

Disabled People's Association's Response to the Committee on the Rights of Persons with Disabilities Review of Singapore

Last updated on 29 September 2022:

In 2013, Singapore ratified the Convention on the Rights of Persons with Disabilities (CRPD) – a United Nations (UN) convention outlining best standards and practices for disability rights. As a result of ratifying the CRPD, the UN Committee on the Rights of Persons with Disabilities met recently on 30 and 31 August 2022 with representatives from the Singapore government to review how Singapore is implementing the CRPD. In this two-day session, representatives of the Singapore government responded to questions by the UN committee on the current situation on the rights and wellbeing of persons with disabilities in Singapore.

Disabled People's Association (DPA) would like to summarise some of the points of discussions over the two days of sessions while outlining a few questions and concerns we have about the government's responses to the UN committee's questions.

Over the two days of sessions, the committee posed a number of questions to representatives from the Singapore government. Out of the various topics and questions covered by the Committee, several included:

- How does the Singapore government implement the equality and non-discrimination provisions of the CRPD including what legal frameworks are in place to prohibit discrimination on the basis of disability in all its aspects such as in access to employment?
- How does the Singapore government approach implementation of the CRPD in an intersectional manner – particularly how does Singapore empower and protect the rights of women and girls with disabilities?
- What is the current state of accessibility of mechanisms and processes in the courts and legal systems in Singapore?
- Does Singapore have plans to remove its reservations on Article 12(4) relating to legal capacity?
- How does the Singapore government ensure accessibility for persons with disabilities in accessing buildings and services in Singapore?
- What are current measures to eliminate discrimination based on disability for persons with disabilities, especially autistic persons, in accessing private insurance coverage?
- How does Singapore implement reasonable accommodations and other supports in schools and other educational settings?
- How does the Singapore government engage persons with disabilities in policy making?

Representatives from the Singapore government began their reply to the questions from the Committee by outlining Singapore's approach to the CRPD – that the Singapore government takes an approach of aiming to incorporate the principles of the convention within Singapore's existing legislations and policies. Representatives from the Singapore government further noted in their statements that it is the view of the Singapore government that the CRPD is "fully implemented" in Singapore's various legislations – proceeding throughout the rest of their statements to cite various examples of how current, new, and upcoming laws and policies in Singapore incorporate the principles and provisions of the CRPD.

DPA welcomes a strong incorporation of the CRPD into Singapore's current and new legislations and policies; however, DPA is concerned that various current and upcoming provisions, laws, and policies in Singapore are currently not at an adequate level in implementing the provisions of the CRPD.

DPA would like to highlight a summary of several such concerns along with a few recommendations.

Equality and Non-Discrimination:

Regarding questions by the Committee pertaining to legal protections for persons with disabilities in Singapore, representatives from the Singapore government cited that "the principle of equality of all persons before the law is enshrined in Article 12(1) of the Singapore Constitution".

Article 12 does indeed state that "all persons are equal before the law and entitled to the equal protection of the law". However, this rather broad definition of equality does not provide specific provisions and mechanisms that ensure non-discrimination in all stages of seeking redress in cases of unfair treatment or discrimination of persons with disabilities. As the Committee noted, accompanying specific and enforced anti-discrimination legislation is required.

Additionally, representatives from the Singapore government added that Article 12 "protects against discrimination on multiple intersectional bases, on grounds of disability, age, sex and race", and that this provision by virtue applies to persons with disabilities. It is worth noting that Article 12(2) only refers to "religion, race, descent or place of birth", and does not mention disability, nor several other demographic categories such as age or gender.

While we understand the intention behind the statement by representatives of the Singapore government, to highlight that the Constitution enshrines the right of Singapore citizens to be protected from discrimination, it does not follow that citizens are protected from discrimination on the basis of disability by virtue of their status as a citizen. As such, we recommend that "disability", along with other demographic categories such as, but not limited to age and gender, be included in Article 12(2) of the Constitution.

DPA recommends that current, upcoming, and future legislations and policies (pertaining but not limited to specific topic areas outlined in this summary report) be amended and/or codified to incorporate and implement all the provisions outlined in the CRPD.

Employment:

Regarding questions by the Committee pertaining to employment, representatives from the Singapore government cited the current efforts to codify workplace anti-discrimination legislation by enshrining the Tripartite Guidelines on Fair Employment Practices (TGFEF) into law.

DPA is encouraged by the move to codify workplace anti-discrimination legislation. However, we are concerned that codifying the TGFEF, as they currently are, will lead to legislation that will not be adequate to target discrimination in the workplace for reasons we have outlined in our DPA 2022 Parallel Report.

Moreover, during the two days of sessions with the Committee, representatives from the Singapore government stated that "The Tripartite Committee on Workplace Fairness is deliberating the details including whether reasonable accommodations will be addressed in the legislation."

DPA is troubled about this statement made by representatives from the Singapore government. The provision to ensure reasonable accommodations is a core, essential, and indispensable component of any workplace anti-discrimination legislation along with a key standard of the CRPD to ensure non-discrimination. Reasonable accommodations are indispensable essentials for persons with disabilities to participate in the labour market and to attain employment. Thus, a workplace anti-discrimination legislation that does not include provisions to ensure reasonable accommodations to persons with disabilities is a legislation that will be ineffective in preventing employers from excluding persons with disabilities from the workforce.

DPA thus strongly recommends that provisions to ensure reasonable accommodations for persons with disabilities in all stages of assessing employment be included in the upcoming workplace anti-discrimination legislation.

Women and Girls with Disabilities:

In response to questions by the Committee on ensuring the empowerment and protection of women and girls with disabilities in Singapore, representatives from the Singapore government cited items such as the Women's Charter and the "Whitepaper on Singapore Women's Development" which was published earlier this year.

While such items are important, DPA is concerned about the lack of intentional inclusion within the text and within the processes of formulating and implementing the provisions of such documents that takes into account the unique and specific realities and barriers faced by women and girls with disabilities

For example, representatives from the Singapore government cited provisions within the "Whitepaper on Singapore Women's Development" such as the promotion of work from home (WFH) flexibilities as an example of how the whitepaper will benefit women with disabilities.

The promotion of WFH protocols will be beneficial to persons with disabilities, and in this case, women with disabilities, and DPA appreciates such provisions. However, DPA's concern, as we noted in our DPA 2022 Parallel Report, is the lack of clarity about how women with disabilities were consulted during the formulation of important initiatives pertaining to the general public such as with the "Whitepaper on Singapore Women's Development".

For example, while explaining the process for the whitepaper in their statement to the committee during the recent two days of sessions, representatives from the Singapore government stated: "We asked women, whether with disabilities or not, to share their views on the challenges they face and how they may be addressed."

DPA is therefore interested to know if there were specific and intentional consultations with women with disabilities in the formulation of important items such as the "Whitepaper on Singapore Women's Development", and what procedures are in place to ensure consultation and input from persons with disabilities are incorporated in all government plans and policies that pertain to the general public.

In addition, regarding questions by the Committee on protecting women and girls with disabilities from gender-based violence, representatives from the Singapore government noted various efforts to increase accessibility in reporting procedures – such as increasing the accessibility of the reporting hotline, current efforts to create a website for text-based reporting, and the introduction of reporting with hand signals for persons with disabilities who rely on non-verbal means of communication.

These measures are noteworthy and DPA recommends that they be expanded on to ensure social workers and hotline management personnel receive disability-related training, especially to be able to communicate effectively and provide assistance to women and girls from various disability communities. Indeed, being able to identify and support the needs of those who are often the most vulnerable to abuse should be included from the get-go in such important protocols.

A related issue is that victims of abuse or domestic violence (including gender-based violence) and those who have disabilities often tend to live with their abusers. Cases in recent years such as the cases of Ms. Annie Ee and Ms. Nursadiqah Sanusi are examples of this. One measure that the government can take in addition to awareness raising is to ensure that eligibility requirements to access support for persons with disabilities do not require household/family-based means testing.

Accessibility and Incorporation of the CRPD in the Legal System:

Regarding questions by the Committee on the accessibility of the legal system in Singapore, representatives from the Singapore government noted their position that procedural accommodations are in place within the legal system for persons with disabilities. However, DPA would like to note our concerns, along with the concerns of other disabled advocates, as highlighted in our DPA 2022 Parallel Report – that it is unclear as to whether such procedural accommodations are aligned with the "International Principles and Guidelines on Access to Justice for Persons with Disabilities" published by the Committee.

For instance, one of the several examples of procedural accommodations within the Singapore legal system cited by representatives from the Singapore government included a current committee chaired by a representative from the Singapore's Attorney General Chambers for "assisting offenders with mental disabilities". In response to a question during the recent two days of sessions as to whether this committee comprises of any persons with disabilities, representatives from the Singapore government replied that they are not aware of persons with disabilities currently serving on this committee, but it is their understanding that disability organisations were consulted by that committee. However, principle 7 of the "International Principles and Guidelines on Access to Justice for Persons with Disabilities" asserts the need to "actively involve" persons with disabilities in "meaningful participation" in such committees.

Furthermore, representatives from the Singapore government cited various examples on the current training provided to legal professionals, judges, social workers, and prison staff on procedures to engaging and communicating with persons with disabilities effectively. However, DPA would like to enquire if more information can be provided on efforts to assess the effectiveness of such training and if such training is conducted from a "human rights based" approach – as recommended by principle 10 of the "International Principles and Guidelines on Access to Justice for Persons with Disabilities".

Legal Capacity:

In response to questions by the Committee on legal capacity, representatives from the Singapore government cited the enactment of Singapore's Mental Capacity Act amongst various measures that Singapore is taking to enhance the principles of Article 12 of the CRPD relating to legal capacity. However, representatives from the Singapore government reiterated their position that they will not be withdrawing their reservations on Article 12(4) of the CRPD.

While the Mental Capacity Act includes a few important provisions – i.e., the distinctions made in the act noting that a psychiatric diagnosis or norm breaking behaviour does not automatically mean that a person lacks any mental capacity, there are areas of the act that raises questions.

For example, the act takes a "best interest" principle – noting in its code of practice: "A doctor is not obliged to follow the person's wish if it is against the person's best interests. Doctors should exercise their professional clinical judgement of what is in the best interests of the person as a patient to determine what treatment to provide." As noted by the Committee, a "best interest" principle is not necessarily a provision of the CRPD, and DPA would like to enquire if more information can be provided regarding how such a provision has been implemented.

As we noted in our DPA 2022 Parallel Report, DPA recommends that Singapore remove its reservations on Article 12(4) and amend subsequent legislation accordingly.

Accessibility of the Built Environment and Services in Singapore:

In response to questions by the Committee on accessibility of the built environment and services in Singapore, representatives from the Singapore government referred to various examples of accessibility – such as the building code of the Building Construction Authority (BCA) mandating new buildings to be barrier free and how all HDB flats built since 2006 were constructed with universal design principles and are barrier free. Representatives from the Singapore government also cited efforts within various sectors in Singapore to make their services accessible.

DPA commends the Singapore government on their commitment to universal design principles through the building code. DPA has enjoyed working with the Singapore government on the implementation of the building code in the Central Business District (CBD) and looks forward to further collaboration on improving accessibility and disability inclusion in other areas as well.

Having noted this, DPA would like to reiterate the gaps we raised in our DPA 2022 Parallel Report, namely, the lack of accessibility during times of disruption and the absence of enforced regulation for private companies to make their services accessible.

Furthermore, in their statements to the CRPD Committee, representatives from the Singapore government noted: “When engaging deaf and hard of hearing patients, our healthcare institutions adopt a tailored approach. This includes using writing, pictorial aids, or the utilization of the services of sign language interpreters”.

These measures are a good start, but protocols should be strengthened and scaled up nationwide to ensure optimal ease of access to all healthcare providers. As we articulated in our DPA 2022 Parallel Report, we have received about deaf individuals often still having to pay out of pocket for sign language interpreters in such important settings, along with our concerns about the low number of Sign language interpreters in Singapore.

Access to Private Healthcare Insurance:

There were quite a number of questions by the Committee towards the end of the second day of sessions enquiring as to what Singapore plans to do to eliminate discrimination based on disability (especially in regard to the autistic community) in accessing private healthcare insurance. Representatives from the Singapore government shared about their current efforts in conducting public consultations to formulate guidelines on fair practices for private insurance companies. Representatives from the Singapore government further noted that the government will be monitoring the implementation by private insurance companies of the guidelines.

While we appreciate the government’s efforts, we would like to reiterate our recommendation in our DPA 2022 Parallel Report regarding how such guidelines should be enshrined into law with clear terms of what constitutes as discrimination in accordance with CRPD standards.

Education:

In response to questions by the Committee on promoting inclusive educational environments, representatives from the Singapore government cited the various policies in place including the provisions of reasonable accommodations and efforts to increase specialised training for educators in mainstream schools amongst other efforts.

DPA commends such efforts – especially in terms of the progress that has been made over the years. However, as shared in our DPA 2022 Parallel Report, there remains the need for improvement on the implementation of reasonable accommodations, the need for prevalence of inclusive pedagogy and materials in all levels of education (including vocational education), the need for awareness about disability in civics education to be based in the social model of disability and a long-term commitment to replacing the segregated education system with a truly inclusive one.

Engagement and Involvement of Persons with Disabilities in Policy Making:

Replying to questions by the Committee on the level of engagement, involvement, and participation of persons with disabilities in policy making, representatives from the Singapore government cited the Enabling Masterplan processes.

DPA has been on the Steering Committee of the recently launched Enabling Masterplan 2030 and we look forward to further engagement in the implementation of the Enabling Masterplan 2030.

Much like the points we raised with regard to “Whitepaper on Singapore Women’s Development”, it is our hope that the Singapore government will conduct consultations that intentionally and specifically involve persons with disabilities when formulating or amending any policies that affect them. Nothing about us, without us, must be at the core of all public policy so that disability inclusion and rights as outlined in the CRPD are incorporated and implemented in our laws, policies and education and care systems and support mechanisms.

The above are just some of the main points of discussion over the two days of sessions that we wanted to highlight and respond to. DPA would like to continue to actively engage in conversations with individuals from the Singapore government and other sectors regarding working together on the topics brought up during the CRPD sessions and in our DPA CRPD Parallel Report 2022. In that way we can work together towards the goal of full CRPD implementation and an inclusive Singapore we can all be proud of.