections to be held regularly. Voting is compulsory and secret.

5. Singapore had independence thrust on it in 1965. It was (and is) a tiny island in a region that has seen much turbulence, political instability and wars.
6. Its leaders knew that no one (not least the various commentators who, after visiting Singapore for a few days, felt able to prescribe the type of governance Singapore should have) owed Singapore a living.
7. The philosophy of the Government was simple. It was and is a tough world. Singapore has to compete internationally to survive and prosper, and for its people to live fulfilling lives. The Government went about purposefully to achieve that.
8. A large number of countries became independent in the post WWII era. Only a very small number of these countries have succeeded in developing and strengthening these institutions, and given their peoples better lives. Singapore is one of those few countries.
9. Singapore started out with an uncertain future, dependent on entreport trade, exporting goods from our neighbours. That and the British bases in Singapore were the major contributors to the economy. But both were at risk. Our neighbours took steps to export their goods themselves and the British bases (which contributed around 20% of GDP and provided direct employment for 30 000 persons, with another 40 000 in support services) were closed down by the British between 1968 and 1971. Our

population was growing fast, illiteracy was high and healthcare was poor. The majority of the population did not have proper housing or sanitation. Education opportunities were limited. Institutions were either non-existent or weak. The middle class was very small. Racial tensions had broken out in violence. The tiny city state faced aggression from Indonesia; and had been forced out of Federation with Malaysia, the two much larger neighbours who surround Singapore. Singapore's relationship with Malaysia had another unique strategic dimension: Singapore was dependent on Malaysia, everyday, for its water supplies. Singapore also faced a communist insurgency. The Vietnam war was raging. Singapore had no defence forces to speak of.

10. In short, the tiny city state faced a variety of existential threats: economic, social and physical. It faced threats both internally and externally. Its tiny size, a multi-racial, multi-religious population, and lack of a shared history (as a country), among its people, made for a very brittle mix.
11. Now 40 years later, Singapore still continues to face some threats, which arise from its size, location and geopolitical factors. But as a society and country, it is in a far superior position compared to 40 years ago. Singapore's literacy rate is 95.7%.² Education is compulsory and it has an education system that is ranked among the best in the world. The New York Times, in an article of Nov 13th 2008 entitled "Obama and Our Schools" states "As Fareed Zakaria notes in his terrific book, "The Post-American World," the problem with American education is not the good schools. White suburban schools still offer an excellent education, comparable to those in

² Among residents aged 15 years and over. See Statistics Singapore : Key Annual Indicators, 2007, published by the Government of Singapore (<http://www.singstat.gov.sg/stats/keyind.html>)

Singapore, which may have the best education system in the world.” Our universities are world class.³ Every year a substantial number of students are given scholarship to go to the top universities in the world to study. The scholarships are given based strictly on merit.

12. Singapore’s housing system has won several awards and is considered a model to be copied. 90.7 % of the people in Singapore own their houses.⁴ The unemployment rate is 3.1%.⁵ It has world class infrastructure, in its roads, buildings, telecommunications, airport and port.⁶ Singapore enjoys health care which is of first world standards.⁷
13. Singapore has also, (unlike so many of the countries in the post colonial period), built and strengthened the legal system that the British left us instead of debasing and destroying it. Its judiciary is highly ranked and the Courts provide justice in a speedy and efficient manner. For example, the IMD World Competitiveness Yearbook 2008 ranked Singapore 1st among 55 countries for having a legal and regulatory framework that encourages the

³ The National University of Singapore was ranked, together with the University of Queensland and the University of British Columbia, as 33rd in the 2007 Times Higher Education Supplement global universities rankings, ahead of eg MONASH University (ranked 43), New York University (ranked 49th) and the London School of Economics and Political Science (ranked 59th) – see http://www.topuniversities.com/worlduniversityrankings/results/2007/overall_rankings/top_400_universities/. Prof Richard Levin, President of Yale University, has recently commented (in an article written for Newsweek) that “the list of the world’s top 20 universities is likely to change in the years ahead; Singapore’s National University, to name one, is already within striking distance”. This is despite the fact, as Prof Levin notes, that “Harvard, Yale and Columbia are all developing new campuses, and Yale’s capital budget for the next five years alone is more than \$3 billion.”

⁴ See Statistics Singapore : Key Annual Indicators, 2007, published by the Government of Singapore (<http://www.singstat.gov.sg/stats/keyind.html>)

⁵ Ibid

⁶ The Global Competitiveness Report 2006 – 2007 ranked Singapore 1st in the world for port infrastructure. The World Competitiveness Yearbook 2006 ranked Singapore 1st in the world for quality of air transportation. The BERI Report August 2006 ranked Singapore as 2nd in the world for investment potential, after Switzerland.

⁷ The Human Development Index 2007 / 2008 Report ranked Singapore as 25th in the world for life expectancy at birth.

competitiveness of enterprises, and 6th out of 55 countries on the indicator “Justice is fairly administered” (the best rating among Asian countries). The Global Competitiveness Report 2007-2008, issued by the World Economic Forum rated Singapore 19th out of 131 countries on the subject of independence of the judiciary from political influence, ahead of Japan, France, Luxemburg and the United States. For the indicator “Efficiency of Legal Framework”, Singapore is ranked 10th out of 131 countries.

14. Foreign investors know that and have made Singapore a top destination, pouring billions of dollars into Singapore.⁸ They know that their rights will be protected from arbitrary actions. Singapore is considered a desirable destination for arbitration and dispute resolution. It is taking further steps to allow foreign lawyers to practice Singapore Law.

15. The principle of the Rule of Law is fundamental in Singapore. The Singapore Government exercises its authority through laws that are adopted and enforced by an independent judiciary in accordance with established and accepted procedures. No one is above the law. Government Ministers, ruling party MP’s and senior civil servants have been investigated and prosecuted for criminal offences. Unlike in so many countries, no one is able to bend the law in Singapore via corruption or intimidation. The law sets out legitimate expectations about what is acceptable behavior and conduct of both the governed and the Government.

⁸ Singapore’s stock of foreign direct investment (FDI) rose 12.4% to reach S\$363.9 billion as at end 2006. United Kingdom, Netherlands, Japan and United States were the top sources of FDI in Singapore. See Statistics, Singapore published by the Government of Singapore.
http://www.singstat.gov.sg/stats/themes/economy/biz/summary_findings_invest.html#fei

16. Singapore actively seeks out the best talent to join the civil service and the Government.⁹ Its leaders are known as incorruptible (another rarity in post colonial societies). The World Bank Report on Governance 2007 ranked Singapore 2nd in the world for Government Effectiveness (after Denmark) and 5th in the world for control of corruption (after Finland, Iceland, Denmark and New Zealand.) The annual Transparency Index International Corruption Perception Index (CPI), which ranks more than 150 countries in terms of their perceived levels of corruption, as determined by expert assessments and opinion surveys, ranked Singapore in 2007 as the 4th least corrupt country in the world.
17. Singapore, as a society has provided its people with huge economic and social opportunities. Many of the top business leaders, Ministers and civil servants, academics and leaders of society, came from modest backgrounds. They have reached their positions through merit. It is a society that rewards hard work and excellence.
18. Singapore is now a leading world class financial and business centre, with strong economic fundamentals. Its currency and financial institutions are rock solid. Its regulatory environment is highly regarded.
19. Singapore has a low crime rate. It is one of the safest cities in the world. It also has a highly trained citizen army that has capabilities

⁹ A recent article in *Business Week* entitled "Obama's First Priority : Hiring the Right People" by Claudio Fernández-Aráoz, a partner and member of the Global Executive Committee of Egon Zehnder International, the global executive recruiting firm, stated : "At the time of its independence, Singapore's founding fathers realized that without natural resources or scale its only way to grow was to invest in talent. They systematically have attracted the best people, both to key political appointments and its exemplary civil service, for over four decades now. As a result, since 1965 Singapore's gross national product per capita multiplied by a factor of eight in real terms (constant dollars), while that in the U.S. multiplied by a factor of less than three."

well beyond Singapore's size. The army is seen by international analysts as a highly credible defence force.

20. The Singapore Government is accountable to the people and will be voted out of power if Government policies do not enjoy the support of the people. Singapore is a free and open society, not a closed State. 5500 foreign publications, journals and magazines circulate in Singapore. Singapore is one of the most "wired" countries in the world – 82.5% of households enjoy broadband internet access and 70% of households have a personal computer. 9.7 million foreigners visited Singapore in 2006 and more than 1 million Singaporeans travelled overseas.
21. It is important (and quite illustrative) to try and understand (before remedies are sought to be prescribed for Singapore) how and why Singapore has succeeded in transforming itself from an impoverished island, with a large illiterate population, and a very unpromising future, into a modern, successful metropolis, leading international financial centre, with highly talented people, and a magnet for international citizens and foreign investment.
22. The critical factors in this transformation were good governance, social and political stability and a hardworking, talented population that was eager to learn and move up fast. Singapore's first elected leaders realized that to succeed, Singapore needed some basic fundamentals:-
 - a) A clean, corruption free, effective Government. That was only possible if the Government attracted talented and honourable people.
 - b) Free and fair elections held regularly.

- c) A strong commitment to the Rule of the Law, underpinned by the Constitution and an independent, professional judiciary.
 - d) A free society where individual human dignity is protected.
 - e) A meritocratic system which ensured equality of opportunities and the maximum development of every individual's potential, through, *inter alia*, universal health care and education.
 - f) The development of strong institutions.
 - g) Political and social stability.
23. Singapore's leadership focused intensely on all these areas. This approach, allied with strong and effective governance have enabled the remarkable progress of Singapore. The Government has the support of the vast majority of Singaporeans, for its policies.
24. With this background, we will now deal with some of the points made in your Report.

The balance between rights and responsibilities

25. It is quite incorrect for the Report to contend that Singapore champions an "Asian values" argument on the application of human rights in Singapore (page 17). According to the Report, the Asian values argument claims that social and economic rights take precedence over civil and political rights (page 17). The Report goes on to assert that civil and political rights "cannot be ignored" (page 17) and that human rights are fundamental and universal.

The misconceptions appear in the Report, notwithstanding the detailed comments that we had given on the Draft.

26. Our position is quite straightforward. Singapore subscribes to the Universal Declaration of Human Rights (UDHR). We believe that it is important to take a holistic approach to the various rights and responsibilities of individuals, in a society. The society should seek to achieve progress in economic, political and social rights. It is for example meaningless to have political rights in the abstract, if the people are not educated enough to exercise such rights meaningfully; or are jobless and too hungry to think about anything other than where the next meal is going to come from. Singapore has therefore, as a society, focused on comprehensive development of the potential of its people. The Human Development Index (HDI) for Singapore is 0.922, which gives the country a rank of 25 out of 177 countries.¹⁰ Singapore's GDP per capita has grown from US \$427 in 1960 to US \$35 163 in 2007 (at current market prices).¹¹ The IMD's World Competitiveness Yearbook 2008 ranked Singapore as the 2nd most competitive economy in the world, after the United States. Mercer Human Resource Consulting 2005 – 2006 ranked Singapore as Asia's Number 1 place to live and work. (Singapore was ranked 34th overall by Mercer, Tokyo being ranked 35th. Zurich and Geneva were ranked as 1st and 2nd respectively.)

¹⁰ Each year since 1990 the Human Development Report has published the human development index (HDI) which looks beyond GDP to a broader definition of well-being. The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income).

¹¹ Statistics Singapore, published by the Government of Singapore
<http://www.singstat.gov.sg/stats/themes/economy/hist/gdp.html>

27. It would be absurd to believe that such progress would have been possible if Singapore (as you have portrayed) had stamped down on the Rule of Law, prevented access to a free flow of information, and had seriously curtailed freedoms.

28. Democracy should be understood both as a process of governance as well as an ultimate ideal in itself. For a healthy democracy to function, there has to be the Rule of Law, good governance, the protection of individual rights, adequate opportunities for the people to fulfil their potential, as well as law and order within the state. What we find, amongst Western commentators, is a focus on one or two aspects (e.g. on a narrow definition of freedom of expression), without a holistic understanding or appreciation of what democracy means; and without bothering to understand how people really live in some of the societies that are praised for subscribing to such a definition of democracy. For example, we often find Western media enthralled with some countries where the press is free to publish anything it wants. (Often, because of an inadequate legal system, victims of unfair tabloid journalism cannot get any redress; and the press is literally free to publish untruths). If the commentators looked a little more carefully, in such countries, they will find : economic opportunities controlled by a privileged elite; political power controlled by a few, through keeping the mass of people uneducated and poor; regular elections may be held but electoral irregularities will be part of the system. We can go on but do not need to. The examples are several, for you to note. Often you will find that the newspapers are also controlled by an oligarchy.

29. Singapore does not subscribe to such a model. Singaporeans have voted repeatedly to elect a government which has improved the life of the vast majority of Singaporeans.
30. Singapore's position on the UDHR has been set out in our Response:-

“Singapore, like the vast majority of countries, subscribes to the Universal Declaration of Human Rights (UDHR) but we understand universality to apply to a core of basic human rights. Beyond this core, there is no universal agreement. Human rights are interpreted and implemented according to the specific histories, cultures and circumstances of particular countries. Every society must decide and find the appropriate balance given its historical, social and economic context. The Rule of Law is necessary in order that societies strike this balance to achieve good governance.

The draft report has stated that Singapore champions an “Asian values” alternative to human rights concepts and principles dominated by Western perceptions. This is incorrect. The Singapore Government has never asserted the superiority of any particular set of values over others. Neither do we believe that cultural differences should be allowed to justify violations of basic human rights. When we have discussed Asian values, we were only addressing issues such as the responsibility of the individual to the society and the role of the family, as they are practised in East Asia, especially in countries where there are strong Confucianist traditions. We are not advocating that all countries should adopt these values but rather, that the differences in countries' values and perceptions on such matters should be respected.”

31. We would add that although there are many human rights norms which are universally accepted, there are also human rights norms which are accepted in some states but which are not accepted in

other states. This is true even in the West. The differences between the United States and Europe over practices such as capital punishment and the freedom of speech supportive of Nazism are clear illustrations of this. Denying the Holocaust is a criminal offence in some European countries but not in the United States. To give another example, there are clear differences in opinion amongst States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination relating to the extent to which “hate speech” should be restricted in compliance with Article 4 of that Convention. These differences in values are real and simply reflect the historical, cultural and political contexts of different societies.

32. The reality is that there are often situations where the pursuit of one norm conflicts with another and decisions have to be taken on the appropriate balance to be struck between them. For example, the French courts have recently decided, in relation to a citizenship application, that the freedom to practice one’s religion should be balanced against the interests of the wider society and conflicting rights such as the equality of the sexes. Tribunals in the United Kingdom are having to weigh a person’s right to practice his or her own religion and conflicting secular values e.g. the right to conclude a same sex civil partnership.

Freedom of expression

33. We will now deal with questions on freedom of speech, which are dealt with in your Report.

34. Your Report claims that Singapore goes beyond recognised constraints on freedom of expression (see page 26 of your Report). With respect to pages 24 – 25 of the Report, we have already informed you, in our earlier comments, that Singapore fully subscribes to the provisions of the UDHR and the Convention on the Rights of the Child (CRC). It should be noted that neither instrument considers the freedom of expression to be an unqualified right. On the contrary, both instruments recognise that the right to freedom of expression may be curtailed in order to secure respect for the rights of others, to protect public order, morals etc.
35. Singapore's Constitution both protects freedom of speech and imposes legitimate restrictions on that freedom.
36. We will highlight two such restrictions:-
 - a) Singapore prohibits any conduct including speech, which could incite communal tension or religious strife;
 - b) We also have defamation laws which allows individuals who have been defamed, to sue to vindicate their reputation. But if the allegations made against them are true, then they will lose their case.

Our laws relating to the prohibition of incitement of communal tension arise from our history. Publications and public speaking or dissemination of views which would incite such tension are proscribed. The laws are enforced strictly. Singapore has seen violent communal riots. Our philosophy has been to promote a tolerance of multi-culturalism and harmony between different racial and religious groups in Singapore. Our efforts in this respect have

been highly commended internationally. A New York Times article of 9th Nov 2008 entitled “Deprogramming Jihadists” has noted : “The Religious Rehabilitation Group in Singapore has been widely praised for reducing the influence of the Jemaah Islamiyah terrorist organization.”

37. At the same time, we believe that even long years of absence of open outbreak of communal violence does not mean that the potential for such violence has gone away. The experience of countries with multi-cultural populations that seemed peaceful for many years, but broke up in an orgy of violence and civil war (when the central authority weakened) has taught us never to take communal peace for granted. You will no doubt be aware that there has been outbreak of communal violence in several states in recent years. Such violence has broken out in both rich, prosperous developed states as well as in poor, undeveloped states. Communal tension and violence often takes only a small spark to be lit.
38. Thus, we have placed a very high premium on communal harmony and peace. There are three major racial groups in Singapore, with distinct religions. In addition, our immigration policies have made Singapore a cosmopolitan centre, and an attractive destination for people of diverse backgrounds and races.
39. An illustration of the emphasis on communal peace and sensitivity to the different races and religions is the fact that in Singapore, the cartoons on the Prophet (which appeared in the Danish newspapers) were banned from publication. We have taken this approach in respect of the sensitivities of all religions. Freedom of

expression, in our view, need not extend to denigrating another's religion or race.

40. We will now deal with the laws relating to Libel.
41. International jurisprudence and norms recognise that that there is no absolute or unfettered right under for an individual or the media to malign the reputation of others with impunity¹². Singapore's defamation laws are based on English common law and are similar to those of other countries. Everyone in Singapore has the right to protect his reputation and to sue if he has been defamed. The Singapore courts are not alone in holding that no special privilege attaches to criticism of politicians; and that politicians, like any other citizens, do not forfeit the protection of their reputations merely because they have entered the political arena and assumed high office. It should also be remembered that when any person sues another for defamation, he is putting his own reputation on the line and opening himself up to cross-examination in court. The truth is a complete defence to any claim of defamation. Failure to prove a defamation suit in court would be devastating to the reputation of the plaintiff.
42. Your Report asserts that defamation actions have been used as a mechanism for removing opposition members from parliament

¹² In the recent United Kingdom High Court case *Max Mosley v News Group Newspapers Limited* [2008] EWHC 1777 (QB), Eady J awarded 60 000 pounds in damages to the plaintiff for unauthorised disclosure of personal information, infringing the plaintiff's right to privacy as provided for under the provisions of the European Convention on Human Rights and Fundamental Freedoms. The High Court noted that the law is concerned to prevent the violation of a citizen's autonomy, dignity and self-esteem. The Court also recognised that it had to weigh the relevant Convention rights and that no Convention rights take automatic precedence over another. The Court noted that any rights of free expression, as protected by Article 10 of the Convention, on the part of the journalists working for the *News of the World*, must no longer be regarded as simply "trumping" any privacy rights that may be established on the part of the plaintiff. The fact that the High Court of the United Kingdom had to undertake a "balancing process" between different Convention rights clearly shows that no single right is absolute or automatically takes precedence over other rights.

(page 30). The truth is that there are many opposition politicians and members of parliament that robustly criticise Government policies and contest elections with vigour but (unlike Mr J B Jeyaretnam, Mr Tang and Dr Chee Soon Juan) have never been sued because they have not defamed their opponents. The two most successful opposition politicians, Mr Low Thia Kiang, leader of the opposition Workers Party and Mr Chiam See Tong, a veteran opposition MP (who between them have 41 years in Parliament) have never been sued. The Report also overlooks the fact that opposition politicians have successfully sued others for defaming them and have been awarded damages. Mr Chiam has threatened to sue two Government Ministers for defamation. The two Ministers reached an out of court settlement with Mr Chiam. In the case of *Chiam See Tong v Ling How Doong & Ors* [1997] 1 SLR 648, the same Mr Chiam was awarded the sum of \$120 000 by the courts for the injury to his reputation caused by the defamatory statements of the defendants.

43. The Report also fails to mention that the Constitution of Singapore was amended to actually allow opposition politicians who have failed to win a seat at an election to hold seats in Parliament as “non-constituency” members, so that the opposition will always have a voice in Parliament. Opposition non-constituency members have not been reticent, inside or outside Parliament, in criticising Government policies and holding the Government to account. If the intention of Government leaders were to remove the opposition from Parliament utilising defamation laws, the Constitution would not have been amended to ensure precisely the opposite effect.

44. Our position is simple. In a healthy democracy, the debates should centre on philosophies, policies, and methods of governance. There should not be a need to resort to lies and deception. If anyone makes an allegation, then he should be prepared to prove the truth of his allegations in Court. If he does so, he succeeds. His opponent will then be diminished. On the other hand, if he had lied, the victim of the allegations gets vindicated and walks with his reputation intact. Ministers who are defamed take the allegations seriously. If they don't sue, then that will be tantamount to accepting the truth of the allegations. Ministers sue to clear their names. They take the stand to be cross-examined. The Courts judge. The public will see what happens.
45. The Report expresses concern about the continued "use" of defamation as a criminal offence (page 26). In reality, there have only been a handful of prosecutions for criminal defamation over the past 40 years. None of the cases that you have referred to in the Report (Mr J B Jeyaretnam, Dr Chee, Mr Tang etc) are cases of criminal defamation. As you are aware, all the cases mentioned in the Report relate to civil actions for defamation.
46. The Report itself acknowledges that "many countries retain criminal defamation as an offence". To give one example, criminal defamation under s 345 of the Criminal Code of Western Australia carries a jail term of up to 3 years. The Communiqué of the Commonwealth Law Ministers Meeting of Oct 2005 also addressed this issue of criminal defamation:-

"The Meeting received a paper prepared by the Commonwealth Press Union (CPU) reviewing the history and present status in a number of

Commonwealth countries of criminal defamation and arguing the case for its abolition. The CPU rooted its arguments on the premise that the existence of the offence posed a threat to freedom of expression. It argued that criminal defamation laws were unnecessary, and were frequently abused, being used in cases which do not involve the public interest. Law Ministers recognised that the CPU paper was a piece of advocacy by a particular interest group and identified a number of errors in its account of the current legal position in Commonwealth countries. There were indeed important and challenging issues as to the balance between the freedom of the press and the wider public interest, which had been addressed – with differing results – in many member countries. The paper did not address those issues in any depth, and some Ministers expressed strong disagreement with particular arguments it deployed. Nor did the paper examine alternatives to the abolition of criminal defamation, such as its replacement by a more narrowly defined offence coupled with the development of clear ethical standards for the media.”

47. We refer to the defamation case against Mr J B Jeyaretnam mentioned on page 32 of the Report. Instead of referencing the actual judgment of the case, the Report refers to an article published by Amnesty International, which in turn suggests ambiguity as to how the Court found the statements made by the Defendant to be defamatory. Had your Report actually referred to the judgment¹³, your readers would have found that the Court had in fact clarified the matter, in that it held that where the plaintiff in a defamation suit pleaded a very high defamatory meaning which was “strained and unnatural”, the court might compel him to amend his pleadings and allow the defendant the opportunity to consider whether he had a defence of justification for the lesser meaning and condemn the plaintiff in costs.

¹³ Goh Chok Tong v Jeyaretnam Joshua Benjamin and another action [1998] 3 SLR 337; [1998] SGCA 42

48. The appellate court in Singapore stated specifically that although there was a disparity between the meaning of the offending words pleaded and the meanings found by the trial judge, the Plaintiff succeeded on the fundamental issue that the words complained of were actually defamatory, both by virtue of both the natural and ordinary meaning of the words, as well as through innuendo.
49. Further, your Report alleges that by taking into account the standing and reputation of the Plaintiff, the Court was biased and had possibly breached the principle of equality before the courts. This again shows that either your Report has made no attempt at objectivity; or that you do not have any understanding of the law of defamation. The concept of reputation is the cornerstone on which the law of defamation is based. It is this principle that accounts for the assessment of damages in defamation cases, as discussed at page 60 of your Report. A well known personality who has been defamed would have suffered graver damage to his reputation than another person who may have been similarly defamed but is a less well known figure.
50. Regarding the defamation case against Mr Tang Liang Hong, which is discussed at page 36 of the Report, your Report suggests that there was something amiss in that Justice Goh Joon Seng reached his decision to strike out Mr Tang's defences "a mere two hours after being assigned to the case". Your Report fails to state that the reason why the decision was made in that time frame was because Mr Tang had made no representations in Court as to why he had not complied with the receivership orders made earlier against him. This fact is clearly noted in the judgment, which also

sets out the reason why Goh J was entitled to strike out Mr Tang's defences, ie that even if Mr Tang "disagreed with the peremptory order, he should have applied to set it aside or discharge it; but he must obey it". The Court further noted that failure to comply would "generally amount to contumelious conduct". There is nothing unusual in Mr Tang's defences having been struck out, under the circumstances set out above. This is the normal procedure that would apply to any litigant.

51. With respect to the defamation suit against Dr Chee following the 2001 elections (discussed at the fourth paragraph of pg 37 of your Report), your Report merely states that the "defamation was linked to Dr Chee's questioning of a government loan of US \$10 billion previously offered to former President Suharto of Indonesia." This is quite an understatement and a deliberate attempt to hide the truth. What Dr Chee had actually suggested was that the Prime Minister and Senior Minister had misled Parliament and the public about a \$17 billion loan made to Indonesia and that they continued to evade the issue because they had something discreditable to hide about the transaction. These were very serious and totally false allegations. No loan as alleged by Dr Chee has been made, and this fact had been made known to Parliament and the public, and the information was in the public domain. Dr Chee first apologised for making his remarks and then withdrew his apology! When the case was to be heard, he offered no defence and did not take the stand to be cross examined.
52. The High Court noted that the Ministers and Dr Chee were prominent public figures. The public perception of the Ministers' integrity would affect their effectiveness and standing, and they

have the capacity to damage the reputations of those they speak ill of. The High Court found that Dr Chee's conduct led inexorably to the inference that he had acted in bad faith throughout. He knew that the allegations he made were false, but he tried instead to delay the progress of the legal proceedings against him. Damages were subsequently assessed at \$500 000.

53. Your Report alleges that Dr Chee did not receive a fair trial due to the fact that he could not find local counsel to represent him, and that his application to be represented by foreign Queen's Counsel was rejected. However, your Report fails to note that Dr Chee in fact had ample time in which to seek counsel. Indeed, MPH Rubin J noted in his judgment¹⁴ that "the records confirmed the fact that he (Dr Chee) had had ample time to seek legal advice and refine his presentation" before himself as well as before the lower Courts.
54. For all his rhetoric, Singaporeans have seen through Dr Chee and have repeatedly rejected him, his politics and his party. When Dr Chee contested the General Elections in 1997, he lost decisively, obtaining only 35% of the votes. In 2001 he again contested in the General Elections and again lost badly, getting just 20% of the votes. That was the lowest of *any* candidate in the Elections. In the 2006 General Elections, Dr Chee's party, the SDP, consistently polled the lowest votes in *every constituency in which its*

¹⁴ Goh Chok Tong v Chee Soon Juan [2003] 3 SLR 32. In his Judgment, the High Court Judge added : "While the case was before the SAR [Senior Assistant Registrar], Dr Chee informed him that he had sought the assistance of Mr William Henric Nicholas QC, an expert in the law of defamation in Australia. Upon being informed that Dr Chee wished to defend the application for interlocutory judgment, the SAR took into account Dr Chee's need to consult his legal advisers in setting the timelines for the filing of his affidavit (even though the time for filing such an affidavit had already expired under the Rules of Court), the exchange of written submissions and the hearing itself. Upon Dr Chee's request, the SAR granted him an additional two weeks to file his affidavit, as he needed more time to consult his lawyers. In relation to the appeal before me also, Dr Chee confirmed that he had conferred with overseas counsel on the appeal. When the appeal was in train, I afforded Dr Chee a further opportunity to seek legal assistance if he so required at any stage during the appeal."

candidates stood and some of them were not far off from losing their deposits.

Freedom of the press

55. Your Report claims that both national and international press observations on Singapore are strictly regulated by the Singapore Government (page 39). As we have informed you in our earlier comments, Singapore's globalised economy thrives on a free flow of information. Singaporeans are well informed, having ready access to information from both local and foreign media. The foreign media are free to report on developments in Singapore. But the Government reserves the right of reply to distorted and tendentious reports.
56. We regard the proper role of the press as neutral purveyors of information. Owners of the press and journalists have not been elected by the people to represent them. Political debate should be between those who have been elected by the people and amongst the people themselves, with the press reporting such political issues objectively and fairly. We do not subscribe to the view that an unelected journalist or the owner of a press has the right to *actively campaign for a particular viewpoint*, using the medium of the press.
57. The third paragraph on page 45 of the Report misinterprets our earlier comments to give the impression that the Singapore authorities had misunderstood the Freedom House rankings on the Singapore press. What we actually stated was:

“The 17 December 2007 report by Cynthia English entitled “Quality and Integrity of World’s Media Questioned” reported that the 2005 and 2006 Gallup survey results showed that 7 in 10 citizens expressed confidence in Singapore’s media, and confidence (69%) in national media is highest in Singapore amongst the developed countries in Asia. This is as compared to the median of 47% for countries *whose press Freedom House considered “free”*” (emphasis added).

58. Our earlier comments therefore did not discuss how Freedom House ranked the Singapore press.
59. It is instructive to note that in the Dec 2007 article called “Quality and Integrity of World’s Media Questioned”, that is cited at footnotes 136 and 138 of your Report and referred to in our earlier comments, it is stated:-

“In 2005 and 2006, Gallup asked residents of 128 countries whether they have confidence in the quality and integrity of their media -- the news isn't good: In half the countries surveyed, less than a majority of residents expressed confidence, and confidence among residents in many of the world's leading nations is relatively low. Less than a third of Russians (29%) and Americans (32%) expressed confidence in the quality and integrity of the media, as did 35% of Japanese, 38% of Britons and the French, and 41% of Germans... Taken together, the results from Gallup Polls conducted in 128 countries worldwide and Freedom House's Global Press Freedom rankings paint a complicated picture of the media around the globe. While a country's press may be considered free, it may not be widely respected by the residents who live there. Further, media considered to have relatively limited press freedom may have the support of their people. These data suggest both measures, as well as others, and should be considered by those seeking to assess and improve media worldwide.”

60. The particular media model that is favoured by your Report does not necessarily lead to a high level of confidence in the quality or integrity of the media, amongst the people in the country concerned. Your own Report notes that “confidence in the media and freedom of the media are not necessarily positively correlated”, without reflecting further on why the level of confidence in the so-called “free” media of the United States, Britain and France, is relatively low.
61. Your Report claims that the Newspaper Printing and Presses Act incorporates a number of restrictions on newspaper companies (page 43). We would reiterate that the intent of the Act is to protect the public interest, prevent manipulation by foreign elements to glorify offensive viewpoints and prevent newspapers from being used as instruments of subversion. We make no apology for this, as freedom of the press does not, in our view, equate to the press purporting to act as an unaccountable pressure group. Whilst the Act empowers the Minister to object to existing control of the newspaper company, this must be premised upon conditions stated in the Act. The Government does not get involved in the day-to-day running of newspapers or dictate the presentation of news. Media companies in Singapore operate their companies as commercial enterprises and the major newspaper group in Singapore is publicly listed. It is subject to market discipline.
62. Your Report states (at page 40) that restrictions on the press are “well illustrated” in four cases eg the Far Eastern Economic Review case. The Singapore Government does not accept the notion that freedom of the press is tantamount to a license to defame persons, whether politicians or anyone else. If any media,

local or foreign, were to defame, then they have to accept the consequences of their action. With respect to the Far Eastern Economic Review case mentioned on page 40 of the Report, where the Review was sued by the then Prime Minister, the High Court found that the inferences a reader would draw from the Review's article was that the Prime Minister was anti-Catholic Church, that he had attacked the Church and, in particular, the four priests, and that he had caused or connived at the arrest and detention of the 16 detainees who were merely used as scapegoats, and that the real target was the four Catholic priests. The court also found that the Review article also suggested that the press conference was sprung on the Archbishop without any previous notice or warning; that the Archbishop was tricked into attending the press conference and was pressurized to confirm before television cameras the statement which he made, and that the plaintiff had resorted to the tactics of trickery and improper pressure to cause the Archbishop to make the statement.

63. In this context, we would reiterate the point made in our earlier comments to you that the law of defamation in Singapore, which is based on English common law principles, is sensitive and nuanced enough to differentiate fair criticisms on the one hand, innocent, unintended or careless remarks on the other hand, and malicious falsehoods in the third category.
64. With respect to the Internet, your Report refers (at page 46) to the use of "licensing controls and legal pressures to regulate internet access". As we have mentioned in our earlier response, the Media Development Authority (MDA) regulates the Internet with a light-touch Class Licence framework, under which Internet Service

Providers (ISPs) and Internet Content Providers (ICPs) are automatically licensed and they can start their websites or business without seeking prior approval from MDA. Registration is required only when a website is primarily set up to promote political or religious causes. Registration does not disallow the promotion of political or religious causes but merely serves to emphasise the need for content providers to be responsible and accountable for what they say. This is important, given the multi-racial, multi-religious nature of our society.

65. Registration does not come with any additional restrictions or conditions. Registrants are subject to the same set of Class Licence conditions and Internet Code of Practice as any other non-registered ICP. In addition, ISPs are not required to monitor the Internet or their users' Internet activities.
66. Your report stated that the list of objections under the Internet Code of Practice is vague, and has the potential to be used to repress dissenting opinion. One only needs to "surf" the Internet and websites in Singapore to find that there are innumerable postings that are highly critical of the Singapore Government. No "bloggers" have been prosecuted for posting such content.
67. Some "bloggers" have been prosecuted under the Sedition Act, not for criticising the Government but for making virulently racist comments on-line. Such conduct would be unacceptable in any society. In this context, it should be noted that persons have been successfully prosecuted in Western Europe and subjected to penal sanctions for expressing the view that the Holocaust did not occur.

Singapore does not set its threshold at that level and allows more latitude in the making of comments.

68. When convicting two “bloggers” for racist and anti-Muslim comments, a Singapore court noted as follows ¹⁵:

“The right of one person’s freedom of expression must always be balanced by the right of another’s freedom from offence, and tampered by wider public interest considerations. It is only appropriate social behaviour, independent of any legal duty, of every Singapore citizen and resident to respect the other races in view of our multi-racial society. Each individual living here irrespective of his racial origin owes it to himself and to the country to see that nothing is said or done which might incite the people and plunge the country into racial strife and violence.”

The Court also noted:-

“The doing of an act which has a seditious tendency to promote feelings of ill-will and hostility between different races or classes of the population in Singapore, which is the section 4(1)(a) offence, is serious. Racial and religious hostility feeds on itself. This sentencing approach of general deterrence is because of three main reasons: the section 4(1)(a) offence is *mala per se*; the especial sensitivity of racial and religious issues in our multi-cultural society, particularly given our history of the Maria Hertogh incident in the 1950s and the July and September 1964 race riots; and the current domestic and international security climate.”

69. We reject the notion that freedom of expression equates to the freedom to denigrate someone’s race or religion. We make no

¹⁵ *Public Prosecutor v Koh Song Huat Benjamin and Another Case* [2005] SGDC 272

apologies for our stand, which is fully compatible with international norms on human rights.

Independence of the Attorney-General and the Judiciary

70. With respect to page 53 of the Report, the Report wrongly suggests that the Attorney-General "is a Minister, a lawyer in the governing party takes over the job" (sic). We are not sure where this statement comes from or what relevance it has to Singapore. Unlike the position in some countries, where the Attorney-General is a Cabinet Minister, the Attorney-General of Singapore is neither a Minister nor a parliamentarian nor a member of the governing party. Singapore has a Minister for Law, who is a member of the Executive, and whose position is entirely separate from the Attorney-General. The Attorney-General does not report to the Law Minister. The Report itself acknowledges on page 53 that "the Singapore Constitution provides for the Attorney-General's independence".
71. Page 55 of the Report makes a blatant attack on the independence and integrity of the Singapore Judiciary. This unwarranted attack is contradicted by Dr Fernando Pombo, President of the IBA, who stated in his opening speech at the IBA Conference in Singapore last October that lawyers the world over were coming to Singapore because:-

"this country has an outstanding legal profession, an outstanding judiciary, an outstanding academical (sic) world in relation to the law".

72. Other independent observers agree. A number of ratings agencies in the last 2 years have rated Singapore's judicial and legal system highly. For example, the IMD World Competitiveness Yearbook 2008 ranked Singapore 1st among 55 countries for having a legal and regulatory framework that encourages the competitiveness of enterprises, and 6th out of 55 countries on the indicator "Justice is fairly administered" (the best rating among Asian countries). The Global Competitiveness Report 2007-2008, issued by the World Economic Forum rated Singapore 19th out of 131 countries on the subject of independence of the judiciary from political influence, ahead of Japan, France, Luxemburg and the United States. For the indicator "Efficiency of Legal Framework", Singapore is ranked 10th out of 131 countries.
73. Your Report does acknowledge, at page 70, that "the judiciary in Singapore has a good international reputation for the integrity of their judgments when adjudicating commercial cases", but it alleges that for cases that involve "the interests of PAP members or their associates", there are "concerns about an actual or apparent lack of impartiality and/or independence". Instead of substantiating this grave allegation with any semblance of evidence, the Report argues that "regardless of any actual interference, the reasonable suspicion of interference is sufficient". This is feeble and quite unworthy.
74. Page 55 of the Report asserts that there is doubt on the independence of all decisions made by judges because judges (ie Supreme Court judges) may be extended in office after the age of 65 years. The Report states that "from the date of their appointment, the possibility that the extension of their tenure may

later be decided at the will of the Prime Minister affects the appearance of all their decisions”. This is quite tenuous. Supreme Court Judges enjoy security of tenure till the age of 65 years, under the Constitution of Singapore, and cannot be removed by the Executive. The Singapore Judiciary enjoys a high reputation internationally, as shown by the high international rankings attained by the Judiciary.

75. With respect to Subordinate Court judges, the Report ignores our earlier comments to you that magistrates and district judges are not members of the executive. Magistrates and district judges are judicial officers, who take an oath of office when they are sworn in. They are not accountable to the Executive but only to the Legal Service Commission, which is headed by the Chief Justice and the Attorney-General. The rotation of magistrates and district judges to other positions in the Legal Service, which is regularly undertaken for their career development, is determined by the Chief Justice and the Legal Service Commission, not the Executive.

76. With respect to Judge Michael Khoo, a Commission of Inquiry, chaired by a Supreme Court Judge, exhaustively investigated the allegations of interference made by Mr J B Jeyaretnam and found no evidence that Judge Khoo had been transferred for improper reasons. This is acknowledged by the Report itself, at page 56. However, the Report persists in maintaining, against all the facts, that “the circumstances surrounding the transfer of Judge Khoo remain suspect and cast doubt on the impartiality and independence of the judiciary” (page 59). Your Report erroneously focuses on the Parliamentary debate following the Commission of Inquiry and disapproves of the criticisms made of Mr Jeyaretnam

by members of Parliament, on the subjective basis that they appear “extreme”. Given that his very serious allegations of interference in the Judiciary had failed in any way to be substantiated, it is not surprising that his conduct was criticised. In any event, Mr Jeyaretnam had ample opportunity to defend himself in the Parliamentary debate.

77. It should also be pointed out that the events referred to occurred in 1986, more than 20 years before your Report. In the intervening years, there have been no allegations that any subordinate court judge has been transferred for improper reasons. We would remind you that Judge Khoo subsequently went into private practice and was among the first batch of lawyers to be appointed Senior Counsel in 1997, an honour bestowed by a selection committee comprising the Chief Justice, Attorney-General and Judges of Appeal of the Supreme Court.

Rights of assembly

78. Your Report claims that the Public Entertainment and Meetings Act (PEMA) “acts as a challenge to the constitutional guarantee”. We have discussed this issue in our earlier comments, which are not given due weight in your Report. First, we would like to highlight an omission in an earlier part of your Report (page 37), where it was mentioned that “the Singapore Government has stated that all outdoor demonstrations and processions would not be allowed during the [IMF and World Bank] meetings.” This omitted an important part of our earlier comments on the Draft, which laid out very clearly that our policy was applicable to all and not just for the IMF and World Bank meetings:-

“Singapore’s policy prohibiting outdoor demonstrations is publicly known and applies to all, regardless of whether the applicants are from government bodies, political parties or other organisations. Police had announced and reiterated that outdoor demonstrations and processions would not be allowed during S2006.”

79. The Prime Minister recently noted, at the 2008 National Day Rally on 17th Aug 2008, that Singaporeans are free to engage, to talk, to mobilise and to influence one another especially indoors where the Government had lifted the limits a few years previously. With respect to the one remaining restriction, which is on outdoor demonstrations, the Prime Minister noted that Singapore already has a Speakers’ Corner located near a mass rapid transit station in the heart of town. The Government now allows outdoor public demonstrations at the Speakers’ Corner, subject to basic rules of law and order and rules concerning race, language or religious issues.

80. We do not subscribe to the view that persons who are aggrieved have the “right” to mount demonstrations, regardless of whether this affects public order. We do not wish to follow the path of some countries, where the will of the general electorate and of the elected Government can be thwarted by demonstrations mounted by disaffected pressure groups. As we stated in our earlier comments to you, the 1950 Maria Hertogh riots and the 1964 race riots in Singapore both started as peaceful assemblies but ended up with 54 dead, 736 injured, and significant damage to property. The Report acknowledges that “Singapore’s approach to freedom of assembly should be considered in light of its history.” As stated earlier, you need only look at recent history of various countries,

rich and poor, to note how communal tensions have broken out in violence. The Report also acknowledges that the International Covenant on Civil and Political Rights (ICCPR) allows the right of peaceful assembly to be subject to lawful and necessary restrictions in the interests of public safety, public order, the protection of the rights and freedoms of others etc (Article 21, quoted at page 62 of your Report).

81. The Report makes sweeping claims based on factual inaccuracies. The Public Entertainment and Meetings Act (PEMA) is cited in the Report as a requirement for “outdoor protests and marches”, and a challenge to the constitutional guarantee of peaceful assembly. The Report also notes that the Asian Human Rights Commission has claimed that this Act is used to convict and imprison citizens “who attempt to voice their opinions or criticism of the government’s handling of social and political issues”. In fact, PEMA does not regulate assemblies and processions but various forms of public entertainment and public speaking. It is certainly not an instrument of imprisonment. Non-compliance with the Act carries a maximum penalty of a fine. In relation to the case mentioned on page 63¹⁶ of IBA’s report, the convicted persons were imprisoned because they deliberately chose not to pay the modest fines which had been imposed, and thus had to serve default imprisonment sentences. You can refer to the very webpage cited in the Report.
82. The Report asserts that it is “difficult to report what the true status is for freedom of assembly in Singapore” (page 63) – a statement which underscores a lack of understanding of Singapore’s situation.

¹⁶ Footnote 200: Singapore Urgent Appeal’ (Asian Human Rights Commission: 24 October 2002). Available at www.ahrchk.net/ua/mainfile.php/2002/313, accessed 15 October 2007.

Processions and assemblies are regulated under the Miscellaneous Offences (Public Order and Nuisance)(Assemblies and Processions) Rules. The Police have approved permit applications regularly. Walkathons, community events and festivals are just some examples of activities granted permits or licences and that go on lawfully in Singapore.

83. The assertion that our laws are used to imprison citizens who “attempt to voice their opinions or criticism of the government’s handling of social and political issues” as well as the claim that “government-backed and supported organisations” are given special treatment are both false. Our laws, which are formulated and agreed to in Parliament, apply equally to all. Any criminal charges brought against individuals under any law have to go through the due process of investigations and a court hearing, and the charge has to be proved by the prosecution beyond a reasonable doubt.

The role of the Law Society

84. Your Report states that the Law Society is “not fulfilling its responsibilities to speak out on law reform issues” (page 68). These “concerns” about the Law Society’s role are unfounded. First, as a statutory body created under the Legal Profession Act, section 4 of the Societies Act does not apply to the Law Society. Page 67 of your Report is entirely irrelevant.
85. Second, the Law Society is tasked with the discipline of the legal profession. The Legal Profession Act (s 38(1)(c)) was amended in 1986 to make it clear that where the section says that the Law

Society is “to assist the Government in all matters affecting legislation...”, it refers to legislation “submitted to it”. That was to restore the wording to what it had been previously. The Act was amended in 1986 because the then Council of the Law Society was engaging as a political pressure group in confronting the Government under the rubric of “assisting” it. We do not wish to revert to the situation in the 1980’s where the Law Society behaved like a political pressure group. Those who wish to participate in politics must do so openly, not under the cloak of a professional group.

86. The Ministry of Law has never declined, since the amendments, to receive comments and suggestions from the Law Society on specific legislation where it concerns the legal profession. Both the Government and the Law Society agree that current relations between the Government and the Society are excellent. The Ministry of Law and the Law Society meet regularly for both formal and informal dialogues. The Ministry of Law consults the Society frequently on an extensive range of issues which may be of concern to the legal profession. The Society has been able to reflect the views of their members, many of whom are specialists and experts, and we have found the input from the Society to be valuable. Furthermore, the Ministry of Law welcomes feedback on any legislation from members of the public. It also frequently calls for feedback in the form of Public Consultations, one of the most recent being in relation to the proposed amendments to the Legal Profession Act.
87. With regard to the statement made at page 68 of the Report concerning Attorney-General Walter Woon’s recent comments on

human rights, you have taken the Attorney-General's comments on human rights out of context. Neither do the remarks in any way "...fail to recognize the increasing importance of international law." On the contrary, it precisely underscores the importance of international law. You should note that the Attorney-General has given his further views on the issue, as reported in the media on 9 June and 4 July 2008.

Conclusion

88. When Singapore left the Federation of Malaysia in 1965 to become an independent nation, we were an impoverished island city state, with no natural resources and no hinterland. Our economic and security situation worsened when the British withdrew from their Singapore naval base in the late 1960's. However, as your Report acknowledges at page 15, Singapore has made impressive economic progress and now has one of the highest per capita incomes in the world, much higher than most States that became independent in the 1950's and 1960's. This is not because of lucrative natural resources such as petroleum but because of prudent and farsighted economic management, our adherence to the rule of law, founded on an independent judiciary and laws that apply to all, and a clean and efficient government. All this has made Singapore an attractive destination for foreign investment.
89. The Report itself describes (at page 14) Singapore's impressive economic transformation. None of this would have happened if human rights had been disregarded or if our Judiciary were compliant, as your Report spuriously claims. Contrary to the subjective opinions voiced in the Report, Singapore has grown and

prospered because of our adherence to the rule of law and because we have sought to balance civil, political, economic, cultural and social rights in the interests of all our citizens. The IBA's Human Rights Institute is not in a better position than the people of Singapore to decide what is in Singapore's best interests or how the balance between different rights should be attained. It is the people of Singapore who must decide on these issues.

90. In the final analysis, Singaporeans will have to choose for themselves the kind of society and government they want; and the appropriate balance between various rights and responsibilities. Singaporeans have overwhelmingly chosen a model (in 12 elections since 1959) that has emphasized a clean, efficient government, rapid socio-economic progress, and stability. They have also chosen a system which proscribes street demonstrations (which may have the effect of thwarting the will of the majority). Further, freedom of expression in Singapore does not extend to giving either the press or anyone else the license to freely make false allegations, without having to prove the allegations in Court.
91. We do not seek to prescribe or impose these values on others. Equally international pressure groups should not seek to impose (without even a rudimentary understanding of the issues) their views on Singapore.
92. In a world of competing interests and priorities, differences in opinion on human rights are inevitable. Singapore believes in an open dialogue on these issues, and shares a commitment to the development of human rights. We hope that this Response to your

Report will clarify the issues that your Report has either overlooked or misunderstood.