

## **A. INTRODUCTION**

1 Section 377A of the Penal Code of Singapore is the key legislation which criminalises sexual behaviour between consenting adult males, even in private. It states that:

*“Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years<sup>i</sup>.”*

2 Although Section 377A has not often been enforced, its existence is used by a range of government agencies to deny or uphold a wider range of discriminatory policies that effectively strip LGBT Singaporeans of many of the prerogatives and protections of citizenship. The existence of Section 377A also makes it difficult for ministries and government agencies to implement policies to safeguard the well-being of the citizen in Singapore. This joint submission by Oogachaga and Pink Dot SG sketches 377A’s recent legal history, and goes on to explore in some depth the areas of social life that continue to be adversely impacted by it. The report also proposes ways in which these adverse effects can be mitigated.

### **Constitutional Challenge of Section 377A of the Penal Code**

3 In 2014, two appeals<sup>ii</sup> challenged the constitutionality of Section 377A and received a hearing in the Singapore Court of Appeal. In the joint judgement for the constitutional challenges, the Singapore Court of Appeal upheld the constitutionality of Section 377A on a narrow interpretation that the Constitution only prohibits discrimination on the grounds of religion, race, descent or place of birth and not sexual orientation and gender identity.

4 The Court of Appeal's ruling is troubling: it implies that, since the constitution makes no specific mention of gender or sexual orientation as disallowed criteria for discrimination, discriminatory laws along gender and sexual orientation lines can neither be challenged nor struck down.

## **B. DISCRIMINATORY MEDIA GUIDELINES & CENSORSHIP**

5 The Government publicly maintains that because Singapore society is largely conservative and unaccepting towards homosexuality, it would not repeal Section 377A<sup>iii</sup>. In response, LGBT organisations have asked for more platforms for public discourse on LGBT issues, in order to foster a more accepting society. Yet in a counterproductive approach, the government restricts information and positive portrayal of LGBT issues through stringent guidelines from the Media Development Authority (MDA).

6 The MDA Free-to-Air Television Program Code states that *“music associated with drugs, alternative lifestyles (e.g. homosexuality) or the worship of the occult or the devil should not be broadcast”*<sup>iv</sup> while its Free-to-Air Radio Program Code adds *“Information, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, paedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorise such lifestyles. Explicit dialogue or information concerning the above topics should not be broadcast.”*<sup>v</sup> MDA has also censored print publications, public performances and media broadcasts<sup>vi</sup>.

7 These guidelines and actions contradict the Government’s position in promoting acceptance and understanding of LGBT diversity in Singapore society. It prevents the general population from understanding

key issues, reinforces negative stereotypes and imposes institutional discrimination on the LGBT community. It also restricts LGBT individuals from accessing important healthcare information and limits service providers from publicising LGBT-specific healthcare services.

## **Recommendation**

8 We recommend the Government removes all discriminatory guidelines in order to provide accurate representation of LGBT persons and promote open discussion on LGBT issues.

## **C. REGISTRATION OF LGBT ORGANISATIONS & THE RIGHT OF FREEDOM OF ASSEMBLY & ASSOCIATION**

9 Singaporean citizens have a right of association and they should not be denied this right on the basis of sexual orientation and gender identity. However, there are many LGBT organisations in Singapore that lack legitimate status or recognition. Without legal status, LGBT organisations find themselves unable to properly engage the government in improving the lives of LGBT Singaporeans.

### **The Societies Act<sup>vii</sup>**

10 No LGBT organisation has been able to register as a society in Singapore. The Singapore Societies Act gives the Registrar of Societies absolute discretion to refuse the registration of a society if the Registrar of Societies is merely satisfied that it would be contrary to the national interest for the society to be registered. As the Registrar is not required under the Act to explain how the registration of a society could be contrary to national interest, there is a lack of transparency on the decision process on the part of the Registrar.

11 People Like Us<sup>viii</sup> (PLU), an advocacy group focused on achieving equality for LGBT persons, tried registering as a society in 1996. The Registrar of Societies rejected their application and demanded that PLU cease all activities or face legal consequence<sup>ix</sup>, without providing grounds for the rejection. In 2004, PLU re-attempted registration and again met with rejection. This time, the Registrar explained that “As the mainstream moral values of Singapore are conservative, it is hence contrary to public interest to grant legitimacy to the promotion of homosexual activities and viewpoints”.

12 The reasoning of the Registrar is problematic. It is precisely because LGBT Singaporeans face discrimination from the majority and are not accorded equality that LGBT societies are required to protect their interests and speak up on their behalf. Laws are meant to protect minorities and prevent discrimination. Quite apart from merely lacking laws that protect its LGBT citizens, the Singapore government has chosen to retain laws<sup>x</sup> and regulations<sup>xi</sup> that legitimise discrimination against its LGBT citizens. Creating a barrier to registration for LGBT organisations denies LGBT citizens access to avenues for legal protection and advocacy.

### **Implications**

13 PLU’s failure to register has deterred other LGBT organisations from attempting registration. As such, LGBT organisations in Singapore exist in a state of legal limbo. Without a legal registered status, LGBT organisations are unable to raise funds effectively, apply for licenses to hold LGBT-related events, and lack the legitimacy to engage the Government in improving the lives of LGBT Singaporeans.

### **Recommendations**

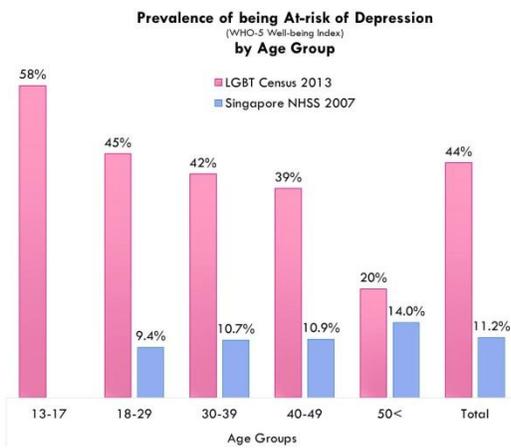
14 We recommend the Government recognises the fact its LGBT citizens need protection and recognition, and take effective measures to ensure the full realization of the right to freedom of expression and peaceful assembly by removing all legislative and practical obstacles for the registration of LGBT organizations. While the Government may not be ready at this point to pro-actively improve the lives of its LGBT citizens, they should not deny LGBT organisations the legitimacy to work for the well-being, protection and interests of LGBT Singaporeans.

**D. EDUCATION & WELL-BEING OF LGBT YOUTH**

15 As the large majority of LGBT Singaporeans spend their adolescent years in school, the well-being of LGBT adolescents and how this is impacted by the discourse and policies of educational and social institutions is an area of critical concern.

**Bullying of LGBT youth and access to education**

16 In two significant surveys of LGBT Singaporeans conducted in the last 3 years - the Homophobia and Transphobia Survey 2012 (HATS2012) and the National LGBT Census Singapore 2013 (NLCS2013)<sup>xii</sup>, the majority of LGBT persons report having experienced abuse or bullying on the basis of sexual orientation or gender identity at some point while growing up - 60.2% of respondents and 56% of schooling respondents, respectively). These findings warrant serious attention on the part of educators.<sup>xiii</sup> It is unfortunate that they have been met with a studied silence from the Ministry of Education (MOE) and the Ministry of Social and Family Development, and other relevant government agencies.<sup>xiv</sup>



**Implications**

17 The table on the left, taken from NLCS2013, starkly shows up the problem of LGBT bullying. LGBT adolescents are at a far higher risk of suffering from poor mental health and depression than their peers, and the pattern, once established, persists throughout the life course. Such mental states also place LGBT youth at greater risk of suicide – HATS2012 found that such abuse and discrimination led to a significantly higher incidence rate of having suicidal thoughts or attempts. Another community-led study found that between 56%<sup>xv</sup> and 60%<sup>xvi</sup> of LGBT respondents suffered from homophobic and transphobic bullying in schools or in society.

**Contributing Factors**

18 LGBT bullying is most often the result of a lack of fair and accurate information about LGBT persons, as well as an institutional culture and discourse that condones such bullying. When sexual orientations and gender identities are not openly discussed at school, or discussed in a negative way, this leads to a lack of awareness of the issues faced by LGBT persons, and to the perpetuation of negative stereotypes.

19 These two issues are evident in MOE’s sexuality education curriculum. Commentators have previously pointed to serious deficits in the curriculum<sup>xvii</sup>, which emphasises the criminality of gay behaviour

rather than treating LGBT persons as full and lawful citizens. This position prevents school authorities from acknowledging the existence of LGBT bullying as well as providing support to LGBT students and teachers.

20 In 2009, a public controversy which erupted over the sexuality education curriculum led MOE to outsource sexuality education in mainstream schools to six providers, three of which are affiliated with churches that have publicly campaigned against the decriminalisation of homosexuality in Singapore.

21 MOE's veiled persecution of LGBT teachers through the use of a blacklist (on the basis of one's known LGBT status) further denies LGBT students of the chance to grow up with positive role models.<sup>xviii</sup> A number of gay teachers have reported being denied positions or dropped from service with no ostensible reason; MOE's policies on this matter, however, are classified and thus opaque to scrutiny – when playwright Alfian Sa'at was fired from a relief teaching position in 2007, his repeated queries met with smokescreen replies.<sup>xix</sup> This has resulted in a culture of fear and silence among LGBT teachers.

22 One school-sanctioned LGBT group for students was founded in Yale-NUS in 2013. The G-Spot, which involves its students in advocacy, research and education regarding feminism, gender and sexuality issues, successfully organised an Ally Week in 2015<sup>xx</sup>, and forms an instructive example of what is possible for other schools interested in creating safe spaces for their LGBT students.

23 While other university groups exist<sup>xxi</sup>, they do not receive the same level of institutional support as G-Spot. In a joint letter to the press, the groups note that 'school administrators should ensure that our schools are not only world class in research and teaching but also safe and affirmative for all students.'<sup>xxii</sup>

## **Recommendations**

24 We recommend the Government act on the following:

- a. Set up a high-level MOE taskforce supplemented by non-MOE directors other relevant ministries to look into the issue of LGBT bullying and the well-being of its LGBT students and staff, and create a National Action Plan to tackle homophobic and transphobic bullying in schools.
- b. Ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment. This should include the publication of a clear set of guidelines on sexual respect.
- c. Allow the formation of LGBT groups within schools and universities as these provide an important source of social and emotional support for LGBT-identified youth.
- d. Ensure that education methods, curricula and resources serve to enhance understanding of and respect for diverse sexual orientations and gender identities. It should increase the quality of the sexuality education provided to remove the current emphasis on criminality.

## **E. HEALTHCARE & SOCIAL SERVICES FOR LGBT PERSONS**

25 In Singapore, LGBT people deal with multiple stresses resulting from the social stigma and discrimination based on their sexual orientation, gender identity and expression. However, there is no concerted effort by the Government to understand the overall psychosocial, mental and physical health needs

of its LGBT citizens, and very limited social, mental health and healthcare services to meet the community's needs.

26 A community study found that 44% of respondents reported poor mental health and are at risk of depression, as compared to the national rate of 11.2%<sup>xxiii</sup>. In a study about men who have sex with men (MSM) and HIV, community stakeholders reported that low self-esteem as well as feelings of shame and guilt related to their sexual orientation contributed to risky sexual behaviour. These data underscore the importance of LGBT-specific support services.

### **Limited access to LGBT-specific services**

27 Singapore has a well-developed suite of social, mental health and general healthcare services. However there are only three non-profit, LGBT-specific non-governmental organisations (NGO) with physical offices, namely AFA Gayhealth, Oogachaga and The T Project serving the local LGBT community, estimated at 2% to 4% of the total population. LGBT issues often attract negative public reactions, thanks in no small part to the lack of public education as well as the negative stereotypes mandated and perpetuated by extant MDA guidelines. Additionally, mainstream organisations do not provide openly-publicised LGBT-friendly services, out of a wish to avoid potential funding issues or controversy. As a result, LGBT people have very limited access to the LGBT-specific services that they most need.

28 One key area that is critically affected is the sexual health of LGBT people. In Singapore, 40% of 5,365 known HIV infected individuals are gay, bisexual, MSM and transgender individuals. In 2013 alone, more than 60% of the newly-diagnosed infections were through same-sex sexual contacts<sup>xxiv</sup>. While it is officially reported that Ministry of Health (MOH) has worked with LGBT-specific NGOs on MSM sexual health programs<sup>xxv</sup>, these resource-strapped NGOs are unable to cater to the full range of needs presented by LGBT Singaporeans.

### **Poor understanding of LGBT service needs**

29 According to a study, only 20% of respondents working in the social services have received some training on LGBT issues<sup>xxvi</sup>. 60% feel that they do not have the requisite knowledge or confidence to work with LGBT clients. Training on LGBT-specific issues is missing from the National University of Singapore's Social Work undergraduate programme, from which the majority of Singapore-based social workers receive their professional education. Similarly, there is no formal LGBT-specific training in local medicine and nursing programs. This means that the professionals enter their respective service sectors without any training to serve their LGBT clients or patients.

30 There is also no means to conduct a comprehensive nationwide survey of LGBT social and healthcare needs, given that social service and healthcare institutions are concerned about contravening existing legislation. This has resulted in a poor understanding of the LGBT community's specific social and healthcare needs and affected the services received by LGBT people. For example, transgender individuals often report being treated insensitively by social or healthcare workers. Lesbians and other women who have sex with women (WSW) report being discouraged from crucial health screening examinations such as pap smears as they are not sexually active with men. Gay, bisexual men and MSM have to conceal that they have same-sex partners, for fear of being stigmatised by medical staff. Some have also reported that staffs at public and private hospitals have been unfriendly because of their sexual orientation. The lack of data also means that the needs of at least 6,500 LGBT Singapore residents who are now aged 65 and above<sup>xxvii</sup> are not planned or provided for.

## **Specific medical issues faced by transgender people**

31 In Singapore, transgender people are recognised legally when their gender markers on legal document are changed, but only after completion of sex reassignment surgeries (SRS). However the World Professional Association for Transgender Health states that no particular medical, surgical, or mental health treatment or diagnosis is an adequate marker for one's gender identity and they should not be requirements for legal gender change<sup>xxviii</sup>. Due to these legal barriers, pre-operation transgender people are subjected to social and healthcare services that are not aligned with their identity. At the same time, post-operation transgender people who have different medical needs from cis-gender people, and should be treated in specialised services.

32 Since 2013, no public hospital in Singapore has offered SRS. Transgender persons who wish to undergo SRS can only do so overseas. This restricts their access to pre- and post-surgery care, and increases their health risks<sup>xxix</sup>. Having the procedure overseas results in transgender Singaporeans being unable to access their personal social security savings from the Central Provident Fund Medisave account, covering the medical costs. These treatments are also excluded from Medishield, a national health insurance scheme<sup>xxx</sup>.

## **Lack of official professional position on Conversion Therapy**

33 International organisations such as the Pan-American Health Organisation<sup>xxxi</sup>, American Psychological Association<sup>xxxii</sup> and World Bank<sup>xxxiii</sup> have long discredited Conversion Therapy on ethical grounds, its potential to cause psychological harm to clients and its inability to back its claims of effectiveness with scientific evidence. However, in Singapore there continue to exist service providers which are affiliated with international faith-based organisations that adopt a discriminatory position towards LGBT people, such as Focus On The Family, which actively encourage the practice of conversion therapy. Some of these organisations are even engaged as sexuality education providers in Ministry of Education (MOE)-managed schools<sup>xxxiv</sup>.

34 Despite recommendations by the international bodies against conversion therapy, the Ministry of Social and Family Development (MSF) and National Council of Social Service (NCSS) do not state their position on conversion therapy. In doing so, they implicitly condone such practices in Singapore. In 2006, the then-Ministry of Community, Youth and Sports (MCYS) even offered a grant of \$100,000 to Liberty League, an organisation that offered conversion therapy,<sup>xxxv</sup> despite objection from the LGBT community. It is not publicly known if the grant was withdrawn. The lack of an official professional position on these unethical practices creates an unsafe environment for LGBT individuals and their families who are seeking help, and could lead to harmful outcomes.

## **Absence of LGBT-specific sexuality education and psychosocial support in schools**

35 Although MOH acknowledged its concern on sexual health issues in the LGBT community, MOE has taken a conservative position on sexuality education in its schools. The current sexuality education programs are not catered to the LGBT youth's need and are sometimes managed by organisations, which have positions that contravene established research on public health. LGBT youth need to access accurate and relevant sexuality education in order to maintain a good sexual and psychosocial health. LGBT youth also has the right to receive school based counselling and psychosocial support that is sensitive and relevant to their needs.

## **Crucial public health information services hindered by existing laws and guidelines**

36 In 2014, the Health Promotion Board (HPB), a statutory organisation under MOH, published a webpage on LGBT-specific healthcare information<sup>xxxvi</sup>. It quickly drew local and international attention, as it contained specific references to homosexuality and bisexuality and provided answers to frequently asked questions in a concise, factual manner. This was considered a ground-breaking move by a government department in Singapore. Unfortunately it drew conservative and religious criticism, which resulted in the removal of web links to three LGBT-friendly organisations<sup>xxxvii</sup>. The Health Minister subsequently clarified the Government's position on the information page as well as its rationale<sup>xxxviii</sup>.

37 This incident highlighted two crucial points. Firstly, it is possible for a government department in Singapore to adopt a professional and informed position on its work, that is guided by international bodies such as UNESCO<sup>xxxix</sup> and UNAIDS<sup>xl</sup>. The provision of accurate information benefits LGBT individuals and their families, and contributes to public health. Secondly, the existence of discriminatory laws such as Penal Code Section 377A and MDA's guidelines have created a hostile environment where conservative individuals and religious groups frequently call for the censorship of open discussions about LGBT issues. In this case, MOH and HPB were caught in a difficult situation, and were prevented from carrying out their primary role of promoting public health and delivering healthcare services.

## **Recommendations**

38 We recommend the Government adopts the following:

- a. Implement LGBT-specific training in higher learning institutions and as part of practitioners' professional accreditation, in the fields of medicine, nursing, social work, counselling and psychology. The curricula should be aligned with credible scientific evidence on human sexuality.
- b. Allocate resources and implement comprehensive LGBT-specific services in social service, mental health and healthcare sectors.
- c. Implement anti-discriminatory guidelines in all healthcare and social service institutions, to protect the rights of LGBT service-users, as well as adopt international guidelines on providing sexual health information, prevention and treatment for LGBT persons, especially LGBT youth.
- d. Outlaw all clinical practices that involve conversion therapy, or practices that are discriminatory towards LGBT-identified persons.
- e. Introduce comprehensive and evidence-based sexuality and sexual health programmes to all schools, to include LGBT-related issues.
- f. Abolish the current medical requirements before transgender people could change their gender marker.
- g. Reinstate SRS services in public hospitals, and allow Medisave and Medishield Life coverage for these procedures.

## **F. WORKPLACE DISCRIMINATION TOWARDS LGBT PERSONS**

39 Employment protections for LGBT individuals do not exist in Singapore. Benefits and workplace policies aimed at levelling access for LGBT employees are nearly non-existent, save for a small handful of multinational organisations. Stories of workplace bullying, prejudice, harassment, blackmail and intimidation

are often discussed privately within the community. Victims will rarely speak publicly, for fear of being outed or shamed in an environment where being gay and/or transgender remains highly stigmatised.

40 Such anxieties are more acutely felt in a small city-state like Singapore, where personal reputation can greatly influence an individual's social capital, and publicly-shamed identities can be permanently damaging to a person's future in the industry or broader community<sup>xli</sup>. A 2013-14 community census found that 15 per cent [ $n = 1,802$ ] of LGBT employees experienced some form of discrimination or bullying at work; the most common being gossip, name-calling, social ostracism and threats<sup>xlii</sup>.

41 In the public sector, fears of discrimination have persisted despite assurances, more than a decade ago, from then Prime Minister Goh Chok Tong that the Government openly employs LGBT people<sup>xliii</sup>. He noted that they "had to disclose their status to avoid being open to blackmail". While the remarks were widely heralded as progressive<sup>xliiv</sup>, there is, till today, no formal statement or policy that might substantiate an openness to employ gay people; much less support the well-being of LGBT civil servants.

42 To the contrary, community groups have counselled many individuals from civil service, many of whom will not speak publicly, out of respect for contractual obligations and laws such as the *Official Secrets Act* which guards information within civil service, including private conversations between supervisors and subordinates. Community counsellors are thus unable to advocate on behalf of clients. Without recourse or mediation, these individuals often exit the public sector. So while it is certainly true that the Government employs gay people<sup>xliv</sup>, it is more a matter of chance and happenstance – without deliberation on equity or safety.

43 The private sector fares marginally better, owing in large parts to multinational corporations<sup>xlvi</sup>. A handful have localised policies to parallel that of their headquarters<sup>xlvii</sup>; some have sponsored resource groups for LGBT staff and their allies, and a small but increasing number have supported local LGBT initiatives<sup>xlviii</sup>. Despite their efforts, there are perceptions that these programmes cater more for expatriates. Local LGBT employees appear less motivated to participate for fears of compromising their identity – perhaps less so to their LGBT-affirming employers than to colleagues and their acquaintances<sup>xlix</sup>.

44 While most initiatives have taken place without incident, one bank's move to host a networking dinner with job applicants from the LGBT community was criticised by a cabinet minister. He opined that "(the bank is) entitled to decide and articulate their human resources policies, but they should not venture into public advocacy for causes that sow discord amongst Singaporeans"<sup>1</sup>. Companies that have been supportive of their LGBT employees internalised these comments as a signal of official disapproval<sup>liii</sup>. Community advocates agree that these remarks – taken in an environment that is already resistant, if not opposed to the hiring and/or support of LGBT persons – was regressive and had a chilling effect on these organisations.

45 In the absence of formal protections against discrimination, efforts to promote workplace equity may only be driven through educational campaigns – in the hopes that organisations will do the right thing. However, there is increasing recognition that education alone is insufficient in tackling workplace discrimination in the short to medium term<sup>liii</sup>.

46 In 2013, a former employee of local department store, Robinsons, filed a lawsuit against the company for unfair dismissal. He claimed that he was harassed and subjected to "unrelenting and unceasing discrimination" for being gay; for instance, being told that he "cannot be right as (he was) wrong already as a person"<sup>liv</sup>.

47 This case represented the first formal appeal for protections against workplace discrimination on the basis of sexual orientation. The court subsequently rejected the case, citing that the employer had offered the plaintiff more than what his contract had promised in the dismissal, and that "his termination did not put him at a disadvantage when seeking employment elsewhere"<sup>lv</sup>. The organisation had also denied the allegations, citing that they had already taken the *Employer's Pledge of Fair Employment Practices*<sup>lvi</sup>.

48 The pledge, a tripartite initiative between the Ministry of Manpower, employers and labour movements, is a statement of intent. It covers "age, race, gender, religion, marital status and family responsibilities, or disability". It does not include sexual orientation and gender identity. Community advocates that have engaged with the tripartite understand that LGBT mentions were excluded due to discomforts stemming from Section 377A<sup>lvii</sup>.

## **Implications**

49 Little has changed for LGBT individuals at Singapore workplaces since the Prime Minister's expression of support in 2003. Be that as it may, the global climate towards LGBT issues has evolved quickly and greatly. An increasing number of nations and organisations are recognising gay marriage, transgender identities, etc., if not for "human rights", then at least to reflect the pragmatic realities of the evolving "family".

50 The Singapore LGBT community is no different. The community census found that 42% of citizens and residents are partnered; 52% would like to have children; 10% have made plans to have children; and 1.5% of respondents already have children<sup>lviii</sup>. These familial structures are, and will likely be unrecorded, unaccounted, and therefore, excluded from workplace support in Singapore. Without support, LGBT individuals have little impetus to be transparent about their lives, and governance is made more challenging for both public and private organisations.

51 In speaking about employment of gay people in civil service 12 years ago, former Prime Minister Goh Chok Tong astutely pointed to the criticality of transparency and accountability. It is regrettable that organisations in Singapore have yet to engage with this issue.

## **Recommendations**

52 We recommend the Government adopts the following:

- a. Include "sexual orientation and gender identity" across public initiatives aimed at advancing fair employment to guarantee fair treatment and opportunities at the workplace.
- b. Introduce programmes across ministries and government agencies to better prepare public sector employees in understanding and serving citizens who may identify as LGBT.
- c. Support and recognise public, private and social sector initiatives aimed at promoting LGBT-inclusive workplace policies and practices.
- d. Appoint senior-level diversity champions across ministries and government agencies to drive internal dialogues.
- e. For governance and transparency, encourage and protect LGBT civil servants and employees so that they come out and disclose partnerships.

- f. Partner with LGBT community groups to tackle LGBT prejudice in civil service and within the labour market.

## **F. CONCLUSION**

53 The Government must recognise the constitutional rights of all Singapore citizens and repeal Section 377A. Laws are meant to protect minorities and prevent discrimination, and it is disheartening that LGBT Singapore citizens have to resort to mounting legal challenges and public debates in order to justify their existence in Singapore.

54 While the Government has stated that Section 377A will not be proactively enforced, it must be emphasised that such statements are not legally binding if Section 377A is not declared unconstitutional by the judiciary, or repealed by the legislature.

55 The existence of Section 377A has unambiguously impacted legislation and public policies in Singapore. This submission has highlighted how these policies have violated the basic human rights of LGBT Singapore citizens in five key areas:

- a. Discriminatory media guidelines and censorship
- b. Registration of LGBT organisations
- c. Education and well-being of LGBT youth
- d. Healthcare and social service for LGBT persons
- e. Workplace discrimination towards LGBT persons

56 The submission includes detailed implications supported by anecdotal evidence, reported cases and comprehensive community research. Our recommendations are guided by established international guidelines and policies.

57 When fully implemented, these recommendations will contribute significantly to the awareness and understanding of LGBT issues in the general population, supporting the well-being of the LGBT people and shaping a more accepting environment.

58 We urge the respective Government ministries and departments in Singapore to align their existing policies with our recommendations and proactively engage Oogachaga, Pink Dot and other LGBT community stakeholders in their plans to build a society that is inclusive and respectful of its LGBT citizens.

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- <sup>i</sup> Penal Code (Chapter 224) of the Republic of Singapore.
- <sup>ii</sup> Joint appeal of Lim Meng Suang and Kenneth Chee Mun-Leon vs AG and Tan Eng Hong vs AG [2014] SGCA 53
- <sup>iii</sup> The Straits Times, <http://news.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20071023-31769.html>, accessed on 3 June 2015.
- <sup>iv</sup> Free to Air Television Program Code, [http://www.mda.gov.sg/RegulationsAndLicensing/ActsCodesOfPracticeAndGuidelines/Documents/Acts,%20Codes%20of%20Practice%20and%20Guidelines/Industry\\_TV\\_ContentGuidelines\\_FTATVProgCode.pdf](http://www.mda.gov.sg/RegulationsAndLicensing/ActsCodesOfPracticeAndGuidelines/Documents/Acts,%20Codes%20of%20Practice%20and%20Guidelines/Industry_TV_ContentGuidelines_FTATVProgCode.pdf), accessed on 2 June 2015
- <sup>v</sup> Free to Air Radio Program Code, [http://www.mda.gov.sg/RegulationsAndLicensing/ActsCodesOfPracticeAndGuidelines/Documents/Acts,%20Codes%20of%20Practice%20and%20Guidelines/PoliciesandContentGuidelines\\_Radio\\_RadioProgCode.pdf](http://www.mda.gov.sg/RegulationsAndLicensing/ActsCodesOfPracticeAndGuidelines/Documents/Acts,%20Codes%20of%20Practice%20and%20Guidelines/PoliciesandContentGuidelines_Radio_RadioProgCode.pdf), accessed on 2 June 2015.
- <sup>vi</sup> Jolin Tsai's same-sex marriage music video and song banned on TV and radio, <http://www.straitstimes.com/lifestyle/music/story/jolin-tsais-same-sex-marriage-music-video-banned-tv-and-radio-mda-clarifies-20>, accessed on 2 June 2015. MDA bans Pink Dot SG ad: <http://www.marketing-interactive.com/mda-bans-pink-dot-sg-ad/>, accessed on 15 June 2015.
- <sup>vii</sup> Societies Act (Cap 311)
- <sup>viii</sup> [www.plu.sg](http://www.plu.sg)
- <sup>ix</sup> Lynette J. Chua (2014), "Mobilizing Gay Singapore".
- <sup>x</sup> Section 377A of the Penal Code criminalises sexual behaviour between two or more male persons, even if they are consenting adults and if intimacy occurs in private.
- <sup>xi</sup> Media Development Authority guidelines for film classification, free-to-air television programme code and publication disallows any content that justify or promote the "homosexual lifestyle".
- <sup>xii</sup> The former was administered by Oogachaga, while the latter was collectively sponsored by three LGBTQ NGOs – Pink Dot SG, Oogachaga and Sayoni.
- <sup>xiii</sup> Both surveys revealed that the most common forms of abuse were bullying (gossiping, teasing, ostracising), being made the target of homophobic jokes, and verbal abuse or threats (threats of violence, sexual harassment, outing). NLCS2013 additionally found that 71% of schooling respondents have witnessed some form of school bullying before, even if they were not the direct subjects of bullying.
- <sup>xiv</sup> Even when a recent letter to the press brought up the issue of LGBT youth suicide<sup>xiv</sup> that drew a flurry of letters, the issue continues to be ignored by MOE and MSF. See Bryan Kwa, 'LGBT Youth at higher risk of suicide, more support needed' (Singapore: Today Online, 2015) <http://www.todayonline.com/voices/lgbt-youth-higher-risk-suicide-more-support-needed> accessed 15 May 2015
- <sup>xv</sup> SOGI-Singapore. (2014). *National LGBT Census: Singapore*. Survey. SOGI Singapore.
- <sup>xvi</sup> Impact of homophobia and transphobia on LGBTQ individuals in Singapore, Oogachaga, 2012
- <sup>xvii</sup> Koh, J. and D. Chua (2008). "Sexuality Education and 'Thinking Schools, Learning Nation.'", in Thinking Schools, Learning Nation: Contemporary Issues and Challenges.
- <sup>xviii</sup> Various private interviews with author, 2007-14.
- <sup>xix</sup> Choo Zheng Xi, 'Award winning local playwright fired from teaching position' (Singapore: The Online Citizen, 2007) <http://www.theonlinecitizen.com/2007/06/award-winning-local-playwright-fired-from-teaching-position/> accessed 2 April 2015.
- <sup>xx</sup> Rachel Siegel, 'LGBTQ Activism finds home at Yale-NUS' (Yale: Yale Daily News, 2015) <http://yaledailynews.com/blog/2015/04/08/lgbtq-activism-finds-home-at-yale-nus/> accessed 29 April 2015.
- <sup>xxi</sup> iFreedom (Tembusu College, NUS), Gender Collective (University Scholars Programme, NUS), Kaleidoscope (an independent Nanyang Technological University group) and Out To Care (Singapore Management University).
- <sup>xxii</sup> Natalie Tai and others, 'Varsity Support for LGBT youth in Singapore' (Singapore: Today Online, 2015). <http://www.todayonline.com/voices/varsity-support-lgbt-youth-spore> accessed 8 May 2015.
- <sup>xxiii</sup> SOGI-Singapore. (2014). *National LGBT Census: Singapore*. Survey. SOGI Singapore.
- <sup>xxiv</sup> Ministry of Health HIV statistics 2013. [https://www.moh.gov.sg/content/moh\\_web/home/statistics/infectiousDiseasesStatistics/HIV\\_Stats/update-on-the-hiv-aids-situation-in-singapore-20130.html](https://www.moh.gov.sg/content/moh_web/home/statistics/infectiousDiseasesStatistics/HIV_Stats/update-on-the-hiv-aids-situation-in-singapore-20130.html) accessed on 1 April 2015.
- <sup>xxv</sup> Minister of State for Health Dr Amy Khor on MSM and HIV <https://www.ttsh.com.sg/about-us/newsroom/news/article.aspx?id=3098> accessed on 1 April 2015.
- <sup>xxvi</sup> Social Service Professionals and the LGBTQ Community Online Needs Assessment, Oogachaga, Singapore, 2011
- <sup>xxvii</sup> Population in Brief 2014, National Population and Talent Division of Prime Minister Office and Department of Statistics, 2014

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- <sup>xxviii</sup> WPATH statement on legal recognition of gender identity, World Professional Association for Transgender Health, January 2015
- <sup>xxix</sup> Sex change operations dwindling in Singapore, <http://yourhealth.asiaone.com/content/sex-change-operations-dwindling-singapore>, accessed on 2 June 2015
- <sup>xxx</sup> General information about MediShield  
<https://mycpf.cpf.gov.sg/Assets/members/Documents/GeneralInformationOnMediShieldScheme.pdf>, accessed on 2 June 2015.
- <sup>xxxi</sup> “Cures” for an illness that does not exist, Pan American Health Organisation, 2012.
- <sup>xxxii</sup> Resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Effort, American Psychological Association, 2009.
- <sup>xxxiii</sup> The Global HIV epidemics among Men have sex with Men, Beyrer et al, The World Bank, 2011.
- <sup>xxxiv</sup> Government calls for more transparency in sexuality education, *The Straits Times*, 2 May 2010.
- <sup>xxxv</sup> Singapore government awards S\$100,000 grant to group with ex-gay affiliation, <http://www.fridae.asia/gay-news/2006/01/17/1559.singapore-government-awards-s-100000-grant-to-group-with-ex-gay-affiliation>
- <sup>xxxvi</sup> Health Promotion Board’s Frequently Asked Questions on Sexuality: <http://www.hpb.gov.sg/HOPPortal/health-article/HPB056342> accessed on 1 April 2015
- <sup>xxxvii</sup> Health Promotion Boards deleted links to LGBTQ friendly service providers <http://www.theonlinecitizen.com/2014/02/faq-on-sexuality-by-hpb-turns-controversial/> accessed on 1 April 2015.
- <sup>xxxviii</sup> Health Minister Gan Kim Yong’s response to MP Lim Biow Chuan on HPB’s FAQs, [https://www.moh.gov.sg/content/moh\\_web/home/pressRoom/Parliamentary\\_QA/2014/hpb-sexuality.html](https://www.moh.gov.sg/content/moh_web/home/pressRoom/Parliamentary_QA/2014/hpb-sexuality.html), accessed on 1 April 2015.
- <sup>xxxix</sup> UNESCO’s Strategy for HIV and AIDS, United Nation Educational, Scientific and Cultural Organisation, 2011
- <sup>xl</sup> UNAIDS Action Framework: Universal Access for Men who have sex with Men and Transgender People, UNAIDS, 2009
- <sup>xli</sup> There have been several high profile cases in recent years of publicly shamed individuals who were sacked from their jobs. Some have opted to leave the country, likely due to reputational damage. See Aw Yeong, B. (2014, 26 Jan 2014). Anton Casey loses job, friends. *The New Paper*.; Chow, J. (2014, 25 Jan 2014). Anton Casey and family leave for Perth amid threats. *The Straits Times*.; Durai, J. (2012, 8 Oct 2012). NTUC assistant director sacked for racist remarks. *The Straits Times*.; Yeap, N. (2012, 12 Oct 2012). Amy Cheong on why she left S’pore *The New Paper*.
- <sup>xlii</sup> SOGI-Singapore. (2014). *National LGBT Census: Singapore*. Survey. SOGI Singapore.
- <sup>xliii</sup> Li, X. (2003, 6 Jul 2003). Employing gays in civil service a 'tiny step forward'. *The Straits Times*; Price, D. C. (2003, 10 Aug 2003). Singapore: It's In to be Out. *TIME*.
- <sup>xliv</sup> About gay tolerance. (2003, 5 Jul 2003). *The Straits Times*; Arnold, W. (2003, 5 Jul 2003). Quietly, Singapore lifts its ban on hiring gays. *The New York Times*.
- <sup>xlv</sup> Lim, Y. H. (2015, 8 April 2015). Man, 34, threatened to expose sexual relationship with older male teacher, extorted \$197,000. *The Straits Times*.
- <sup>xlvi</sup> Vernon, K., & Yik, A. (2012). Diversity & Inclusion in Asia Country View: Singapore *Diversity & Inclusion in Asia Country View* (2012 ed., Vol. Singapore). Singapore: Community Business.
- <sup>xlvii</sup> Reid-Smith, T. (2013). Changing LGBT lives and the corporate world with the Barclays Spectrum team. 12 Sep 2013. [GayStarNews.com](http://GayStarNews.com)
- <sup>xlviii</sup> Wong, T. (2014). Singapore Dilemma: When Diversity Policy meets Local Law. *BBC News Asia*.
- <sup>xlix</sup> Siegel, R. (2015). LGBTQ activism finds home at Yale-NUS. *Yale Daily News*
- <sup>l</sup> Chan, C. S. (2014, 2 May 2014). Chan Chun Sing. Retrieved 11 Apr, 2015, from [https://www.facebook.com/ChanChunSing.SG/posts/737155446336441?stream\\_ref=10](https://www.facebook.com/ChanChunSing.SG/posts/737155446336441?stream_ref=10;).; Zeitlin, M. (2014, 6 May 2014). Top Singapore Official Attacks Goldman Sachs Over LGBT Student Event. *Buzzfeed Business*.
- <sup>li</sup> personal communication, May 2014
- <sup>lii</sup> Wong, T. (2014). Singapore Dilemma: When Diversity Policy meets Local Law. *BBC News Asia*.
- <sup>liii</sup> Basu, R. (2013, 19 May 2013). Time to get tough on unfair treatment at work. *The Straits Times*.; Yim, J. (2013, 22 May 2013). How 'gay-friendly' workplace can enhance employee engagement in Singapore. *Singapore Business Review*.
- <sup>liv</sup> Sim, W. (2013, 24 August 2013). Gay man launches anti-discrimination bid. *The Straits Times*.
- <sup>lv</sup> Vijayan, K. C. (2014, 1 Jan 2014). Man's unfair dismissal claim rejected. *The Straits Times*.
- <sup>lvi</sup> TAFEP. (2014). Sign The Employers’ Pledge of Fair Employment Practices. Retrieved 11 Apr, 2015, from <https://www.tafep.sg/sign-pledge>
- <sup>lvii</sup> Personal communication, 2014.
- <sup>lviii</sup> SOGI-Singapore. (2014). *National LGBT Census: Singapore*. Survey. SOGI Singapore.