

Law on the State of Emergency

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This conference takes place at a time when many states have adopted emergency measures to respond to many challenges to public health, the economy and governance caused by the COVID 19 pandemic.

Covid-19: Singapore's existing laws and new measures to overcome the Pandemic

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Singapore has a dominant one-party system with illiberal democracy. The ruling Peoples' Action Party (PAP) has been ruling since 1959.

Laws that Restrict Freedom of Expression

There is no special emergency proclaimed in Singapore during the pandemic. This is because the pre-pandemic existing legal framework is already highly restrictive on people's rights to expression and assembly particularly for political expression. During the pandemic, a new law called POFMA is used extensively by the government on social media postings that are deemed by them to be false. The following lists a number of relevant laws that restricts freedom of expression regardless of the pandemic:

1. **Internal Security Act (ISA) 1960:** The British introduce the Internal Security Act (ISA) during colonial rule to Singapore. The ISA allows for indefinite detention without trial, a law which the government continues to claim is necessary to protect the city-state of 5.7 million.

In 1963, the government arbitrarily detained more than 100 opposition politicians and union leaders as threat to the national security. In 1968, the PAP won all 58 seats in parliament. Since 1968, the ruling PAP has never lost an election and the opposition had no opportunity to recover. The ISA remains and so does fear. This atmosphere of fear does not encourage concern citizens to build a better civil society and be actively involved in political activities.

The application of internal Security Act, detention without trial, deprives personal liberties and the rights to equality before the law, and equal protection of the law.

2. **Public Order Act 2017:** The Singapore government continues to use legislation to restrict freedom of speech, peaceful assembly, and association, and also by the effects of civil defamation suits against political opponents and critics. The government enforce restrictions on freedom of assembly through the Public Order Act 2017 which require police permit for any cause-related assembly in a public

place or meetings to which members of the general public are invited.

Public Order Act 2017 Under Section 2 (1) of the law, a demonstration by an individual person is seen as an assembly - “ (2) A reference to a person or persons taking part in an assembly or a procession shall include, as the case may be, a person carrying on a demonstration by himself, or a march by a person alone, for any such purpose referred to in the definitions of an assembly and a procession, respectively, in section 2(1)”

3. **Defamation Law:** The ruling party leaders continue to use criminal and also civil laws to restrict speech and silence critics under the defamation laws.
4. **Protection from Online Falsehoods and Manipulation Act (POFMA):** The POFMA was passed in Parliament on 8 May 2019. The Act gives the government the power to decide what is fact and what is not. The POFMA is seen by critics as a tool for censorship while the government says it's to protect the truth. POFMA permit all cabinet ministers powers to order individuals to correct or take down online posts if it is deemed to contain false statement of facts.

The Novel Coronavirus (Covid-19) Pandemic: Singapore's Responses

January 2020, the world woke up to the novel coronavirus (Covid-19) plague. By March several countries had imposed lock-downs to control the movement of the people and social-distancing to prevent the spread of Covid-19. In Asia, several countries impose lock-downs without adequate provision for food, housing, transport, PPE and medical-testing. The covid-19 affects more of the weak and poor, the marginalized, the vulnerable and especially the migrant workers. In general, Singapore responded relatively fast with measures to prevent the spread of the Coronavirus (Covid-19) in the community:

23 January 2020: Singapore confirmed the first Covid-19 case, a 66-year-old Chinese national who flew from Guangzhou. Singapore started contact tracing of the Chinese national and her nine companions.

31 January 2020 Singapore barred entry to all new visitors arriving from mainland China, except Singaporeans and permanent residents.

25 March 2020 Singapore TraceTogether App

Singapore introduced TraceTogether App in schools and private companies as a social responsibility, similar to hand washing. TraceTogether app identify users within a 6-foot radius with a duration of contact of at least 30 minutes. Information from the app is used for contact tracing.

26 March 2020, authorities announced bars, nightclubs and movie theatres will be closed and gatherings of more than 10 people prohibited for at least a month. In March, Singapore started medical-testing and contract-tracing for Covid-19 for citizens and permanent residents. Singapore was then praised as the “golden standard” in the battle against Covid19.

But it failed to do the same for the 1.4 million migrant workers with more than 300,000 of them housed in cramped dormitories that is impossible for social distancing to be implemented. The Foreign Employee Dormitories Act (FEDA) 2015 had provisions on how

dorm operators must develop quarantine plans, in the event of an infectious disease outbreak, and provide sufficient sick bay facilities. But the FEDA requirement was not fulfilled. By mid-April medical testing was conducted for Migrant workers in the dorm as infection increased in the hundreds.

April 2020, Singapore introduced and passed in parliament the Covid-19 (Temporary measures) Act 2020 and the Covid-19 (Control Order) regulation 2020. In April, safe distancing measures were intensified and face mask wearing made mandatory to break increasing local transmission of Covid-19.

As of 1st June 2020, Singapore reported 35,000 plus confirmed covid-19 cases, 90% of the cases is among migrant workers, and 24 deaths.

2020 Temporary Measures and Regulations`

In the January to March period, the Singapore government resisted face masks and lockdown as means to slow-down the covid-19 Pandemic. Since March 2020, as the number of covid-19 case increased, the government introduced a series of temporary measures and regulations. But the government finally introduced in early April the "circuit breakers" measures which include enforcement of temperature checking at entrance to offices, shops, hospitals, workplaces, and other buildings and rapid contact tracing of covid-19 cases.

TraceTogether App and related privacy issues

20 March 2020, a new mobile application named "TraceTogether" was launched to support ongoing contact tracing. Users will only be asked to share these records when contacted by MOH as part of contact tracing investigations. If they refuse, they may be prosecuted under the Infectious Diseases Act.

The Government Technology Agency (GovTech) developed mobile app is enabled through short-distance Bluetooth signals between mobile phones that have the app installed. The app estimates the distance between users, as well as the duration of their encounters to identify those who were in close contact with a confirmed Covid-19 case. The records of these encounters are encrypted and stored locally on each user's phone for 21 days, which covers the incubation period of the coronavirus.

The TraceTogether collects the user's mobile number, so that MOH can contact quickly those who have been in close proximity with a Covid-19 case. The app exchanges Bluetooth proximity data with nearby phones running the same app.

On 5 June 2020, the government was reported in the news that it is in the process of developing a wearable contact tracing device that may be distributed to all the people living in Singapore. It appears to achieve the same aim as the TraceTogether app but goes further in that it will reach out to those who do not own a smartphone. Critics and concerned citizens have already flagged this development as a potential further infringement of privacy rights.

Related Privacy Issues – The Singapore Smart Nation initiative includes facial recognition in cameras installed on lampposts along the roads to record traffic offenders. There are also cameras in the elevator and car parks of housing estates. A person can be easily traced leaving his housing block to his workplace and return. In 2018, Singapore's largest health network was hacked and 1.5 million patient records were stolen. In 2019, a former

expatriate released the names of more than 14,000 HIV-positive persons living in Singapore.

Financial Packages to save lives and livelihood

The Singapore government introduced and started to implement the budget under the following 4 budget schemes: Unity Budget, Resilience Budget and Solidarity Budget and Fortitude budget. The Singapore authorities have announced the 4 packages of measures on February 18, March 26, April 6 - April 21, and May 26 - amounting to a total stimulus of S\$92 (19 % of GDP). Funds to contain the outbreak are about S\$800 million (mainly to the Ministry of Health). The Care and Support Package provides support to households (S\$ 5.7 billion), including a cash pay out to all Singaporeans, and additional payments for lower-income individuals and the unemployed. The Stabilization and Support Package to businesses (about S\$35.3 billion), including wage subsidies, an enhancement of financing schemes, and additional support for industries directly affected and the self-employed.

It also sets aside loan capital of S\$20 billion and introduces other economic resilience measures (S\$1.9 billion).

References:

[Ministry of Health \(Singapore\)](#) data, updated daily
[Updates on COVID-19 \(Coronavirus Disease 2019\) Local Situation](#) Consolidated

20 January: Temperature screening at Changi Airport was extended to all travellers coming from China.

[" All travellers arriving in Singapore from China to undergo temperature screening".](#) CNA
<https://www.channelnewsasia.com/news/singapore/wuhan-pneumonia-virus-outbreak-china-travellers-singapore-12291456>

21 January Yong, Clement [" Singapore to isolate all travellers from China with pneumonia; 7th suspect tests negative"](#). The Straits Times.
<https://www.straitstimes.com/singapore/health/wuhan-virus-singapore-widening-isolation-measures-7th-suspect-tests-negative>

22 January 2020 Goh, Timothy ["Wuhan virus: MOH sets up multi-ministry taskforce, advises against non-essential trips to Wuhan"](#), The Straits Times
<https://www.straitstimes.com/singapore/health/wuhan-virus-3-more-suspected-cases-in-singapore-avoid-non-essential-travel-to-wuhan>

23 January 2020, Abdullah, Zhaki Singapore confirms first case of Wuhan virus, CNA,
<https://www.channelnewsasia.com/news/singapore/wuhan-virus-pneumonia-singapore-confirms-first-case-12312860>

31 January 2020 Singapore closes borders to all foreign travellers from China to stem spread of coronavirus. SCMP
<https://www.scmp.com/week-asia/health-environment/article/3048441/singapore-closes-borders-all-chinese-travellers-stem>

12 March 2020 ["Coronavirus: Singapore will have to tighten travel restrictions further temporarily, but can't completely shut itself from the world, says PM Lee"](#). The Straits Times
<https://www.straitstimes.com/politics/pm-lee-to-address-nation-on-covid-19-situation-at-8pm>

20 March 2020 Zheng, Zhangxin ["Covid-19: S'pore invents world's first nationwide contact tracing app](#) Mothership" <https://mothership.sg/2020/03/trace-together-covid/>

Apr 21, 2020 Could Singapore have done more to prevent the COVID-19 spike among foreign workers in dormitories? <https://www.youtube.com/watch?v=C3R9EXoeRrc>

9 April 2020 ICA Updates on Border Control Measures in Response to COVID-19 (Coronavirus Disease 2019) <https://www.ica.gov.sg/covid-19>
Mandatory for travellers to stay at designated facilities when they return to Singapore. To protect the local community, from 9 April 2020, 2359 hrs, it is mandatory for all returnees (Singapore citizens, permanent residents or long-term pass holders) to serve their SHN in Government-designated facilities.

9 April 2020 ICA COVID-19 - Stay-Home Notice issued by ICA <https://www.ica.gov.sg/covid-19/shn>

May 26, 2020 COVID-19: Singapore dedicates another S\$33 billion in its 4th Budget of 2020
<https://www.youtube.com/watch?v=JSURcZSI0BQ>

5 June 2020, CNA, "COVID-19: Govt developing wearable contact tracing device, may be distributed to everyone in Singapore" <https://www.channelnewsasia.com/news/singapore/covid-19-contact-tracing-device-trace-together-app-12806842>

Recent Measures:

COVID-19 (Temporary Measures) (Control Order) Regulations 2020 as at 01 Jun 2020 <https://sso.agc.gov.sg/SL/COVID19TMA2020-S254-2020?DocDate=20200504>

COVID-19 (TEMPORARY MEASURES) ACT 2020 (No. 14 of 2020) 7 April 2020 <https://sso.agc.gov.sg/Act/COVID19TMA2020>

COVID-19 (TEMPORARY MEASURES) (CONTROL ORDER) REGULATIONS 2020 <https://sso.agc.gov.sg/SL/COVID19TMA2020-S254-2020?DocDate=20200407>

PUBLIC ORDER ACT (CHAPTER 257A) (Original Enactment: Act 15 of 2009) REVISED EDITION 2012 (31st May 2012)

<https://sso.agc.gov.sg/Act/POA2009>

The Act regulates assemblies and processions in public places. In April 2017, the Public Order Act was amended to authorize the commissioner of police to deny a permit for any "cause-related" assembly if non-citizens involve.

Public Order Act - Singapore Statutes Online

<https://sso.agc.gov.sg/Act/POA2009>

(2) A reference to a person or persons taking part in an assembly or a procession shall include, as the case may be, a person carrying on a demonstration by himself, or a march by a person alone, for any such purpose referred to in the definitions of an assembly and a procession, respectively, in section 2(1).

PUBLIC ENTERTAINMENTS ACT (CHAPTER 257) [Act 28 of 2017 wef 01/08/2017]

(Original Enactment: Ordinance 40 of 1958) REVISED EDITION 2001 (31st July 2001)

An Act to provide for the regulation of public entertainments. [35/2000]

<https://sso.agc.gov.sg/Act/PEA1958>

- Fines for holding public talks without a police permit were increased from S\$5000 to S\$10,000
- Event organisers are required to notify the police if they expect more than 5,000 persons at public events and 10,000 for private events.

DEFAMATION ACT (CHAPTER 75) Original Enactment: M. Ordinance 20 of 1957)

REVISED EDITION 2014 28th February 2014)

<https://sso.agc.gov.sg/Act/DA1957>

Defamation Law (Criminal Defamation-Penal Code Sections 499-502 and Civil Defamation)

"Lee Kuan Yew Wins Libel Suit Against Far Eastern Economic Review," UCA News, 11 December 1989,

https://www.ucanews.com/story-archive/?post_name=/1989/12/12/lee-kwan-yew-wins-libel-suit-against-far-easterneconomic-review&post_id=39059 (accessed 6 June 2020).

"Singapore: CPJ condemns ban on Far Eastern Economic Review", Committee to Protect Journalists news release, 02 October 2006

<https://cpj.org/2006/10/singapore-cpj-condemns-ban-on-far-eastern-economic/> (accessed 6 June 2020).

INTERNAL SECURITY ACT (CHAPTER 143) (Original Enactment: M Act 18 of 1960)

<https://sso.agc.gov.sg/Act/ISA1960>

Note: (The Malaysian Internal Security Act 1960 (No. 18/60) was extended to Singapore on 16.9.63 when Singapore became a component part of Malaysia see L.N. 231/63. The preambles to that Act are reproduced in this Act in their entirety.)

Employment Act Related to Migrant Worker

Foreign Employee Dormitories Act 2015 access as at 01 Jun 2020

<https://sso.agc.gov.sg/Act/FEDA2015>