

Stakeholder submission to the Universal Period Review (UPR) regarding the protection of the rights of LGBTQ persons in Singapore

UNIVERSAL PERIODIC REVIEW – SINGAPORE

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Joint submission of:

Indignation, Prout, Sayoni, The Healing Circle, TransgenderSG, Young Out Here

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Email: admin@sayoni.com | Website: www.sayoni.com

Sayoni is a Singapore-based feminist organisation that works to uphold human rights protections for queer women, including lesbian, bisexual and transgender persons. We organise and advocate for equality in well-being and dignity regardless of sexual orientation, gender identity/expression and sex characteristics.



Email: indignationsingapore@gmail.com | Website: www.indignationsg.com

IndigNation's mission is to activate the queer imagination, to bring together Singapore's diverse queer communities together in real space to exchange ideas, share knowledge and cultivate compassion for each other so that the queer imagination can be activated and progressive queer discourse can be articulated to enable progressive action.



Email: contact@proutapp.com | Website: www.proutapp.com

Prout is a community-based app with an aim to build safer spaces to help connect and champion a healthier community. In addition to hosting events and enabling people to form meaningful connections, Prout is also a portal for resources and expert help. We also run Current, Asian's first LGBTQ News Telegram channel.



Email: thehealingcircle.sg@gmail.com

The Healing Circle.sg is an LGBT Muslim organisation that provides safe space and mental wellness specifically for LGBT Muslims in Singapore. We provide self-care, counselling and also spiritual reflections for LGBT Muslims to reconcile with their faith and reconnect with the One True God - Allah.



Email: contacttransgendersg@gmail.com | Website: www.transgendersg.com

TransgenderSG is a provider of online information and resources for the transgender community in Singapore and engages in policy-change advocacy work on the national level.



Email: young.out.here@gmail.com | Website: www.facebook.com/youngouthere

Young Out Here is an LGBTQ+ youth community group based in Singapore. Established in 2006, the community group actively champions for the mental health well-being for all LGBTQ+ youth and is the longest-serving LGBTQ+ youth group of its kind in Singapore.

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Introduction

Lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals in Singapore continue to experience violence and discrimination in public and private spheres, from State and non-State actors. Deliberate policy, institutional gaps, and a lack of anti-discrimination legislation, based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), compound and contribute to the human rights violations against them.

To date, despite the efforts of civil society to engage the government, no concrete or substantive measures have been taken to address the inequalities faced by LGBTQ persons in Singapore.

This joint stakeholder report is a consolidation of concerns from 6 LGBTQ organisations listed on the cover page. This report aims to draw attention to human rights violations against LGBTQ individuals that persist in Singapore. In preparing this submission, we relied on data from the following resources: the existing provisions of the law, media reports of violence and discrimination, as well as research conducted by the aforementioned organisations, and individual cases of people who were in direct contact with them.

1. Equality and non-discrimination

1.1 Section 377A:

Section 377A of the Penal Code criminalises sexual contact between mutually consenting adult men. Despite government promises that it will not be enforced, the existence of Section 377A effectively means that gay and bisexual men, and by extension, all persons of minority SOGIESC, remain unequal members of the population. This law continues to justify violence and discrimination against all LGBTQ individuals, perpetuated by State and non-State actors.

Recommendations:

- Repeal legal provisions criminalising sexual activity between consenting adults of the same sex

1.2 Lack of anti-discrimination legislation:

Singapore’s legislation does not include laws that prohibit discrimination on the basis of gender, sex, or sexual orientation. While Article 12 of the Singapore Constitution states “All persons are equal before the law and entitled to the equal protection of the law”, the High Court ruled in

March 2020 that Section 377A does not contravene Article 12.¹

Article 12 cannot be used to demonstrate the State's commitment to non-discrimination. In effect, the Singapore Constitution allows for legalised discrimination against vulnerable groups, including LGBTQ persons and women, contravening Article 7 of the Universal Declaration of Human Rights (UDHR). Due to the lack of anti-discrimination legislation, affected persons have no legal recourse.

Recommendations:

- Implement anti-discrimination legislation to prohibit discrimination on all grounds, including gender, sex, and sexual orientation

2. Censorship and stereotyping

2.1 Media censorship:

The State continues to censor neutral or positive portrayals of LGBT persons in mainstream media, which violates their right to freedom of opinion and expression, in Article 19 of UDHR. This perpetuates negative stereotypes and stigma among the general public, and deprives LGBTQ persons of positive role models in the media, which is damaging to their wellbeing and reinforces low self-esteem, rendering them accepting of discrimination and human rights abuses.

In Concluding Observations issued by the CEDAW Committee in 2017 (para 41), the State was asked to “ensure that lesbians, bisexual and transgender women and intersex persons are effectively protected against all forms of discrimination in law and in practice, including by undertaking educational and awareness-raising campaigns to combat discriminatory stereotypes, including in its media policies”.²

However, media codes by the Infocomm Media Development Authority (IMDA), a government agency, still prohibits positive portrayals of LGBTQ persons, stating that material depicting “the promotion of homosexuality”³ may be refused classification, which is effectively a ban. Depictions of LGBTQ characters in neutral or positive light, or any speech that advocates for their dignity and rights are routinely cut out or barred. These media codes are treated as binding rather than advisory, with media containing LGBTQ themes and characters censored or restricted, even if sex is not depicted, either by the IMDA or by producers required to abide by the IMDA's license conditions.

¹Rei Kurohi, “High Court dismisses challenges against law that criminalises sex between men”, *Straits Times*, 30 Mar 2020. Available from <https://www.straitstimes.com/singapore/high-court-rejects-all-three-challenges-against-section-377a> (accessed 14 Sep 2020)

² United Nations Committee on the Elimination of Discrimination against Women, “Concluding observations on the fifth periodic report of Singapore”, CEDAW/C/SGP/CO/5, 21 November 2017

³ Infocomm Media Development Authority, “Content Code for Nationwide Managed Transmission Linear Television Services”, pp. 28. Available from <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/Managed-Linear-TV-Services-Content-Code-updated-29-April-2019.pdf?la=en> (accessed 15 Sep 2020)

Recommendations:

- Rectify media codes, policies, and practices that prohibit neutral or positive portrayals of LGBTQ persons

3. Right to freedom of expression, association, and peaceful assembly**3.1 Barriers to association:**

The Registrar of Societies has the discretionary power to approve or disapprove the legal registration of a society, which is defined as any group with ten or more persons, as stated in the Societies Act. Section 14 of this Act defines any unregistered society as an “unlawful society”, whose members may be subject to criminal prosecution.

The Act gives the Registrar of Societies the authority to deny registration, if the organisation is determined to be “prejudicial to public peace, welfare or good order” or “contrary to the national interest”⁴. This has been used to justify the refusal to register LGBTQ organisations as an official society, which violates their right to freedom of association, as stated in UDHR Article 20(1).

LGBTQ organisations operate under the threat of prosecution, due to their unregistered status. It also impedes their ability to effectively raise funds in any organised way, and their capacity to support LGBTQ persons, as they are treated as an illegitimate unregistered group.

Recommendations:

- Rectify discriminatory laws, policies, and practices under the Societies Act that refuse the legal registration of LGBTQ organisations

3.2 Further restrictions on freedom of assembly and expression:

The State restricts the right to freedom of peaceful assembly and expression through the Public Order Act, which requires police permits for any “cause-related” public assembly. Permits for “cause-related” assemblies, outside of the Speaker’s Corner, are rarely, if ever, approved.

The Speaker’s Corner is the only place in Singapore where an assembly can be held without a police permit, which is where the annual LGBTQ rally, Pink Dot, is held. In October 2016, amendments made to the Public Order Act furthered existing restrictions: it stipulated that only Singapore citizens and Permanent Residents may participate in assemblies at the Speaker’s Corner, and foreign companies are prohibited from sponsoring events there.⁵ Under these new amendments, any foreigner who observes the protest inside the park is considered a

⁴Singapore, Societies Act, chap. 311, sect. 4(2). Available from <https://sso.agc.gov.sg/Act/SA1966> (accessed 15 Sep 2020)

⁵Singapore, Public Order Act, chap. 257A, sect. 7(2). Available from <https://sso.agc.gov.sg/Act/POA2009> (accessed 15 Sep 2020)

“participant”, and is at risk of criminal prosecution, along with assembly organisers.⁶

Recommendations:

- Amend the Public Order Act with a view to ensure that it is consistent with international human rights law and standards on the right to peaceful assembly and freedom of expression

4. Education

4.1 Peer bullying and harassment in schools:

Bullying and harassment in schools is prevalent and has serious impacts on the health and education of LGBTQ children. According to Sayoni’s research⁷, LGBTQ children are often targeted by peers for their perceived non-conformity in sexual orientation, gender identity or expression, which can lead to many dropping out of school early or detrimental effects on mental health.

Documented cases of bullying took the form of physical, verbal and sexual harassment, with those who presented as gender non-conforming at increased risk (See **Annex A1** for Fadilah’s story). The anti-bullying policies in schools do not reflect SOGIESC-based bullying, which hinders students from reporting violations and seeking protection. Many LGBTQ students fear help-seeking, as perpetrators would threaten to disclose their sexual orientation/gender identity to their peers or teachers (See **Annex A2** for Elaine’s story).

Educators and institutions often fail to intervene due to gendered social norms which impose conformity to stereotypical gender roles and expression; lack of knowledge and resources; lack of institutional support for LGBTQ-affirmative positions; and the absence of policies that specifically prohibit bullying based on SOGIESC.

4.2 Harassment and lack of protection from educational institutions:

Teachers and school administration may support the victimisation of LGBTQ students. This took the form of victim-blaming, where educators questioned or policed their gender non-conforming behaviour and identity, and schools failed to punish perpetrators.

Sayoni’s research⁸ documented cases where educators violated LGBTQ students’ right to privacy, as stated in Article 12 of UDHR, and Article 16 of Convention of the Rights of the Child (CRC). Educators failed to protect LGBTQ students’ safety and privacy by disclosing their sexual orientation or gender identity to their parents and/or peers, which increased the risk of violence and discrimination (See **Annex A3** for Jo’s story). Other incidents include forcibly

⁶Human Rights Watch, “Suppression of Free Expression and Assembly in Singapore”, 12 Dec 2017. Available from <https://www.hrw.org/report/2017/12/12/kill-chicken-scare-monkeys/suppression-free-expression-and-assembly-singapore> (accessed 15 Sep 2020)

⁷Sayoni, 2018. “Violence and Discrimination Against LBTQ Women in Singapore”, pp. 52-60

⁸ Sayoni, 2019. “NGO report on violence and discrimination against LGBTQ children in Singapore: Additional submission to the Committee on the Rights of the Child for the 81st session (13-31 May 2019)”, pp. 17

separating same-sex couples; policing their behaviours like the way they talk or walk; and policing their appearances, through punishment or reprimands for short hair on females and invasive checks on female students' bras (See **Annex A4** for Sofia's story).

Since there are currently no administrative policies within schools or the Ministry of Education that specifically address the treatment of LGBTQ students, educators are left to their own discretion and prejudices. This engenders unequal access to a safe educational environment for the development of LGBTQ children, as outlined in Article 29 of the CRC.

Recommendations:

- Implement clear guidelines and anti-discrimination policies based on SOGIESC, which specifically address the equal treatment of LGBTQ students; and LGBTQ-sensitivity training programs for staff in educational institutions

4.3 Discrimination in sexuality education curriculum:

State-supported sexuality education programmes perpetuate harmful stereotypes and misinformation about LGBTQ individuals, which support violence and discrimination faced by LGBTQ children. These programmes provide inadequate information about sexually transmitted infections (STI) prevention and contraception; stigmatises sexual activity outside of heterosexual marriage; fails to include life-saving information on gender equality, sexual violence and consent, and diverse gender or sexual identities; and prohibits programmes which describe LGBTQ individuals in neutral or positive terms.

Sayoni's research found that the lack of comprehensive sexuality education harms the mental, sexual, and physical health of LGBTQ individuals. It signals disapproval towards non-heterosexual relationships by framing them as illegal, immoral, predatory, or unnatural, which causes distress, depression and low self-esteem. The lack of information and affirming sexuality education also causes LGBTQ children to be unable to identify and protect themselves against sexual abuse when it happens to them.⁹

Recommendations:

- Equalise access to information on LGBTQ sexual and reproductive health by implementing comprehensive sexuality education programmes, which are gender sensitive, non-discriminatory, and includes information on sexual violence and consent, the use of contraception, and the prevention and treatment of sexually transmitted infections (STIs)

5. Employment

5.1 Discrimination in employment:

There is currently no legislation against discriminatory practices in employment. Non-legislative guidelines for general workplace discrimination exists, such as the Tripartite Guidelines on Fair

⁹ Sayoni, 2018. "Violence and Discrimination Against LGBTQ Women in Singapore", pp. 32

Employment Practices¹⁰ and the Fair Consideration Framework¹¹. However, these guidelines are not legally binding, and are only empowered to mediate and provide advice. Further, LGBTQ persons face additional barriers to reporting violations, such as discriminatory hiring practices, sexual harassment, unfair dismissal, or limited career opportunities¹², as these guidelines do not explicitly mention or protect against discrimination based on SOGIESC. These barriers are compounded for LGBTQ individuals who are further disadvantaged by their race, age, and disability.

Recommendations:

- Establish an anti-discrimination framework to protect LGBTQ employees, which includes specific protections for SOGIESC in the Employment Act as the main labour law in Singapore, along with protections against discrimination based on race, age, and disability.

6. Health

6.1 Inequalities in healthcare financing:

LGBTQ persons face inequalities in healthcare financing, as healthcare insurance does not extend to same-sex partners. This includes both State sources of healthcare financial benefits - the national compulsory medical savings scheme, MediSave - as well as non-State sources, such as private and/ workplace health insurance.

Transgender persons do not have any access to State subsidies for hormone replacement therapy (HRT) and sex reassignment surgery (SRS), which are required in order to change one's legal gender marker. The treatment of gender dysphoria through social and/or medical transition is clinically and medically necessary for transgender persons who need it. The lack of access to such life-saving treatment causes significant distress and increases the risk of suicide, depression, and other mental health concerns.

Recommendations:

- Extend State healthcare subsidies and financial assistance to include coverage for transgender healthcare, and coverage for LGBTI persons in same-sex partnerships

6.2 Lack of LGBTQ-affirmative mental healthcare:

Research has established that stigmatising beliefs and discrimination experienced by LGBTQ individuals are associated with higher levels of psychological distress, suicidal thoughts, and mental health concerns, including chronic depression, anxiety disorders, and alcohol and drug

¹⁰ Tripartite Alliance for Fair and Progressive Employment Practices, "Tripartite Guidelines On Fair Employment Practices". Available from <https://www.tal.sg/files/tripartite-guidelines.pdf> (accessed 16 Sep 2020)

¹¹ Singapore, Ministry of Manpower, "Fair Consideration Framework". Available from <http://www.mom.gov.sg/employment-practices/fair-consideration-framework> (accessed 16 Sep 2020)

¹² Sayoni, 2018. "Violence and Discrimination Against LGBTQ Women in Singapore", pp. 61-69

dependency issues.¹³

There is a lack of State and non-State services that provide LGBTQ-affirmative mental health treatment. 75% of social workers surveyed mentioned they did not have sufficient knowledge to address LGBTQ-related issues.¹⁴ The possibility of being misunderstood or discriminated against deters many LGBTQ persons from seeking necessary treatment. Due to the lack of sensitivity training for healthcare professionals, LGBTQ often face prejudiced and discriminatory behaviour, which magnifies existing psychological distress and trauma (See **Annex B1** for James' story).

LGBTQ persons thus experience disproportionate barriers to life-saving mental healthcare, due to the stigma of mental illness, coupled with LGBTQ identities. This results in further isolation, and greater risk of mental health challenges going unresolved, which could lead to detrimental consequences for short-term and long-term overall wellbeing.

Recommendations:

- Provide sensitivity-training for all mental healthcare and social service professionals, in order to provide adequate and affirmative support for LGBTQ persons

6.3 Discrimination in reproductive rights:

Any form of Assisted Reproductive Technology (ART) are only available to married heterosexual couples in Singapore.

It is illegal for single women to freeze their eggs, unless they have to undergo medical procedures such as chemotherapy. Surrogacy is illegal in Singapore, with any Assisted Reproduction centres risk having their license revoked or suspended, if they were found to be carrying out surrogacy services for clients.¹⁵ This discriminates on the basis of marital status, gender, and sexual orientation, which contravenes the reproductive rights of LGBTQ persons.

Recommendations:

- Rectify discriminatory laws that contravene the reproductive rights of LGBTQ persons and unmarried persons, by ensuring that Assisted Reproductive Technology is available to everyone, regardless of marital status, sexual orientation and gender identity

7. Housing

¹³ Susan D. Cochran, J. Greer Sullivan, and Vickie M. Mays, "Prevalence of Mental Disorders, Psychological Distress, and Mental Health Services Use among Lesbian, Gay, and Bisexual Adults in the United States", *Journal of Consulting and Clinical Psychology* 71, no. 1 (2003): 53.

¹⁴ Teh, Y. Y., Munisamy, Y., Wong, P. Y., Tan, K., Huang, J., & Yong, J. A. (2015). Singapore social work practice with lesbian, gay, and bisexual clients. *International Social Work*, 61(1), 51-65.

¹⁵ Singapore Legal Advice, 2019. "In Vitro-Fertilization (IVF) in Singapore: Procedure, Cost and More". Accessed from <https://singaporelegaladvice.com/law-articles/in-vitro-fertilization-ivf-singapore-procedure-cost/>

7.1 Discrimination in public housing:

With over 80% of Singaporeans living in public housing, public housing policies discriminate against LGBTQ persons, and have significant impacts on their quality of life. Access to government subsidised flats and housing grants are only available to married heterosexual couples. Since there is no legal recognition of same-sex unions in Singapore, most LGBTQ Singaporeans are administratively considered as “single” and are not entitled to the same State benefits for married couples.

Unmarried Singaporeans may only purchase a public flat at the age of 35, under the Housing and Development Board’s (HDB) Single Singapore Citizen (SSC) Scheme or Joint Singles Scheme (JSS).¹⁶ The inability to access affordable public housing once LGBTQ individuals attain adulthood and legal independence means that many must either remain living in hostile family environments, or enter the private market, which costs significantly more, at the expense of their education or future financial security. To illustrate this point, in 2018, a private condominium unit costs S\$920,000 - S\$1,640,000, while a subsidised Built-to-Order (BTO) flat costs an average of \$272,000 for a flat with a similar size.

In June 2017, a transgender woman and her wife lost their BTO flat after the trans spouse changed her legal sex from ‘male’ to ‘female’.¹⁷ Prior to the marriage, the trans woman had stated her intention to undergo sex reassignment surgery and change her legal sex to female. The Registry of Marriages (ROM) approved the marriage on the condition that she wait at least a year before undergoing surgery. She agreed and did so. However, when the couple later attempted to collect the keys to their flat, there was bureaucratic confusion as the law did not recognize their same-sex marriage. ROM then voided their marriage, and HDB revoked their entitlement to the flat.

7.2 Lack of protection for LGBTQ tenants:

The Council for Estate Agencies is a statutory board that oversees the real estate agency industry. Under their standard Tenancy Agreement, clauses state that “no illegal activities [...] of an improper nature” are to be carried out, and the landlord has the right to terminate the agreement if any conditions are breached.¹⁸ As there are no anti-discrimination laws protecting tenants from discrimination based on sex, gender, or sexual orientation, the ambiguity of the clauses is vague and open for abuse. Furthermore, Section 377A states that sex between consenting adult men is criminalised. This enables a landlord to legally discriminate against gay couples and terminate the tenancy agreement on the basis of illegal activity, and by extension opens up discrimination against all LGBTQ individuals.

¹⁶ Singapore, Housing Development Board, Single Singapore Citizen Scheme. Available from <https://www.hdb.gov.sg/cs/infoweb/residential/buying-a-flat/new/schemes-and-grants/cpf-housing-grants-for-hdb-flats/single-singapore-citizen-scheme> (accessed 22 Sep 2020)

¹⁷ Kok Xing Hui, “ROM voids marriage between same-sex couple”, *Straits Times*, 18 Jul 2017. Available from <https://www.straitstimes.com/singapore/rom-voids-marriage-between-same-sex-couple> (accessed 22 Sep 2020)

¹⁸ Singapore, The Council for Estate Agencies, Tenancy Agreement Template for Lease of HDB Flats. Available from https://www.cea.gov.sg/professionals/agreements_and_checklists (Accessed 22 Sep 2020)

Recommendations:

- Rectify public housing policies that discriminate on the basis of marital status, sexual orientation and gender identity, in order for LGBTQ individuals and singles to purchase public housing at an earlier age
- Recognise same-sex partnerships in housing policies and guidelines so that all couples have the same home ownership rights, with an equal amount of financial subsidy for flat purchases and joint ownership without age limitations
- Enact anti-discrimination laws which protect LGBTQ tenants from being discriminated against, on the basis of sex, gender, or sexual orientation

8. Discrimination against LGBTQ Muslims**8.1 Discrimination in inheritance laws:**

For matters regarding marriage, divorce, and inheritance, the Syariah Court has the jurisdiction to adjudicate on disputes, as defined by the Administration of Muslim Law Act (AMLA)¹⁹. Under Section 111(1) of the AMLA, male heirs are entitled to twice the share of inheritance, compared to female heirs in the same degree of relationship to the deceased. This financially disadvantages Muslim women, particularly LGBTQ women and persons assigned female at birth, who are in same-sex partnerships, and does not entitle people in same-sex partnerships to inherit assets left behind by their partner.

Recommendations:

- Amend the AMLA inheritance laws to ensure that men and women in the same relational level to a deceased are entitled to equal shares of inheritance and are of equal rank in order of succession
- Allow Muslims to choose between Syariah and civil law for matters regarding marriage, divorce, and inheritance

9. Marriage and family**9.1 Rights and benefits of marriage:**

Neither the law nor the State recognises same-sex relationships in Singapore, or marriages contracted in other jurisdictions between same-sex partners, as stated in Section 12(1) of the Women's Charter.²⁰

This discriminates against same-sex couples and those in transnational same-sex marriages. Legally married transnational same-sex couples are unable to stay in the same country as their spouse in Singapore, and children born to the non-legal parent are not entitled to citizenship and face difficulties receiving long-term visas. This increases hardships, separation of families, discriminatory treatment by State and non-State actors, and deprives them of legal protection, which violates Articles 3, 9, and 10 of CRC.

¹⁹ Singapore, Administration of Muslim Law Act. Available from <https://sso.agc.gov.sg/Act/AMLA1966> (Accessed 28 Sep 2020)

²⁰ Singapore, Women's Charter, chap. 353, sect. 12(1). Available from <https://sso.agc.gov.sg/Act/WC1961> (Accessed 16 Sep 2020)

In addition, the benefits and rights accorded to married opposite-sex are denied to same-sex couples. These include employee benefits that extend to spouses, medical visitation and next-of-kin rights, rights to purchase subsidised public housing, and tax allowances for married couples.

Recommendations:

- Amend Section 12(1) of the Women’s Charter, and permit and recognise registration of same-sex marriages and partnerships in Singapore or elsewhere

9.2 Rights of children:

Children born in same-sex families do not enjoy the same rights, benefits, or tax breaks as those born within heterosexual marriages, since they are legally seen as children of single parents. These children cannot be legally cared for or maintained by the non-legal parent, and are not guaranteed continuity in the event of the separation of the same-sex couple, or death of the legal parent. The non-legal parent also does not have the right to acquire kinship.

In 2018, the High Court granted a gay Singaporean man to adopt his biological son, whom he fathered through surrogacy. In response, the Ministry for Social and Family Development stated it would tighten adoption laws to prevent the “formation of same-sex family units”.²¹ In 2020, the same man attempted to appoint guardianship of his children to his same-sex partner. The High Court rejected his bid to award joint custody to his partner, and “ruled that simply saying the man’s application was made in the welfare of the child is insufficient”.²²

Recommendations:

- Enact legislation that recognises and protects the rights and duties of same-sex partners, and children from same-sex households

10. Violence against LGBTQ persons

10.1 Violence from family members:

Violence against LGBTQ persons is often perpetrated by family members, with disproportionate consequences for LGBTQ women and persons assigned female at birth, who are disadvantaged by multiple and intersecting forms of discrimination because of their gender. LGBTQ persons, particularly those who are gender non-conforming in appearance or behaviour, are at increased risk.²³ This is worsened by the high cost of living and inability to move out of family homes, compounded by discriminatory housing policies, which results in LGBTQ persons experiencing

²¹ Rahimah Rashith, “Gay parents seeking to adopt their kids may find it harder to prove they did not intend to violate policy against same-sex families: Desmond Lee”, *Straits Times*, 19 Dec 2018. Available from <https://www.straitstimes.com/singapore/gay-parents-seeking-to-adopt-their-kids-may-find-it-harder-to-prove-they-did-not-intend-to> (accessed 11 Mar 2020)

²² K.C. Vijayan, “Court rejects bid by gay man to make partner guardian of his two surrogate children”, *Straits Times*, 17 Feb 2020. Available from <https://www.straitstimes.com/singapore/court-rejects-bid-by-gay-man-to-make-partner-guardian-of-his-two-surrogate-children> (accessed 11 Mar 2020)

²³ Sayoni, 2018. “Violence and Discrimination Against LGBTQ Women in Singapore”, pp. 17-27.

a sense of entrapment while living with violence and abuse.

Violence against LGBTQ persons constitutes a form of gender-based violence, whereby family members believe that they are ill or morally reprehensible, and attempt to punish or “correct” their non-conformity to gender roles and stereotypes. Documented incidents include physical violence, deprivation, and psychological violence such as shaming, harassment, forced “conversion therapy”, threats of harm or being disowned, and verbal abuse (See **Annex C1 and C2** for Elaine’s and Sofia’s story).

10.2 Sexual violence and intimate partner violence:

In Sayoni’s research, high levels of sexual violence against LGBTQ persons were documented, as well as violence within intimate relationships (IPV). Of the 40 interviewees, 24 had experienced sexual violence, and more than half of them had been abused as a minor.²⁴

Due to the lack of comprehensive sexuality education in schools on LGBTQ identities and relationships, consent and sexual violence, LGBTQ persons are especially vulnerable to sexual and emotional abuse by intimate partners (See **Annex C3** for Cris’s story). They may be unable to identify and report incidents due to lack of information, support and resources.

10.3 Barriers to reporting and gaps in service provision:

The State argues that it extends its protections to everyone. However, LGBTQ individuals face higher barriers to reporting. Low rates of reporting and help-seeking are caused by the following factors: stigma of being LGBTQ, associated with Section 377A and media censorship; lack of awareness of what constitutes abuse from survivors and the authorities; culture of victim-blaming; fear of re-traumatisation; and a belief that the reporting process would not be helpful due to discriminatory laws and policies.²⁵

Given the general societal lack of understanding of LGBTQ identities and relationships, service providers and law enforcement lack the training to address reports of violence sensitively, even when victims seek help. There are no State services and few non-State services available for LGBTQ-affirmative intervention and counselling.

Recommendations:

Raise awareness and strengthen capacity among State and non-State actors to sensitively address violence against LGBTQ persons by:

- Instituting mandatory protocols in State agencies to ensure that violations against LGBTQ persons are processed and attended to without discrimination or prejudice
- Conducting LGBTQ-affirming sensitivity training for service providers and law enforcement

²⁴ Sayoni, 2018. “Violence and Discrimination Against LGBTQ Women in Singapore”, pp. 30.

²⁵ Sayoni, 2018. “Violence and Discrimination Against LGBTQ Women in Singapore”, pp. 85

- Encouraging LGBTQ persons to report incidents of violence with inclusive campaigns and comprehensive sexuality education in schools

11. Legal gender recognition for transgender persons

11.1 Barriers to legal gender marker change:

Transgender people in Singapore who wish to update their legal gender marker on their National Registration Identity Card (NRIC) must provide evidence of a change of sex. As of late 2017, the Immigration and Checkpoints Authority (ICA) has enforced this by requiring applicants to submit a form certifying that they have been examined by a licensed medical practitioner in Singapore and their genitalia have been “completely changed” from one sex to another.²⁶ Letters from the surgeons or hospitals overseas are no longer accepted.

There are significant concerns with these requirements:

- Expenses.** Genital surgery costs around SGD\$30,000 for transgender women and up to SGD\$150,000 for transgender men, on top of other costs of transitioning. Most people cannot afford this. Some prioritise saving for surgeries at the expense of basic needs for survival.
- Genital surgery is not always required to resolve gender dysphoria.** Many trans persons are able to sufficiently resolve their dysphoria through HRT and non-genital surgeries, such as breast augmentation/removal or cosmetic surgery. Additionally, not all transgender people experience dysphoria over their genitals, or to an extent requiring surgery. In a nationwide survey of transgender people in Singapore conducted by TransgenderSG, 16% of respondents said they did not find genital surgery necessary;
- Requirements pressure transgender people into surgery.** TransgenderSG is frequently contacted by transgender people asking which surgeries they need to obtain in order to change their legal sex, and prioritising those over their needs or preferences. Administrative requirements should never be a primary motivation for undergoing major surgery, especially when it requires going against medical advice. An individual’s well-being (physical, psychological and financial) should come first.
- Invasiveness of genital examination for surgical confirmation.** The requirement to strip down and have one's genitals examined by a stranger is violating, and can be especially traumatic for those with a history of sexual trauma;
- Surgery carries significant medical risks.** Certain pre-existing medical conditions may preclude surgery altogether. Surgeries such as hysterectomies can have serious lifelong side effects and should only be done when the benefits outweigh the costs;

²⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2017. “Trans Legal Mapping Report: Recognition before the law” Available from https://ilga.org/downloads/ILGA_Trans_Legal_Mapping_Report_2017_ENG.pdf (accessed 12 October 2020)

- f. **Genital surgery is not officially available in Singapore.** Surgery thus involves additional costs for travel and accommodation, as well as extended leave from work, which employers may not grant. With borders closed due to COVID-19, we have seen a rise in individuals seeking out local surgeons who may never have performed such surgeries before, so as to change their legal sex and secure employment, marriage and housing. Relying on inexperienced surgeons increases medical risks and complications, as well as regret where results are unsatisfactory;
- g. **Inconsistency of legal documentation causes public confusion and inefficiency.** Many institutions do not know how to deal with a person who is living and presenting as one sex but is legally another. Some trans people may be stuck in this legal limbo for their entire lives. This directly affects healthcare, employability and education for trans persons, and complicates law enforcement, the application of gendered laws, and access to gendered spaces.
- h. **Inconsistency of legal documentation endangers transgender people.** Documentation disclosing trans status puts individuals at high risk of harassment, discrimination, physical and sexual violence, and even murder or incarceration when travelling overseas²⁷. This also causes considerable embarrassment, difficulties and risk in situations such as immigration checkpoints, hospitals and other identity verification requests.
- i. **Lack of access to legal gender recognition is associated with negative mental health outcomes.** Existing literature has established a strong link between having concordant gender documentation and mental health.²⁸ From our survey, 84.7% of respondents (n=163) said it was important or very important to be legally recognised as their gender. 81.0% said that having the right gender on their ID makes them feel safe.

From TransgenderSG's survey, only 9.7% of respondents had managed to change their legal sex. This rose to just 18.3% among respondents who had undergone some form of medical transition such as HRT or non-genital surgery.

During exchanges with the Ministry of Home Affairs and the Immigration & Checkpoints Authority (ICA), officials expressed that genital surgery assures irreversibility and confirms that the transgender person is "serious" about transition, averting abuse of the system. However:

²⁷ Kok Xing Hui, "Two Singaporeans jailed in Abu Dhabi for wearing women's clothes", *Straits Times*, 23 Aug 2017. Available from <https://www.straitstimes.com/singapore/two-singaporeans-jailed-in-abu-dhabi-for-wearing-womens-clothes> (accessed 29 Sep 2020)

²⁸ A US study of 22,286 transgender respondents concluded that respondents for whom all identity documents (IDs) were concordant had significantly lower prevalence of serious psychological distress and suicidality compared to those who had no concordant IDs, adjusting for potential confounders. Having some versus no concordant ID was associated with smaller reductions in distress and suicidality.

Source: Scheim et. al., 2020. "Gender-concordant identity documents and mental health among transgender adults in the USA: a cross-sectional study." *The Lancet* 5.4
[https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(20\)30032-3/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(20)30032-3/fulltext)

- a. non-genital surgeries to change one's sexual characteristics are just as irreversible, as are many effects from long-term HRT;
- b. among survey respondents who had been on HRT and living in their gender identity for more than 10 years, only **58.3%** had managed to change their legal sex, suggesting a failure of current guidelines in representing the permanency of transition or those who are "serious" about it;
- c. the top reason given for not being able to change legal sex was inability to afford required surgeries (49.0%). The lack of state subsidised and supported healthcare systems thus makes higher socioeconomic status a primary - and unjust - determinant of access to the medical interventions required for legal gender recognition; and
- d. Having discordant gender documentation causes documented psychological distress and thus acts as a strong deterrent against non-transgender people abusing the process, as does prevalent social stigma and discrimination against transgender people.

Recommendations:

- Enable transgender Singaporeans to change legal sex through a legal declaration of intent to transition and live as their affirmed sex, with reasonable conditions to prevent abuse
- Provide the option to remove one's gender marker from their National Registration Identity Card (NRIC) and passport for their personal safety and privacy. In reference to Principle 31 of the Yogyakarta Principles in international human rights law, official identity documents should only include personal information that is relevant, reasonable and necessary as required by the law for a legitimate purpose
- Create a process for consulting with local transgender organisations on legal gender recognition processes and other matters pertaining to the community

12. "Conversion therapy"

12.1 Lack of legal enforcement against "conversion therapy":

The World Psychiatric Association²⁹ and the Pan-American Health Organisation³⁰ have recognised the damaging effects of "conversion therapy" (clinical, religious, or otherwise), and their potential to cause psychological harm. The Committee Against Torture (CAT) have continuously registered concern on the use of "conversion therapy" against LGBTQ persons.

²⁹ World Psychiatric Association, "WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours", October 2017. Available from <https://www.wpanet.org/position-statements> (accessed 29 Sep 2020)

³⁰ Pan-American Health Organization, "'Therapies' to Change Sexual Orientation Lack Medical Justification and Threaten Health", 17 May 2012. Available from https://www.paho.org/hq/index.php?option=com_content&view=article&id=6803:2012-therapies-change-sexual-orientation-lack-medical-justification-threaten-health&Itemid=1926&lang=en (accessed 29 Sep 2020)

In May 2020, Singapore’s Minister for Health responded to a parliamentary question on “conversion therapy” (in its use against sexual orientation) that sexual orientation is not to be regarded as a clinical disorder that needs to be cured, and referenced the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, and the WHO International Statistical Classification of Diseases and Related Health Problems.³¹

Despite this official position, there are no laws or policies that protect LGBTQ persons against “conversion therapy”. Counsellors and spiritual programmes still actively practice “gay or trans conversion”, which continue to be openly promoted by influential religious organisations. These religious organisations that practice or condone “conversion therapy”, have caused psychological harm, and ostracized LGBTQ persons who are religious from their communities (See **Annex D1** for Sofia’s story).

Recommendations:

- Abolish, or legally ban, all forms of “conversion therapy” to “correct” a person’s sexual orientation or gender identity

³¹ Singapore, Ministry of Health, “Government’s stance on changing one’s sexual orientation through “conversion therapy”, May 2020. Available from <https://www.moh.gov.sg/news-highlights/details/government-s-stance-on-changing-one-s-sexual-orientation-through-conversion-therapy>