

INTERNATIONAL HUMAN RIGHTS ADVOCACY

In conjunction with
International Women's Day

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INTRODUCTION

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status¹. Examples of human rights include the right to life, the right to hold opinions without interference and the right to education. Human rights are universal, inalienable, indivisible and interdependent.

- **Universal:** Human rights apply to all people simply on the basis of being human.
- **Inalienable:** Human rights belong to every person and cannot be taken from a person under any circumstances.
- **Indivisible:** Human right has equal importance. A person cannot be denied one right because someone decides it is "less important" than another human right.
- **Interdependent:** Human rights complement each other. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life such as the right to water, to food, to housing and to health.



Human rights may be limited by laws and in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. However, certain human rights have been considered so important that they cannot be limited or suspended under any circumstance. These are:

- the right to life,
- the right to be free from torture and other inhumane or degrading treatment or punishment,
- the right to be free from slavery or servitude, and
- the right to be free from retroactive application of penal laws (ie using a law to prosecute a crime that happened before that law was introduced).

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¹ United Nations, 'Human Rights', available online at: <http://www.un.org/en/sections/issues-depth/human-rights/>

² Helpage International, 'Human Rights Definitions' (September 2011), available online at: www.helpage.org/silo/files/human-rights-definitions.doc

WHAT IS A TREATY?

A treaty means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.³ Treaties can be concluded between two or more States.

For the agreement to be governed by international law, there must be an intention to create obligations under international law. Such an intention gathered from the terms of the instrument itself and the circumstances of its conclusion. For example, the intention to create international legal obligations is indicated by the use of terms such as "shall" and "must", instead of "may", which indicates that the document is aspirational and non-binding. International law looks to the substance and not the form of the text.

Treaties can be constituted in an informal manner, such as through an exchange of notes. While the label of a document as a 'treaty' may be indicative, the determination of whether the document is a treaty depends on its exact terms.⁴ Treaties are a reflection of state sovereignty, which is a key feature in how states interact with one another. States have the exclusive authority to decide matters within their territory, including its laws, policies and system of government. This concept of sovereignty originated from the Treaty of Westphalia in 1648 and is recognised in Article 2(7) of the Charter of the United Nations:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

3 Vienna Convention on the Law of Treaties 1969, Article 2(1)(a).

4 Anthony Aust, *Modern Treaty Law and Practice* (2nd edn, CUP 2007), 20-21.

As such, the international legal system is largely based on consent. States can only be bound by certain international obligations that affect their authority to decide matters territorially if they consent to these obligations. One of the ways in which states can express their consent is by becoming parties to treaties.

States normally take a few years to negotiate the terms of the treaty. After states involved in negotiations are satisfied with the final document, they usually proceed to sign the treaty, though some treaties do not require a signature.

They can then ratify the treaty after they have sought consent domestically — the process differs between countries and the approval for ratification may have to go through the legislature, the President or executive bodies.

States who are not involved in the negotiations of treaties can become parties to those treaties by directly ratifying the treaty. They ratify the treaty by depositing a ratification document with a body designated by the treaty. The treaty may enter into force for all state parties to the treaty when a certain number of states have ratified the treaty, and for a particular state party when a stated period of time has passed after its ratification, depending on the terms of the treaty.

When the treaty enters into force, the state is expected to fulfill its treaty obligations, which can range from having to implement programmes to submitting a report every few years on how it has adhered to its obligations.

When a country signs a treaty, it is not yet subject to treaty obligations, though it cannot act in any manner that is against the objectives and purpose of the treaty. This is enshrined in the principle of *pacta sunt servanda*, or the duty to act in good faith, which is reflected in Article 26 of the Vienna Convention on the Law of Treaties (VCLT): "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

5 Anthony Aust, *Modern Treaty Law and Practice* (2nd edn, CUP 2007), 178-199.

6 Anthony Aust, *Modern Treaty Law and Practice* (2nd edn, CUP 2007), 168-169.

WHY ARE HUMAN RIGHTS TREATIES IMPORTANT?

When states ratify human rights treaties, they have the duties to respect, protect, and fulfill these rights. States refrain from violating human rights, prevent third parties from violating human rights, and take action to ensure the enjoyment of rights.⁷

Treaty bodies or committees supervise states parties' compliance with their obligations under a treaty, monitor progress, and provide public scrutiny on realization efforts. They assist states in assessing achievements and in identifying implementation gaps. They try to induce changes to the law, policy, and practice in member states and provide guidance on the measures needed to realize rights at the national level. They stimulate and inform national human rights dialogue. Some treaty bodies afford individual redress.

As part of treaty commitments, states are obligated to send in reports on legislative, judicial and administrative steps taken to implement clauses of the treaties on a regular basis. These reports are typically compiled by appointed rapporteurs, state representatives and NGOs. Committees of experts then examine these reports and issue their recommendations.

However, there is often a clash between local cultures and human rights obligations. In encouraging cultural change, human rights have sometimes been criticized as a form of cultural imperialism. Similarly, it remains hotly debated whether domestic legislations should be subject to influence or pressure from foreign institutions and if this derogates the sovereignty of the state and undermines the democratic will of the people.

⁷ Helpage International, 'Human Rights Definitions' (September 2011), available online at: www.helpage.org/silo/files/human-rights-definitions.doc

⁸ Kerstin Mechlem, 'Treaty Bodies and the Interpretation of Human Rights' 42 Vanderbilt Journal of Transnational Law 905, available online at: https://www.vanderbilt.edu/wp-content/uploads/sites/78/mechlem-cr_final_final.pdf

SINGAPORE'S RECORD ON HUMAN RIGHTS TREATIES

There are 9 core international human rights treaties outlined by the Office of the United Nations High Commissioner for Human Rights. Presently, Singapore has ratified 5 of these treaties, as outlined below:⁹

TREATY

DATE RATIFIED

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	5 Oct 1995
CRC - Convention on the Rights of the Child	5 Oct 1995
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	11 Dec 2008
CRPD - Convention on the Rights of Persons with Disabilities	18 Jul 2013
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	27 Nov 2017

Singapore has yet to ratify these 4 other treaties:

- **ICCPR** - International Convention on Civil and Political Rights
- **ICESCR** - International Covenant on Economic, Social and Cultural Rights
- **CAT** - Convention against Torture
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

⁹ The Office of the United Nations High Commissioner for Human Rights . (n.d.). Ratification Status of Singapore. Retrieved from The Treaty Body Database: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=157&Lang=EN on 11 February 2018

WHAT HAPPENS WHEN A TREATY IS RATIFIED?

In ratifying a treaty, Singapore becomes subject to the jurisdiction of human rights bodies set up by the UN Charter, with the Human Rights Council as the main organizational body. Singapore has to submit regular reports to these treaty monitoring bodies, which these monitoring bodies will then respond to.

For example, as part of Singapore's ratification of the CEDAW, it has to submit a report on its compliance with CEDAW every four years.¹⁰ Local NGOs have supplemented the official state-sanctioned CEDAW report with their own shadow reports in 2017.

Singapore also¹¹ has to participate in the **Universal Periodic Review** (UPR) every 5 years. States will present to other States and the Human Rights Council the actions that they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights to other states.

This process aims to assess States' human rights records and address human rights violations. It also aims to provide technical assistance to States and enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders., The most UPR report, submitted by Singapore in 2016, can be accessed here, as is the response compiled by the UN Human Rights Council.

¹⁰ UN Women, 2003. CEDAW Reporting Guidelines. Retrieved from <http://www.un.org/womenwatch/daw/cedaw/reporting.htm#guidelines> on 11 February 2018

¹¹ TWC2 & GAATW, 2017. CEDAW Shadow Report: Singapore 4th Periodic Review – Discrimination Against Migrant Workers and Human Trafficking in Singapore. Transient Workers Count Too and Global Alliance Against Traffic in Women. Retrieved from <http://twc2.org.sg/wp-content/uploads/2013/09/CEDAW-Shadow-Report-2011final1.pdf> on 11 February 2018

EFFECT OF HUMAN RIGHTS TREATIES IN SINGAPORE

Countries usually approach international law in one of these two ways¹⁵ :

DUALIST APPROACH

Ratified treaties do not become part of domestic law unless they are ratified by the Executive branch of the government, which refers to the Cabinet or any Minister authorised by the Cabinet.

MONOIST APPROACH

Treaties are automatically incorporated into domestic law once they are signed and ratified.

Singapore adopts a **dualist approach** towards international law. Ratified treaties do not become part of domestic law until specifically incorporated by Parliament either by passing a new legislation or amending an existing one.

The dualist approach is founded on the principle of popular sovereignty, which is enshrined in the constitutional principle of the separation of powers. The Singapore Constitution provides that the legislative power of Singapore is vested in the Legislature¹⁶ which consists of the President and Parliament, who are democratically elected.

However, as mentioned above, treaties are ratified by the Executive branch. As such, a monist approach will violate the principle of separation of powers because **this would, in effect, confer upon the Executive the power to legislate through its power to make treaties.**

¹⁵ Constitution of the Republic of Singapore Article 23(1)

¹⁶ Constitution of the Republic of Singapore Article 38



If you're a little confused by the different branches of government, feel free to check out our SG GOVERNMENT 101 issue for a quick primer!

Similarly, the judicial branch cannot give effect to international law – whether derived from treaties or customary norms – because this would derogate the separation of powers and undermine the democratic will of the people.

In *Yong Vui Kong v Public Prosecutor* (2015), the Court of Appeal noted that under the dualist theory of international law, the two systems of domestic and international law remain separate: "A court operating in the domestic system is obliged to apply domestic legislation in the event of an irreconcilable conflict between it and international law."

As a result, Singapore often only signs treaties it already lives up to, which may mute the potential transformative impact of treaties. Moreover, if Singapore signs a treaty that requires some legislative or policy reform, there is no automatic impact on domestic law until an incorporating statute has been passed by Parliament.¹⁷

WHY CAN'T SINGAPORE LIVE UP TO, AND RATIFY ALL HUMAN RIGHTS TREATIES?

1. Singapore has always adopted a "welfare obligations" rather than "rights based" approach. Singapore focuses on individual needs rather than rights - when individual requires help, the onus is on the community and family to rally around and assist that person.
2. The political system is not rights-oriented, and it prefers to cherry-pick certain values, which usually prioritise public interest and order.
3. The preference is to work with codes and guidelines rather than rights-specific legislation such as an anti-gender discrimination law.
4. There is no dedicated human rights institution.
5. The preferred approach is soft education and counselling.

¹⁷ Thio Li-ann, *Singapore Human Rights Practice and Legal Policy*, 21 SAclJ 326 (2009) at [60]

6. There are competing norms between human rights and cultural/religious systems.¹⁸

Furthermore, as mentioned earlier, Singapore usually only signs treaties that it already lives up to.

WHY DOES SINGAPORE CONTINUE TO PARTICIPATE IN TREATIES?

Transparency, especially at the domestic level, is one important reason. Secondly, treaties help to establish a baseline criteria for objective evaluation, by both domestic and international actors. Treaties also create a participatory environment where non-state actors can participate in constructive dialogue with the state; there are also opportunities for them to make a separate submission, together with other stakeholders, to the UN Human Rights Council, as part of the required periodic review. The dialogue process may also yield new information on what is happening on the ground.¹⁹

¹⁸ Ibid, at [68]

¹⁹ Ibid, at [57]

INTERVIEWS

We interviewed activists and lawyers engaged in a diverse range of causes to bring to you an eclectic mix of perspectives on the role of international advocacy and ways to get involved in this field.



Stephanie Chok

Case Manager,
Humanitarian Organisation for
Migration Economics (HOME)



Priscilla Chia

Co-founder & Director of We
Believe in Second Chances,
Lawyer



Sherry Sherqueshaa

Project X,
Community Outreach



Vani Sathisan

Independent Legal Consultant

ANTI - DEATH PENALTY

Priscillia Chia

Priscilla is an Associate at Peter Low & Choo LLC. Priscilla's practice focuses on commercial, public interest and criminal litigation, as well as non-contentious corporate advisory. Outside of her professional practice, Priscilla invests her time in non-profit and public interest work. She volunteers actively with non-profit organisations such as AWARE (Sexual Assault Care Centre) and Transient Workers Count 2. She is also a co-founder and Director of "We Believe In Second Chances", a youth-led non-governmental organisation which advocates against capital punishment in Singapore and provides support for family members of death row inmates.



1. Could you tell us more about why and how WBSC decided to submit an individual report to the OHCHR for its Universal Periodic Review?

As an advocacy group, we are always looking for opportunities to engage in effective advocacy and dialogue on the issue of capital punishment in Singapore.

The Universal Periodic Review ("UPR") provides a relatively responsive platform to engage the government on this issue. Prior to the actual UPR, various stakeholders, including local and international non-governmental organisations are able to make their individual submissions on the issues that they are working on to the United Nations High Commissioner for Human Rights. These submissions will be deliberated on during the UPR.

During the UPR, countries – through their permanent representatives to the United Nations – are able to direct questions and/or make recommendations on issues pertaining to human rights to our government. At the UPR, the government will also respond to questions and issues raised by these permanent representatives and the stakeholders' submissions as well as to account for its progress on the human rights front since the last UPR.

At the last UPR in 2016, some of our recommendations such as to prohibit the imposition of capital punishment against persons with mental and intellectual disabilities and to remove the mandatory aspect of the death penalty were also recommended by many permanent representatives. These recommendations were officially noted by the Singapore government. It is this process of an attempt at constructive and civil dialogue between relevant stakeholders and the government on difficult issues through the UPR which we appreciate and found valuable.

The UPR also gave us the means to advocate on the issue of capital punishment on an international level and to reach out to a more extensive group of audience in ways which we would not ordinarily be able to do so.

If you are interested to have a look at WBSC's UPR report (2016), it can be found here:

<https://secondchances.asia/wbscs-individual-report-for-singapores-upr-2016/>

ANTI - DEATH PENALTY

2. We understand that WBSC is a member of the Anti-Death Penalty Asia Network (ADPAN). How has WBSC engaged with this platform, and what has been the value of being part of a regional abolitionist movement?

The value of being in a regional network is that you are working with civil society groups in countries where their political climate or their laws on capital punishment are similar and as such, their experience is very relevant and applicable to the work that we do.

Also, while we may come from different countries, there are several issues that are common to the NGOs in ADPAN . For instance, issues such as ensuring effective public advocacy on such a challenging issue or how to best support families who have their loved ones are subjects which we grapple with all the time.

The discussions that we have on these issues as well as the suggestions and feedback we get from these discussions are very helpful for the work we do. For example, one difficult question which members of WBSC is often asked is whether we would want to have the death penalty for someone who murdered our loved ones. Hearing from the members of the various NGOs in ADPAN as to how they would answer such questions did help me to better answer such a question when I am asked.

Overall, the tapping of the collective wisdom of ADPAN to address the practical issues and difficulties which we face in our line of work has been a very educational process which we have benefitted from.

3. How effective has international advocacy been in advancing the anti-death penalty movement in Singapore?

It is relatively difficult to make such an assessment given that you cannot place a tangible value on the effectiveness of international advocacy in making progress on this front nor draw a conclusive link between developments on capital punishment as being a result of international advocacy.

Despite the absence of strong domestic pressures to reduce the use of death penalty, the government had nonetheless made various amendments to the death penalty regime in 2013. One may postulate that international pressures/advocacy might possibly have had some kind of effect in bringing about these amendments.

4. What do you think ordinary citizens can do to ensure that their governments are fulfilling their international / regional treaty obligations?

It must first start with having a sizable group of citizens who care about and want to do something to ensure that the government fulfils its international obligations in a meaningful manner. One suggestion might be to consider taking part in public consultations on proposed legislation or amendments to legislation that might have implications on Singapore's obligations under treaties which she has signed and ratified.

SEX WORKERS' RIGHTS



Sherry Sherqueshaa

Sherry Sherqueshaa is in charge of community outreach to sex workers as well as documenting human rights issues at local NGO, Project X. Project X works with sex workers in order to uphold and advance sex worker rights in Singapore, and challenge the stigma and discrimination they face. In November 2017, Sherry, together with a fellow community leader, Lisa, represented Project X in Switzerland for the 68th Committee on the Convention for the Elimination of Discrimination against Women (CEDAW) session.

1. Could you provide us with an overview of the international advocacy work that you and Project X have done or are doing and the intended outcomes of such work?

Working with other CSOs on the joint CEDAW report was useful as it gave us an opportunity to learn about other issues and also share the issues we're passionate about. SCWO coordinated the efforts to form a coalition and create a joint report for CEDAW. Participating in CEDAW and getting to make an oral statement on an international platform is also empowering for us to see that people are taking our concerns seriously and that there are platforms for us to do so. Sharing our work with high-level officials from UNAIDS and OHCHR was also very empowering for the team.

Unfortunately, our concerns were not represented in the concluding statement for Singapore. The reason given was that it overlapped with other issues (e.g. Migrant workers, police sensitivity training etc). This was disheartening as it's always important to name the problem and the specific group it affects. Otherwise, it may be forgotten easily. Nonetheless, the experience built the capacity of the organization and gave us the recognition we needed locally and internationally. Hopefully, more opportunities for advocacy will arise due to this.

2. Why do you and Project X advocate on international platforms and how did you get involved?

We take every possible opportunity to advocate a wider audiences and allies. By being part of numerous organization internationally, we collaborate when possible or attend the conference. Advocacy effort in Singapore is not prevalent enough and not taken into consideration. By attending the international conference and advocate on their platform, we call in more support which can be used to present to the policy maker and stakeholders here in Singapore. On a personal level, it trained us on how to present our report and talk to the members effectively.

SEX WORKERS' RIGHTS

3. How do you and Project X strategize and prepare for international advocacy?

We are members of an international network - Global Network of Sex Workers Projects (NSWP) and SWasean (Sex workers of ASEAN), which allows us to be updated on the opportunity to attend conferences or workshop which then allow us to do international advocacy. It wasn't an easy process drafting and finalizing the report thus a great effort and tedious findings from the team and volunteer efforts are needed to come up with a solid report. Reading past article and issues that were raised in the previous session that are not successful keep our focus on not to have a repetitive statement point. We attended a couple of meetings and training by OHCHR at AWARE. Upon reaching Geneva, Lisa and I also attended a 3-day workshop before the oral statement reading session.

4. How effective has your and Project X's international advocacy efforts been? What are the challenges?

International advocacy is one of the ways to reach out to more activist and allies from other women's organization such as domestic helper and trafficking in people. This allows me to better understand the common issue women internationally faced and how each issue has their own strategy to address. The challenges may occur when language is a barrier or lack of support and programs. In an example, the country may have all the narratives and campaign proposal but without the assistance of financial and set up from governmental bodies, it may never be put into action. On top of this, it can also come from the community as there is time when our credibility was questioned as to what extent do our advocacy work actually help them achieve a safer and better environment.

5. How has the Singapore government engaged with you and Project X through these international mechanisms?

Project X has a close connection with several government bodies such as HPB and MHA. We work closely with MHA when there are cases whereby sex workers reported a case and not look into with prior follow up. After CEDAW, MHA, and SPF have reached out to us to ask us for a dialogue. We are still in talks for concrete action to be taken and it's gonna be a long journey, but hopefully, it's a good first step.

6. How can ordinary citizens be part of such efforts?

Advocacy work is about reaching out to as many people as we can and promote the objectives of the organization. Citizens can play a part by spreading the positive message and news to their circle of network and help up advocate for it. With this, it helps us to reach the non-supporting people. Sign up for our monthly newsletter and follow up on our official page. We will be sharing news not only in Singapore but also internationally. To be part of the advocacy of an international level, they can do so by displaying their commitment and passion for a chosen community that they like to assist or be involved by doing online work such as being part of a petition.

MIGRANT WORKERS' RIGHTS



Stephanie Chok

A long-time volunteer with HOME, Stephanie Chok joined the organization full-time as Case Manager/Researcher in 2017, and is currently based at the domestic worker office.

1. Could you provide us with an overview of the international advocacy work that you and HOME have done or are doing and the intended outcomes of such work?

HOME is involved in the advocacy and campaigns of international and regional networks to uphold the rights of migrant workers. We also participate in UN level advocacy, such as CEDAW, CRC, UPR and lobbying the various Special Rapporteurs on issues affecting migrants. The intended outcome is to prioritise the interests of migrant workers in policy discussions.

2. Why do you and HOME advocate on international platforms, and how did you decide which groups and events to be involved in?

HOME advocates on international platforms because migration is an issue that is transnational in nature. Countries of origin and destination need to play a part. In consultation with migrant workers, we have identified the following priority issues and will participate in campaigns and advocacies that tackle them:

- a) Ensuring domestic workers are protected by international labour standards
- b) Recruitment fees
- c) The right to switch employers freely
- d) Ratification of ILO C189
- e) Ratification of UN Migrant Workers Convention

3. How do you and HOME strategise and prepare for international advocacy?

We identify opportunities for action, such as making submissions to the various UN human rights bodies, participating in meetings with them where possible, lobbying the US government in their preparation of the annual TIP report and solidarity actions and statements with other NGOs who share our values and principles.

4. How has the Singapore government engaged with you and HOME through these international mechanisms?

The Ministry of Foreign Affairs has initiated dialogues in the past on the UPR, CEDAW, and ASEAN

MIGRANT WORKERS' RIGHTS

5. How effective have your and HOME's international advocacy efforts been? What are the challenges?

It has been effective in that we have contributed to the global and regional efforts to highlight migrants' lack of protection. For example, we were involved in advocating for the adoption of the ILO Convention 189 which established an international bill of rights for domestic workers. Such lobbying is important at a global level as it establishes international norms and standards of protections.

In terms of challenges, many people at these international meetings think Singapore is beyond reproach in the area of human rights. We need to create the impetus for change at these platforms once awareness of the problems has been highlighted.

RULE OF LAW & HUMAN RIGHTS ADVOCACY

Vani Sathisan



Vani is an Advocate and Solicitor of the Supreme Court of Singapore, having trained in Litigation and Dispute Resolution at Drew & Napier LLC. As the former Burma-based International Legal Adviser for the International Commission of Jurists, she worked closely with the Executive, Legislative and Judiciary in Burma, as well as with various diplomats, UN Special Rapporteurs and UN Working Groups on issues pertaining to Public International Law. She had previously undertaken research on Business and Human Rights in Southeast Asia, worked with the Asia-Europe Foundation, and was a Litigation Associate with an international legal team representing survivors of mass crimes at the UN-backed Khmer Rouge Tribunal in Cambodia. She has degrees in both Political Science and Law and a Masters in International Law.

1. You were involved in operationalising international legal standards for the Burmese society. In your experience, what is the importance of using international human rights frameworks to improve the local condition?

The principle of universal and inalienable rights of all human beings is anchored in International Human Rights Law. My work involved reminding the Burmese Government of its international human rights obligations because it had signed up to some international treaties but national laws were not yet aligned with these international obligations. We wanted the Government to be committed in addressing those gaps so that those whose rights have been violated can seek access to justice and remedies. Many times, these were individuals who were exercising their legitimate rights which are protected by international human rights frameworks, such as the International Covenant on Economic, Social and Cultural Rights.

2. What can ordinary citizens do to ensure that countries are fulfilling their international/regional treaties obligations?

Be engaged in these discussions with their local communities. Be aware of the progress that your country has taken in aligning national laws and policies with its international obligations and support the progressive realisation of human rights. At the same time, where there is bureaucratic inertia to fulfil treaty obligations, the Universal Periodic Review process provides an opportunity for civil society stakeholders to submit to the UN Human Rights Council a report with their concerns and recommendations.

RULE OF LAW & HUMAN RIGHTS ADVOCACY

3. You mentioned that you trained prosecutors from the Attorney General's office as well as judges in developing countries on compliance with international treaties standards - some of these people must have had different perspectives on the law. How did you then convince them and effectively advocate for international human rights standards with regards to Rule of Law?

When I trained the Attorney-General's Office on Bilateral Investment Treaties and Public Policy, the officials began to realise that we were guiding them on strengthening the Government's regulatory capacity to enact public interest legislation and policies, such as those that protect health and the environment, and the risks associated with giving investors too much power. They realised that pro-human rights does not mean anti-investment. It is important that investment contributes to sustainable development without undermining the rule of law. When I trained the Supreme Court judges on drafting and implementing a Judicial Code of Conduct, they had invited my former colleagues and I to do so, after publicly acknowledging that they wanted to improve public trust in the institution and that they believed in the principles of equality, independence and impartiality. The work was challenging but there was a genuine interest in Burma to bring about positive change after decades of military rule and we were happy to support efforts in that direction.

4. You also mentioned that you worked as a senior research associate at SMU's Asian Business and Rule of Law initiative. How do you think ordinary citizens/civil society can be involved in holding MNCs accountable for upholding human rights?

There are examples of MNCs being taken to court for corporate abuse of human rights by ordinary citizens/civil society. Victims and civil society organisations, such as EarthRights International for example, are increasingly turning to strategic litigation on top of the usual campaigning and public protests, to press for remedies. The UN Guiding Principles on Business and Human Rights has emphasised on the need for businesses to respect human rights and engage in human rights due diligence work and environmental and social impact assessments prior to undertaking projects. There are currently debates at the UN about creating a binding treaty on business and human rights and this will have serious implications on the actions of MNCs.

HOW CAN I GET INVOLVED?

01 VOLUNTEER WITH NGOS

One way that you can get involved with advocacy is by volunteering with various human rights NGOs. They are constantly in need of extra help, be it for administrative tasks, raising awareness or drafting reports. Here are a few that you can volunteer with:

- Human rights group, **Maruah**
- Human rights group, **Think Centre**
- Women's rights group, **Aware**
- Migrant workers group, **Humanitarian Organisation for Migration Economics (HOME)**
- Migrant workers group, **Transient Workers Count 2 (TWC2)**
- Sex workers' rights group, **Project X**
- Anti- death penalty group, **We Believe In Second Chances**
- LGBT groups, **Oogachaga and Sayoni**

02 MAKE INDIVIDUAL COMPLAINTS TO RELEVANT UN COMMITTEES

While Singapore has ratified some human rights treaties, the State has not yet accepted to recognize the committee's competence to individual complaints for most of these treaties and therefore does not accept individual complaints. At present, Singapore only accepts complaints at an interstate level. ²⁰

In the next page, you will find the committees for the core treaties with working complaint mechanisms with which individuals are unable to submit complaints against the state of Singapore.

²⁰ The Office of the United Nations High Commissioner for Human Rights . (n.d.). Human Rights Bodies- Complaints Procedures. Retrieved from The Office of the United Nations High Commissioner for Human Rights: <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx> on 11 February 2018

1. The **Human Rights Committee (CCPR)** looks at alleged violations of the rights set forth in the International Covenant on Civil and Political Rights
2. The **Committee on Elimination of Discrimination against Women (CEDAW)** looks at alleged violations of the Convention on the Elimination of All Forms of Discrimination against Women
3. The **Committee against Torture (CAT)** looks at alleged violations of the rights set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
4. The **Committee on the Elimination of Racial Discrimination (CERD)** looks at alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination
5. The **Committee on the Rights of Persons with Disabilities (CRPD)** looks at alleged violations of the Convention on the Rights of Persons with Disabilities
6. The **Committee on Enforced Disappearances (CED)** looks at alleged violations of the International Convention for the Protection of All Persons from Enforced Disappearance.
7. The **Committee on Economic, Social and Cultural Rights (CESCR)** looks at alleged violations of the International Covenant on Economic, Social and Cultural Rights.
8. The **Committee on the Rights of the Child (CRC)** looks at alleged violations of the Convention on the Rights of the Child and its Protocols (OPSC, OPAC).

The complaint mechanism for violations of rights of migrant workers and members of their families have not yet been set into force. It is therefore recommended that individuals interested in advocating against human right violations should volunteer under key NGOs that are involved in submitting reports for review under Singapore's UPR.

While individuals cannot make individual complaints against human rights violations by the state of Singapore, one can do so through indirect means such as bringing up individual communications before the Human Rights Council Complaint Procedure and the mandate-holders (special rapporteurs and working groups) of the Human Rights Council or organizations forming part of the wider United Nations family such as the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization.

To file a complaint under the HRC Complaint Procedure, one can download the model complaint form provided in the OHCHR page. In general, the complaint should provide basic information and the specifics of the account of human rights violation and the victim as fully as possible.

It should also specify the State party against which the complaint is directed and the rights which have been violated. If the complaint has been made on behalf of another person, the necessary authorization must have been attained unless you have justified reasons for doing otherwise. You can also request for your identity to remain undisclosed should the complaint pertain to particularly sensitive matters. It is important that it should also provide proof that the author has exhausted all domestic remedies available, referring to steps taken before the State party's local courts and authorities against which the complaint is directed. All relevant and supporting documents should also be supplied, in an official United Nations language where possible.²¹

For more information and a full list of criteria for filing a complaint under the UN Human Rights Council Complaint Procedure, visit

<http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>



21 The Office of the United Nations High Commissioner for Human Rights . (n.d.). Human Rights Council Complaints Procedures . Retrieved from The Office of the United Nations High Commissioner for Human Rights : <http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx> on 11 February 2018



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