



Civil society engagement with UN human rights mechanisms on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)

SINGAPORE

ABOUT THE COUNTRY BRIEF

This country brief charts efforts by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) activists to raise issues related to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) within UN human rights mechanisms. This brief is based on a review of engagements with various mechanisms, including a desk review of civil society submissions and national-level discussions and individual interviews with activists and stakeholders. The discussions took place over the first half of 2016, with additional data gathered on review cycles.

The objective is to provide baseline information for LGBTIQ activists to help maximize their engagement with UN human rights mechanisms.

UNIVERSAL PERIODIC REVIEW

1ST CYCLE (2011)

The Coalition of Singapore NGOs (COSINGO)¹ and People Like Us² submitted information regarding the criminalization of consensual same-sex relations between adults and the arbitrary denial of registration of associations.

During the Working Group review, the delegation of Singapore stated:

“Singapore affirmed that all individuals were free to pursue their lifestyles, and recognition and success were based on merit. LGBT persons did not have to hide their sexual orientation for fear of losing their jobs or for fear of prosecution. Any person unfairly dismissed had legal recourse. On the issues of whether to decriminalize certain homosexual acts, this had been debated extensively, including in parliament but the decision was taken to retain the status quo. Much of Singapore remained conservative, a fact which could not be changed by legislation alone. It was noted however that the police did not proactively enforce the provision unless other laws such as on indecent public behaviour or paedophilia were broken.”³

The following recommendations⁴ did not enjoy the support of the government of Singapore:

SLOVENIA

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

FRANCE

Draw the consequences of the positive evolution of society with respect to homosexuality by abolishing the provisions of the Penal Code related to private relations between consenting adults.

2ND CYCLE (2016)

During the second UPR cycle, submissions on SOGIE issues were made by the following groups:

JOINT SUBMISSION 1 (JS1) by Oogachaga and Pink Dot SG

JOINT SUBMISSION 3 (JS3) by Association of Women for Action and Research (AWARE), Function 8, Humanitarian Organization for Migrant Economics (HOME), Project X, Sayoni, Singapore Anti-Death Penalty Campaign, Think Center, The Online Citizen, We Believe in Second Chances (Second Chances), WWF Singapore

JOINT SUBMISSION 5 (JS5) by Kaleidoscope Australia Human Rights Foundation, Sexual Rights Initiative, Safe Singapore, Sayoni, Bear Project and Young Out

1 Coalition of Singapore NGOs, 2010. Universal Periodic Review- Singapore: Joint Submission of COSINGO (Coalition of Singapore NGOs). Retrieved from: http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SG/JS3_JointSubmission3-eng.pdf.

2 People Like Us, 2010. Universal Periodic Review Singapore - 2011: Submission by People Like Us. Retrieved from: http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SG/PLU_PeopleLikeUs-eng.pdf.

3 UN Human Rights Council, 2011. Report of the Working Group on the Universal Periodic Review: Singapore, A/HRC/18/11.

4 UN Human Rights Council, 2011. Report of the Working Group on the Universal Periodic Review: Singapore, A/HRC/18/11.

The summary of stakeholder information⁵ reports that:

- PAR. 4** The government of Singapore has “avoided to enact specific legislation that prohibits discrimination on the basis of sexual orientation”
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- PAR. 5** LGBTIQ people “found obstacles to get employment in the civil service” and that “there were clear examples of active discrimination within State departments”
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- PAR. 33** Singapore’s Penal Code “had been used by a range of government agencies to deny or uphold a wider range of discriminatory policies that effectively strip LGBT Singaporeans of the prerogatives and protections of citizenship”
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- PAR. 34** Singapore does not recognize same-sex relationships, and that “many benefits and rights enjoyed by married opposite-sex couples were denied to same-sex couples, including employee benefits extended to spouses, medical visitation and next-of-kin rights, rights to purchase subsidized public housing from the state and tax allowances for married couples”
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- PAR. 48** Censorship policies which includes the introduction of “a 24-hour takedown requirement for ‘material that advocates homosexuality or lesbianism’ on popular websites”
-
- PAR. 50** LGBTIQ organizations cannot legally register because current laws “gives the Registrar of Societies absolute discretion to refuse the registration of a society if the Registrar is merely satisfied that it would be contrary to the national interest for the society to be registered”
-
- PAR. 61** Discriminatory public housing policies “results in discrimination on the basis of marital status, gender identity and sexual orientation as it excludes unwed mothers, same-sex couples and transgender people who have not undergone sex reassignment surgery”

JS1 reported on various issues facing LGBTIQ people. On the issue of legal registration, they wrote that “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”. On LGBTIQ youth, it recommended that the government “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”, and that they “ensure that education methods, curricula and resources serve to enhance understanding of and respect for diverse sexual orientations and gender identities”. And on discriminatory practices in healthcare, they recommended to “outlaw all clinical practices that involve conversion therapy, or practices that are discriminatory towards LGBT-identified persons”. In relation to the issue of legal gender recognition, they recommended that the government “abolish the current medical requirements before transgender people could change their gender marker”.⁶

JS3 likewise made recommendations on these issues. On the criminalization of same-sex relations, it recommends that the government “Repeal legal provisions criminalising sexual activity between consenting adults of the same sex”. On discriminatory policies in housing, it recommended that the government “ensure that public housing is made available to all citizens, irrespective of marital status, gender identify or sexual orientation”. And on censorship, it recommended that the government “remove censorship policies that allow for the discriminatory treatment of LGBT-related material and viewpoints”.⁷

5 UN Human Rights Council, 2015. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Singapore, A/HRC/WG.6/24/SGP/3.

6 Oogachaga & Pink Dot SG, 2016. A Joint Report by Oogachaga and Pink Dot SG on Human Rights Issues Specific to the Lesbian, Gay, Bisexual and Transgender Community in Singapore for Universal Periodic Review on Singapore in 2016. Retrieved from: oogachaga.com/files/UPRreport2015_PD0C_2.pdf.

7 Association of Women for Action and Research, et al., 2016. Singapore Civil Society Stakeholders’ Report for the Universal Periodic Review. Retrieved from: <http://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2237&file=EnglishTranslation>.

JS5 puts forward more recommendations. They asked that the government “open a dialogue on culture and human rights to guarantee that no human rights violations will be perpetrated against anyone – including LGBTI persons – under the name of culture, religion or traditional values”. In relation to the broader set of rights of LGBTIQ people, they asked the government to “ratify the International Covenant on Civil and Political Rights (ICCPR), along with the Optional Protocols and other international human rights treaties not yet ratified by Singapore and harmonize domestic legislation in accordance with international standards”. And on the restrictions on citizens’ freedom of association – an issue which includes not just LGBTIQ advocates but also advocates of other human rights issues – they recommended to “Enact adequate legislation to guarantee freedom of association to all Singaporean people”.⁸

The Working Wroup review reported that the delegation of Singapore “affirmed that lesbian, gay, bisexual, transgender and intersex persons were part of Singaporean society and their contributions were acknowledged like those of all citizens” but that the country “had to manage lesbian, gay, bisexual, transgender and intersex issues sensitively and pragmatically without fracturing society because Singapore was basically a conservative society”. On LGBTIQ issues, the delegation explained that “the approach was “to live and let live”, preserve the common space for all communities, and let society evolve gradually and decide collectively”.⁹

The following recommendations¹⁰ were “noted” by the government of Singapore:

CANADA

Enact comprehensive legislation prohibiting discrimination in employment on the basis of sex, race, ethnicity, religion, age, sexual orientation, gender identity and expression, marital status or disability.

NORWAY, SLOVENIA, SPAIN, SWEDEN, UK, USA, AUSTRIA, BRAZIL

Abolish section 377 A of the Penal Code / Decriminalize consensual homosexual relations between adults.

GREECE

Consider de-criminalizing same-sex relations.

CANADA

Remove discriminatory media guidelines to provide a more balanced representation of lesbian, gay, bisexual, transgender and intersex persons.

During the adoption of the Working Group report on Singapore at the 32nd session of the Human Rights Council in June 2016, Oogachaga, Pink Dot, and ILGA delivered a joint statement expressing disappointment at the government’s denial of the existence of institutionalized discrimination perpetuated by Section 377A of the Penal Code.¹¹ The groups stated that this provision has direct consequences for the rights of LGBT persons in Singapore, including: discriminatory media guidelines and censorship; refusal to register and formally recognize LGBT organizations; a lack of appropriate support and sexuality education for LGBT youth; a lack of healthcare and social services to address the needs of LGBT persons; ongoing workplace discrimination towards LGBT persons.

8 Kaleidoscope Australia Human Rights Foundation, 2016. Report on Singapore regarding the human rights of LGBTI persons. Retrieved from: <http://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2283&file=EnglishTranslation>.

9 UN Human Rights Council, 2016. Report of the Working Group on the Universal Periodic Review : Singapore, A/HRC/32/17.

10 UN Human Rights Council, 2016. Report of the Working Group on the Universal Periodic Review : Singapore, A/HRC/32/17.

11 International Lesbian and Gay Association, 2016. Statement by International Lesbian and Gay Association at the 32nd Session of the Human Rights Council Item 6 – UPR Singapore. Retrieved from: http://ilga.org/downloads/Singapore_UPR_outcome_HRC32.pdf.

TREATY MONITORING BODIES

SINGAPORE HAS RATIFIED¹² THE FOLLOWING INTERNATIONAL HUMAN RIGHTS TREATIES:

01

Convention on the Elimination of All Forms of Discrimination against Women

02

Convention on the Rights of the Child (with 1st Optional Protocol)

03

Convention on the Rights of Persons with Disabilities

Sayoni submitted a shadow report to Singapore's 2011 review by the Committee on the Elimination of Discrimination Against Women. The report noted that discrimination against queer women was prevalent, systemic, and institutionalised in social, cultural, political and economic spheres, contravening articles of CEDAW, in particular but not limited to Articles 5, 10, 11, 12, 15, and 16.¹³

In their responses to the list of issues, the government of Singapore reiterated that the country "remains, by and large, a conservative society, and homosexuality does not represent mainstream society in Singapore" but that "the Government strives to maintain a balance, to uphold a stable society with traditional, heterosexual family values, but with space for homosexuals to live their lives and contribute to society". The government claimed further that "Like heterosexuals, homosexuals are free to lead their lives and pursue their social activities".¹⁴ In the Concluding Observations, the Committee nonetheless noted that "there is still negative stereotyping of women belonging to this group, and called on Singapore to "put in place, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, including those based on sexual orientation and gender identity, in conformity with the provisions of the Convention".¹⁵

¹² UN Office of the High Commissioner for Human Rights, n.d. Ratification of 18 International Human Rights Treaties-Singapore, Retrieved from <http://indicators.ohchr.org/>

¹³ Sayoni, 2011. Report on Discrimination against Women in Singapore based on Sexual Orientation and Gender Identity. Retrieved from: http://tbinternetohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_NGO_SGP_49_100_25_E.pdf

¹⁴ UN Committee on the Elimination of All Forms of Discrimination Against Women, 2011. Responses to the list of issues and questions with regard to the consideration of the fourth periodic report, CEDAW/C/SGP/Q/4/Add.1.

¹⁵ UN Committee on the Elimination of All Forms of Discrimination Against Women, 2012. Concluding observations of the Committee on the Elimination of Discrimination against Women- Singapore, CEDAW/C/SGP/CO/4/Rev.1.

SPECIAL PROCEDURES

In 2013, the Special Rapporteurs on freedom of expression and human rights defenders sent a joint urgent appeal regarding the contempt of court charge against a prominent human rights activist and blogger working on issues related to SOGIESC and migrants.¹⁶ The government of Singapore responded that “the UDHR recognizes that individual rights must be subject to legal limits in order to protect the rights of others”, and that said activist’s “right to freedom of opinion and expression has to be subject to legal limits in order to protect the competing interest of safeguarding society’s confidence in the administration of justice and the judiciary”.¹⁷

OTHER POSITIONS AT THE UNITED NATIONS

Singapore voted for the inclusion of references to sexual orientation and gender identity in resolutions on extrajudicial executions at the General Assembly in 2012 and 2014.^{18,19} Singapore abstained from the vote for the 2012 resolution itself, but voted for the adoption of the 2014 resolution.^{20,21}

Likewise, Singapore voted against the mandate of the Independent Expert on Sexual Orientation and Gender Identity when the UN General Assembly in December 2016 voted on a resolution to “defer consideration of and action on” the mandate.^{22,23}

16 La Rue, F. & Sekaggya, M., 2013. Communication transmitted to the Government of Singapore from the Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, UA G/SO 214 (67-17) G/SO 214 (107-9) SGP 4/2013, Retrieved from: <http://icj.wpunet.net/dna-cdn.com/wp-content/uploads/2015/07/Correspondence-SR-Singapore-4-2013-eng.pdf>.

17 Response of the government of Singapore to Joint Urgent Appeal UA G/SO 214 (67-17) G/SO 214 (107-9) SGP 4/2013. Retrieved from [https://spdb.ohchr.org/hrdb/24th/Singapore_181213_\(4.2013\).pdf](https://spdb.ohchr.org/hrdb/24th/Singapore_181213_(4.2013).pdf).

18 UN General Assembly, 2012. “Amendment to draft resolution A/C.3/67/L.36” as contained in document L.68 (list of votes). Retrieved from http://www.un.org/en/ga/third/67/docs/voting_sheets/L68.pdf.

19 UN General Assembly, 2014. Amendment to draft resolution A/C.3/69/L.47/Rev.1, A/C.3/69/L/64. Retrieved from http://www.un.org/en/ga/third/69/docs/voting_sheets/L64.L47Rev1.pdf.

20 UN General Assembly, 2012. 3rd Committee, 42nd Meeting, Vote A/C.3/67/L.36: Extra-judicial, summary or arbitrary executions. Retrieved from http://www.un.org/en/ga/third/67/docs/voting_sheets/L36.pdf.

21 UN General Assembly, 2014. 3rd Committee, Plenary, Vote A/C.3/69/L.47/Rev.1: Extra-judicial, summary or arbitrary executions. Retrieved from http://www.un.org/en/ga/third/69/docs/voting_sheets/L47.Rev1.pdf.

22 UN Human Rights Council, 2016. HRC Resolution 32/2, Protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/32/L.2/Rev.1.

23 APCOM. 2016. Another Victory of the UN Rejecting Another Effort to Suspend the Mandate of Independent Expert on Sexual Orientation and Gender Identity. Retrieved from: <https://apcom.org/2016/12/21/lgbtiq-regional-organizations-asia-pacific-welcome-decision-ungas-5th-committee-meeting-safeguard-mandate-independent-expert-sexual-orientation-gender-identity/>



ASEAN SOGIE CAUCUS

Room 8R, Future Point Plaza 3
111 Panay Avenue, South Triangle
Quezon City 1103, Philippines
Phone: (+63 2) 285 7950

Web: www.aseansogiecaucus.org
Facebook: [/aseansogie](https://www.facebook.com/aseansogie)
Twitter: [@aseansogie](https://twitter.com/aseansogie)

ASEAN SOGIE Caucus (ASC) is a regional organization of human rights defenders from various countries in Southeast Asia. ASC advocates for the promotion, protection and fulfilment of the rights of all persons regardless of their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The organization aims to support capacities of local activists to engage with domestic and international human rights mechanisms. The organization envisions a SOGIESC-inclusive Southeast Asian community, and advocates for the human rights of all persons regardless of SOGIESC to be respected, protected, promoted, and fulfilled.

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