

Report on Discrimination against LGBTQ Women in Singapore

Written report submitted to the Committee on the Elimination of Discrimination against Women for the 68th session (October 2017)

by:



Submitted to the Committee on the Elimination of Discrimination against Women on 2 October 2017

CONTENTS

EXECUTIVE SUMMARY 2

INTRODUCTION 3

DEFINITIONS IN THIS REPORT 3

ARTICLE 1: DISCRIMINATION 4

 1.1 Lack of anti-discrimination legislation 4

ARTICLE 5: GENDER ROLES AND STEREOTYPING 4

 5.1 Censorship in the media 4

 5.2 Censorship of children’s books 5

ARTICLE 7: PUBLIC AND POLITICAL LIFE 6

 7.1 Barriers to participation in decision-making and politics 6

ARTICLE 10: EDUCATION 6

 10.1 Homophobic and transphobic bullying 6

 10.2 Discrimination in sexuality education curriculum 7

 10.3 Inadequate assistance for the distressed 7

ARTICLE 11: EMPLOYMENT 8

 11.1 Non-inclusive laws and guidelines 8

 11.2 Unfair dismissal 8

 11.3 Unequal employee benefits for same-sex partners 9

ARTICLE 12: HEALTH 9

 12.1. Inequalities in healthcare financing 9

 12.2. Absence of spousal medical rights 9

 12.3. Prevalence of mental health issues 9

 12.4. Insensitive healthcare provision and inadequate support 10

ARTICLE 15: EQUALITY BEFORE THE LAW 10

 15.1 Criminalisation of consensual sexual intercourse 10

ARTICLE 16: MARRIAGE AND FAMILY 11

 16.1 Rights and benefits of marriage 11

 16.2 Rights of children 11

Article 24: VIOLENCE AGAINST WOMEN AND GIRLS 12

 24.1 Violence from family members 12

 24.2 Intimate partner violence 12

 24.3 Sexual violence from male partners 13

 24.4 Barriers to reporting and gaps in service provision 13

ANNEX A (ARTICLE 11)

ANNEX B (ARTICLE 12)

ANNEX C (ARTICLE 24)

EXECUTIVE SUMMARY

Growing up, women and girls in Singapore who are perceived to be different or queer face immense pressure and discrimination to conform to stereotypical gender roles and expression. Lesbian, bisexual, transgender and other queer women (LBTQ) in Singapore regularly experience systematic discrimination in the public and private spheres from State and non-State actors. Deliberate policy, institutional gaps and a lack of anti-discrimination legislation contribute to these inequalities and prevent the issues from being addressed.

The government continues to prohibit positive and neutral portrayals of homosexuality in all mainstream media despite the CEDAW Committee's Concluding Observations in 2012. In the 2011 General Election, the ruling party of Singapore, the People's Action Party, used the accusation of a "gay agenda" and the basis of sexual orientation to accuse an opposition candidate of having hidden motives to promote lesbian, gay, bisexual and transgender (LGBT) rights in Singapore, thus encouraging hate in the public sphere.

In schools, LBTQ children experience homophobic and transphobic bullying. This is further perpetuated by a lack of comprehensive sexuality education, laws and censorship in the media and a lack of institutional support.

In the workplace, LBTQ women in Singapore continue to face discrimination. Employment guidelines and laws against harassment meant to address inequality fail to mention or protect against discrimination.

Queer women continue to have unequal access to healthcare and medical rights in a healthcare system that presumes heterosexuality in its policies and services.

The Singapore courts upheld the sodomy law that specifically targets gay men, Section 377A of the Penal Code, in 2014, stating that the guarantee of equal protection in the Constitution does not include gender identity or sexual orientation, despite the State declaring otherwise in the last CEDAW review in 2011. This law continues to justify discrimination perpetrated by State and non-State actors, particularly for LBTQ women who face intersectional oppression.

LBTQ women also have unequal rights to family life. There is no legal recognition for same-sex relationships and children born to same-sex partners, which results in discriminatory policies, lack of protections, unnecessary hardships, separation and the absence of all rights and benefits.

Gender-based violence still occurs to many LBTQ women, including psychological, sexual, physical and intimate partner violence as well as deprivation. Perpetrators are often family members of the individuals. Violence against LBTQ people is severely underreported because of fear of stigma or exposure. Lack of sensitivity to LBTQ issues from the courts, law enforcement, and the Ministry of Social and Family Development and its agencies further dissuades individuals from reporting violence.

The State must fulfil its obligations to protect all women, including LBTQ women, in accordance with the CEDAW Convention, as well as General Recommendation 19 on violence against women.

INTRODUCTION

The need for monitoring work and this report became even more urgent after Singapore's last report to the CEDAW Committee in 2011. During the 49th session, the CEDAW Committee, in its Concluding Observations¹ under "Stereotypes and harmful practices" (points 21-22), called upon the State party 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. Such measures should include efforts, in collaboration with civil society, to educate and raise awareness of this subject, targeting women and men at all levels of society."

The State responded at the CEDAW pre-session² in 2011 (point 31.1) that: "The principle of equality of all persons before the law is enshrined in the Constitution of the Republic of Singapore, regardless of gender, sexual orientation and gender identity."

Encouraged by this Concluding Observation and the subsequent State response, in October 2014, activists cited the CEDAW Committee's observation in a constitutional challenge to overturn the sodomy law targeting gay men, which cascades and justifies institutionalised discrimination for all LGBT persons. However, contrary to the State's claims to the CEDAW Committee, the Court of Appeal ruled that the guarantee of equal protection stated in Article 12(2) of the Constitution does not include gender identity or sexual orientation. The court further stated that "equality before the law and equal protection of the law under Art 12(1) does not mean that all persons are to be treated equally, but that all persons in like situations are to be treated alike".³ Hence, the court ruled to uphold the constitutionality of Section 377A of the Penal Code.

To date, despite the efforts of civil society to engage the government, no concrete or substantive measures have been taken to address the plight of LBTQ women in Singapore. Furthermore, new unjust policies have been implemented. The silence towards the situation of LBTQ persons in the fifth State report further amplifies the inaction and highlights the inequality present in society.

DEFINITIONS IN THIS REPORT

'Queer' is used as an umbrella term for people who are gay, lesbian, bisexual, transgendered, transgender, intersexual or of any other non-heterosexual sexuality, sexual anatomy or gender identity. It is commonly a synonym for lesbian, gay, bisexual, transgender and intersex persons (LGBTI).

We use 'LBTQ' to refer to lesbian, bisexual and transgender individuals. The scope of this report also includes transgender men, as we recognise that transgender men are socialised as female and are subject to varying degrees of discrimination depending on their gender (non)conformity, with sexism as the common root cause.

¹ United Nations, Committee on the Elimination of Discrimination against Women, Forty-ninth session (11 – 29 July 2011), "Concluding observations of the Committee on the Elimination of Discrimination against Women: Singapore", CEDAW/C/SGP/CO/4/Rev.1, 5 January 2012. Available from <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-SGP-CO-4.pdf>.

² United Nations, Committee on the Elimination of Discrimination against Women: Pre-session working group, Forty-ninth session (11 – 29 July 2011). "Responses to the list of issues and questions with regard to the consideration of the fourth periodic report: Singapore", CEDAW/C/SGP/Q/4/Add.1, 12 May 2011. Available from <http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-SGP-Q-4-Add1.pdf>.

³ "Singapore High Court upholds criminalisation of homosexuality." *Channel NewsAsia*, 9 April 2013. Available from <http://www.channelnewsasia.com/news/singapore/singapore-high-court/633188.html> (accessed 22 September 2017).

ARTICLE 1: DISCRIMINATION

1.1 Lack of anti-discrimination legislation

Singapore's legislation does not define discrimination against women or include laws that prohibit discrimination on the basis of sex, gender or sexual orientation. The State's justification is that Article 12 of the Singapore Constitution "provides that 'All persons are equal before the law and entitled to the equal protection of the law'".

However, 2013–2014 court rulings on challenges to the constitutionality of the British-era law against sex between consenting men, Section 377A of the Penal Code, have established that:⁴

- i. Article 12(2) does not protect sexual minorities, including LBTQ women, as it excludes sexual orientation and gender.
- ii. Article 12(1) is consistent with the discriminatory law against sex between men. Fundamental to the court judgement was the reasonable classification test, which is based on the rationale that Singapore's Article 12(1) only guarantees equal rights among individuals within each group.

Therefore, Article 12 cannot be used to show the State's commitment to non-discrimination. In effect, the Singapore Constitution allows for legalised discrimination against vulnerable minority groups, including LBTQ women.

Recommendation: Implement anti-discrimination legislation

We recommend that the State establish a roadmap and timeframe towards implementing anti-discrimination legislation to prohibit discrimination on all grounds, including gender and sexual orientation.

ARTICLE 5: GENDER ROLES AND STEREOTYPING

5.1 Censorship in the media

In mainstream media, the State continues to censor neutral and positive portrayals of women in same-sex relationships. This perpetuates negative stereotypes and homophobia among the general public and fails to provide queer women with positive role models on screen.

In the Concluding Observations issued by the CEDAW Committee in 2012¹ (para 22), the State was asked 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."

However, the revised Free-to-Air TV Programme Code⁵ by the Info-communications Media Development Authority of Singapore (IMDA), a government agency, still prohibits positive portrayals of homosexuality: "Films that depict a homosexual

⁴ Howard Lee, "Section 377A of Penal Code upheld in Constitutional challenge", *TOC*, 29 October 2014. Available from <https://www.theonlinecitizen.com/2014/10/29/section-377a-of-penal-code-upheld-in-constitutional-challenge/> (accessed 1 October 2017).

⁵ Infocomm Media Development Authority, "Free-To-Air Television Programme Code", pp. 11, 18, 24. Available from https://www.imda.gov.sg/~media/imda/files/regulation%20licensing%20and%20consultations/licensing/licenses/licence%20for%20the%20provision%20of%20broadcasting%20services/1/industry_tv_contentguidelines_ftatvprogcode.pdf?la=en (accessed 22 January 2017).

lifestyle should be sensitive to community values. They should not, promote or justify a homosexual lifestyle.”⁵ In addition, television programmes can be classified as NAR (not allowed for all ratings) for “promotion or glamorisation of homosexual lifestyle”. A classification of NAR bars the work from public broadcast, which is effectively a ban.

These media regulations have been actively used to prohibit neutral or positive lesbian content in the following instances:

- In June 2014, Taiwanese singer A-mei was prohibited from singing her song *Rainbow* at a concert because she supported LGBT rights and had encouraged fans to show affection for their same-sex partners during the song in 2013 – a “pro-LGBT message”.⁶
- In May 2015, Taiwanese singer Jolin Tsai’s song *We’re All Different, Yet The Same* was banned from broadcast on FTV and cable TV as well as radio. It features the true story of a woman who was unable to give consent for emergency surgery for her female partner.⁷
- In February 2016, former United States President Barack Obama’s pro-LGBT speech was edited out of the Singapore TV broadcast of *The Ellen DeGeneres Show*. In it, Obama praised openly lesbian DeGeneres for being a good role model and “changing hearts and minds”.⁸
- In June 2017, the Advertising Standards Authority of Singapore asked a shopping mall to remove the line “Supporting the freedom to love” from a banner on an escalator in the building as it might “affect public sensitivities due to the issues at hand”.⁹ The mall was a sponsor of Pink Dot 2017, an annual event in support of the LGBT community in Singapore.

Recommendation: Rectify media codes

We recommend that the state propose a specific timeframe to rectify IMDA’s codes, policies and practices to equalise treatment of heterosexual and homosexual content.

5.2 Censorship of children’s books

In 2014, three children’s books, *And Tango Makes Three*, *The White Swan Express: A Story About Adoption*, and *Who’s In My Family: All About Our Families*, were withdrawn from public libraries, as they were about ‘alternative, non-traditional families’. After public protests and sit-ins at the library, the State eventually stepped in to instruct the National Library Board, a government agency, to move the books to the adults’ section of the library.¹⁰ Although the process of book acquisition was subsequently revised, the move has stopped children from accessing content that shows non-stereotypical family units.

Recommendation: Modify or eliminate discriminatory stereotypes

We recommend that the State implement a comprehensive strategy within a reasonable timeframe to modify or eliminate stereotypes that discriminate against LGBT persons and children, in conformity with the provisions of the Convention.

⁶ Tham Yuen-C, “No Rainbow at A-mei’s gig due to ‘pro-LGBT message’”, *Straits Times*, 10 July 2014. Available from <http://www.straitstimes.com/singapore/no-rainbow-at-a-meis-gig-due-to-pro-lgbt-message> (accessed 22 January 2017).

⁷ Gwendolyn Ng, “Jolin Tsai’s same-sex marriage music video and song banned on TV and radio, MDA clarifies”, *Straits Times*, 26 May 2015. Available from <http://www.straitstimes.com/lifestyle/entertainment/jolin-tsais-same-sex-marriage-music-video-and-song-banned-on-tv-and-radio> (accessed 22 January 2017).

⁸ Yip Wai Yee, “Singapore cuts Obama’s LGBT comments on Ellen”, *Straits Times*, 25 February 2016. Available from <http://www.straitstimes.com/lifestyle/entertainment/singapore-cuts-obamas-lgbt-comments-on-ellen-0> (accessed 22 January 2017).

⁹ Alfred Chua, “Pink Dot banner at Cineleisure to stay despite advertising watchdog’s call to remove tagline”, *Today*, 9 June 2017. Available from <http://www.todayonline.com/singapore/advertising-watchdog-wants-tagline-dropped-pink-dot-cathay-not-budging> (accessed 24 September 2017).

¹⁰ Lim Yi Han, “And Tango makes it a big book debate”, *My Paper*, 5 August 2014. Available from <http://news.asiaone.com/news/singapore/and-tango-makes-it-big-book-debate> (accessed 22 January 2017).

ARTICLE 7: PUBLIC AND POLITICAL LIFE

7.1 Barriers to participation in decision-making and politics

The State has made no effort to consult or ensure the participation of LBTQ women in decision-making in the government, diplomatic service and private sector. For example, the Office for Women's Development under the Ministry of Social and Family Development failed to consult civil society, monitor or implement following the Committee's recommendation in 2012 (para 22) "to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, including those based on sexual orientation and gender identity".¹

Instead, LGBTI persons are framed as being unsuitable to run for political office. In the 2011 General Election, the ruling party (People's Action Party) outed opposition candidate Vincent Wijesingha's sexual orientation, highlighting an online video showing him participating in a forum on gay issues and asking if he or his party intended to pursue a gay agenda.¹¹ Following this attempt to use Dr Wijesingha's sexual orientation to stoke public homophobia and gain votes, no out LGBT candidates or LBTQ women were included in any party slate in the next General Election.

Recommendations: Eliminate discriminatory beliefs and discourse about LGBT participation in politics

- Raise awareness and eliminate discriminatory beliefs and attitudes about LGBT issues in political participation for both political candidates and the public.
- Adopt a numeric and time-bound target for the appointment of LBTQ women to public and political positions.
- Develop and implement guidelines for civil discourse about politics that is non-discriminatory and does not perpetuate discriminatory attitudes against any minority group, including LGBT persons.

ARTICLE 10: EDUCATION

10.1 Homophobic and transphobic bullying

Homophobic and transphobic bullying in Singapore schools is prevalent and has a serious impact on the education and health of LBTQ children. According to Sayoni's research¹², lesbian and bisexual children are often targeted by their peers for perceived non-conformity in their sexuality, gender characteristics or expression, and many drop out of school early or exhibit self-harming behaviours.

Educators and schools often fail to intervene to alleviate the bullying, due to personal homophobia/transphobia, lack of knowledge and resources, or lack of institutional support for taking an LBTQ-affirmative position.

Examples from Sayoni's research study¹² are as follows:

¹¹ "PAP team questions SDP candidate's political agenda", *Yahoo! News*, 26 April 2011. Available from <https://sg.news.yahoo.com/blogs/singaporescene/pap-team-questions-sdp-candidate-political-agenda-191935320.html> (accessed 1 October 2017).

¹² Sayoni, "Working Paper: Documentation of Violence and Discrimination Among LBTQ Women in Singapore", 2017.

- i. A masculine lesbian encountered sexual violence from her partner when she was 13. She was called names and bullied at school. Her teachers disliked her for being an out lesbian and she did not feel like she could confide in them. She resorted to self-harm and kept her problems to herself.
- ii. A Chinese cisgender queer woman was discovering having a relationship with another girl in her class at 14. The school administrators read their text messages aloud and interrogated her. When she received threats from her girlfriend's family, she could not turn to the school. Desperate, the couple made a suicide pact, but eventually did not follow through.

10.2 Discrimination in sexuality education curriculum

The Ministry of Education, which trains most teachers and runs the majority of sexuality education programmes for schools, signals disapproval towards non-heterosexual relationships through school policies and by prohibiting sexuality education programmes that describe LGBT persons in neutral terms. This contributes to social stigma and bullying of LBTQ children.

According to the ministry in a 2014 letter to the press,¹³ "sexuality education is informed by mainstream values. These include the heterosexual married family being the basic unit of society, and respect for the values of different ethnic and religious communities on sexual matters". The ministry also emphasises that teachers should "ensure that schools are not used as arenas for advocacy on controversial issues".¹⁴

State-supported sexuality education programmes urge abstinence, focusing on heterosexual relationships and providing little or negative information about same-sex relationships.¹⁴ In 2015, a relationship workshop in a State school, Hwa Chong Institution, was revealed to propagate sexist gender stereotypes and erase sexual diversity.¹⁵ The workshop was held by Focus on the Family, a well-known conservative Christian group and the Singapore chapter of a United States anti-LGBT group, together with the Social Development Network, a governmental body. Focus on the Family had been approved by the Ministry of Education as one of its providers to run sexuality education programmes in schools despite its non-secular, anti-LGBT stance.

Recommendation: Equalise access to information on LGBTQ sexual and reproductive health

We recommend that comprehensive information about LGBTQ sexual and reproductive health issues be made equally accessible in the local sexuality education curriculum.

10.3 Inadequate assistance for the distressed

School counselling services are often inadequate for queer and transgender children who are distressed.¹⁶ Teachers and allied educators are not provided with resources or sensitivity training specific to LBTQ children, and hence are unable to help even if children approach them about same-sex issues.

¹³ Singapore, Ministry of Education, "MOE is mindful of secularity in education". Available from <https://www.moe.gov.sg/news/forum-letter-replies/moe-is-mindful-of-secularity-in-education>. (accessed 22 January 2017)

¹⁴ Singapore, Ministry of Education, "Scope and Teaching Approach of Sexuality Education in Schools". Available from <https://www.moe.gov.sg/education/programmes/social-and-emotional-learning/sexuality-education/scope-and-teaching-approach-of-sexuality-education-in-schools>. (accessed 22 January 2017)

¹⁵ Elizabeth Soh, "Facilitators of controversial relationship workshop were "ineffective": HCI principal", *Yahoo! News*, 7 October 2014. Available from <https://sg.news.yahoo.com/hwa-chong-student-calls-sex-ed-booklet-by-christian-group--bigoted%E2%80%9D-094040863.html>. (accessed 22 January 2017)

¹⁶ Kok Xing Hui, "Social workers 'feel ill-equipped to deal with LGBT clients'", *Straits Times*, 11 February 2016. Available from <http://www.straitstimes.com/singapore/social-workers-feel-ill-equipped-to-deal-with-lgbt-clients> (accessed 22 January 2017).

Recommendation: Sensitivity training for educators and other ministry staff

We recommend that the Ministry of Education enact a comprehensive strategy and provide guidelines to schools to educate all staff members on sensitivity training and challenges specific to LGBTQ children.

ARTICLE 11: EMPLOYMENT

LBTQ women in Singapore continue to perceive discrimination in the workplace, particularly in the areas of hiring, progression and termination. (See **Annex A** for excerpts from Sayoni's research study.)

11.1 Non-inclusive laws and guidelines

The State has instituted the Protection from Harassment Act (POHA)^{17,18}, which criminalises verbal abuse or lewd remarks, or any "insulting words or behaviour" that cause "alarm or distress". Non-legislative guidelines for general workplace discrimination exist, such as the Tripartite Guidelines on Fair Employment Practices¹⁹ and the Fair Consideration Framework²⁰. However, barriers to reporting of workplace harassment are high for LBTQ women, as these laws and guidelines do not explicitly mention or protect against discrimination on the basis of sexual orientation or gender identity/expression. Additionally, employers are led to believe that the State condones discrimination against nonconforming sexualities and genders.

11.2 Unfair dismissal

The Employment, Parental Leave and Other Measures Act 2013^{21,22} has been amended to include redress against wrongful dismissal and sick leave benefits for professionals, managers and executives. Nevertheless, it fails to address concerns about dismissal on the basis of sexuality and options for redress. In 2013, a Singapore man argued that his was a case of "constructive dismissal" because of his homosexuality²³. The case and his appeal was dismissed²⁴; however, the courts did not make a judgement about possible persecution based on the employee's sexual orientation, instead stating that he had already been sufficiently compensated. Hence, it remains unknown whether wrongful termination of LGBT employees on the grounds of sexuality is prohibited.

¹⁷ Singapore, Ministry of Law, "A new Protection from Harassment Bill to be introduced to strengthen the laws against harassment". Available from <https://www.mlaw.gov.sg/news/press-releases/a-new-protection-from-harassment-bill-to-be-introduced-to-streng.html> (accessed 22 January 2017).

¹⁸ Singapore Legal Advice, "Sexual harassment in Singapore (Workplace sexual harassment)". Available from <https://singaporelegaladvice.com/law-articles/sexual-harassment-in-singapore-workplace-sexual-harassment/> (accessed 22 January 2017).

¹⁹ Tripartite Alliance for Fair and Progressive Employment Practices, "Tripartite Guidelines On Fair Employment Practices". Available from <https://www.tafep.sg/publication/tripartite-guidelines-fair-employment-practices> (accessed 28 September 2017).

²⁰ Singapore, Ministry of Manpower, "Fair Consideration Framework". Available from <http://www.mom.gov.sg/employment-practices/fair-consideration-framework> (accessed 28 September 2017).

²¹ Lexology, "Key changes in Singapore employment law in 2014". Available from <http://www.lexology.com/library/detail.aspx?g=e28a8dca-f7e8-47d9-8f38-dea4d4d5471d> (accessed 22 January 2017).

²² Jones Day Publications, "Changes to Singapore Employment Law 2014". Available from <http://www.jonesday.com/Changes-to-Singapore-Employment-Law-2014-04-01-2014> (accessed 22 January 2017).

²³ SingaporeLaw.sg, "Wee Kim San Lawrence Bernard v Robinson & Co (Singapore) Pte Ltd [2013] SGHC 279". <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/high-court-judgments/15444-wee-kim-san-lawrence-bernard-v-robinson-amp-co-singapore-pte-ltd-2013-sghc-279> (accessed 22 January 2017).

²⁴ Law Gazette, "Legal Risks in Employee Termination". Available from <http://www.lawgazette.com.sg/2014-09/1127.htm> (accessed 22 January 2017).

11.3 Unequal employee benefits for same-sex partners

Same-sex partners or spouses in most organisations are not entitled to the same employee benefits as married partners of the opposite sex, including marriage leave and medical benefits for spouses.

Recommendation: Inclusive anti-discrimination legislation

Include sexual orientation and gender identity in all existing legislation and guidelines, with the eventual aim of instituting inclusive anti-discrimination legislation within a specified amount of time.

ARTICLE 12: HEALTH

12.1. Inequalities in healthcare financing

Women in same-sex relationships 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 corporate sources, such as private health insurance and workplace health insurance.

Transgender women do not have any access to State subsidies for sex change operations and may resort to going overseas for surgery, adding on to their financial burden. While they are able to obtain hormones from local general practitioners, these clinics do not have adequate specialist follow-up should any post-surgery complications occur. Sayoni's research has shown that these healthcare inequities lead to grave health risks for transgender individuals. (See **Annex B** for excerpts from Sayoni's research study.)

Recommendation: Financial assistance for same-sex partners and gender reassignment surgery

We recommend that same-sex partners be included in healthcare financing systems, and that healthcare costs for the transitioning and follow-up processes of gender reassignment surgery be subsidised.

12.2. Absence of spousal medical rights

Those in same-sex relationships are deprived of the legal right to make healthcare decisions for their partners, as overnight visitation rights are restricted to legally recognised relatives.

12.3. Prevalence of mental health issues

LBTQ women experience prejudice and discriminatory behaviour associated with their sexual orientation, sexual identity and expression. Cultural and religious compound this issue, leading to increased mental health conditions.

Recommendation: More support for LBTQ health and mental health issues

We recommend the provision of more support information and systemic resources for LBTQ-specific health and mental health issues. What are the current provisions for LBTQ women in terms of general healthcare and mental healthcare, and what will be done to enhance these?

12.4. Insensitive healthcare provision and inadequate support

LBTQ women often do not come out to their healthcare providers due to perceived discrimination. In instances where sexuality is disclosed, it is met with unprofessional behaviour or outright denial of service. Healthcare workers are also inadequately equipped to handle the physical health and mental health needs of LBTQ women due to lack of knowledge.

Recommendation: Sensitivity training for healthcare and mental healthcare professionals

We recommend that LBTQ sensitivity training be part of healthcare and mental healthcare professionals' training to adequately meet the needs of LBTQ women.

ARTICLE 15: EQUALITY BEFORE THE LAW

15.1 Criminalisation of consensual sexual intercourse

In October 2014, the Singapore Court of Appeal ruled to uphold the constitutionality of Section 377A of the Penal Code,²⁵ a British colonial-era law that criminalises consensual sexual intercourse between men. The court ruled that the guarantee of equal protection stated in Article 12(2) of the Constitution does not include gender identity or sexual orientation. It further stated that "equality before the law and equal protection of the law under Art 12(I) does not mean that all persons are to be treated equally, but that all persons in like situations are to be treated alike".²⁶

This is in direct contradiction to the government's response at the last CEDAW pre-session in 2011 (49th session, point 31.1): "The principle of equality of all persons before the law is enshrined in the Constitution of the Republic of Singapore, regardless of gender, sexual orientation and gender identity."²⁷ The State repeated its claim that there is no discrimination against LGBTQ persons in 2016 during Singapore's Universal Periodic Review cycle, stating that laws such as Section 377A have not been proactively enforced and are kept to accommodate the sensitivities of segments of society due to "religious convictions and moral values".²⁷

The State has asserted in recent CEDAW consultations with women's organisations that its claim is not in direct conflict to the court ruling, as the legislative and judicial branches are independent of each other. However, the Court of Appeal has indicated in its ruling that the onus is on "the legislative sphere" and that "there is nothing that this court can do to assist" the Apellants.²⁶

Although Section 377A specifically applies to men, in reality, it cascades and justifies discrimination perpetrated by State and non-State actors against LGBTQ persons. This law institutionalises a legislative and administrative framework of discrimination towards all LGBTQ persons, and promotes violence and discrimination, especially towards LBTQ women who are disadvantaged in multiple and intersectional ways. This constitutes violations by Singapore of a number of rights under

²⁵ TODAY, "Decision to retain Section 377A 'carefully considered, balanced'". Available from <http://www.todayonline.com/singapore/govt-says-decision-retain-section-377a-carefully-considered-balanced?singlepage=true> (accessed 22 January 2017).

²⁶ Lim Meng Suang / Kenneth Chee Mun-Leong v Attorney General, Tan Eng Hong v Attorney General, Civil Appeal No 125 of 2013 C.F.R. (29 October 2014).

²⁷ TODAY, "Decision to retain Section 377A 'carefully considered, balanced'", 11 December 2015. Available from <http://www.todayonline.com/singapore/govt-says-decision-retain-section-377a-carefully-considered-balanced?singlepage=true> (accessed 22 January 2017).

international human rights law, including the right to privacy, and under CEDAW, Article 15 on the right to equality before the law and Article 2 on non-discrimination.

Recommendations: Take steps towards repeal of Section 377A

- Please clarify if diverse sexual orientations and gender identities are included in the Constitution of Singapore.
- We recommend that the State repeal Section 377A of the Penal Code. If the sensitivities of the public are of concern, what steps are being taken with State and non-State actors to address this issue, and what is the planned timeline?
- Which specific laws has the State enacted that specifically mention sexual orientation and gender identity to protect LBTQ women from violence and discrimination?

ARTICLE 16: MARRIAGE AND FAMILY

16.1 Rights and benefits of marriage

Neither the law nor the State recognise same-sex relationships in Singapore, or marriages contracted in other jurisdictions between same-sex partners.²⁸

This has been a major cause of discrimination against and lack of protection for same-sex couples and those in transnational same-sex marriages. In particular, legally married transnational same-sex couples are not able to stay in the same country as their legal spouse, increasing hardships, separation of family, discriminatory treatments by State and non-State actors, and depriving them of legal protection.

Furthermore, many benefits and rights enjoyed by married opposite-sex couples are denied to same-sex couples living legally in the country. These include employee benefits, whose scope extends to spouses; medical visitation and next-of-kin rights; rights to purchase subsidised public housing from the State; and tax breaks for married couples.

Recommendations: Amend Section 12(1) of the Women’s Charter

- We recommend that the State amend Section 12(1) of the Women’s Charter, and permit and recognise registration of same-sex marriages and partnerships in Singapore and elsewhere within a specified timeline.
- We ask the government and the Ministry of Manpower to clarify their policies on eligibility of immigration or residency for same-sex spouses, and review their policies to equalise access to residency for heterosexual and same-sex partners within a specific timeline.

16.2 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 a single parent. These children cannot be legally cared for or maintained

²⁸ Singapore, Women’s Charter, chap. 353, sect. 12(1). Available from <http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=4bb9e463-04f9-430b-ad5c-68492deeb27a;page=0;query=DocId%3A%22f0897dd7-1f3a-45a9-b1e7-ba30fef2dbba%22%20Status%3Ainforce%20Depth%3A0;rec=0#pr12-he-> (accessed 22 January 2017).

by the non-legal parent, and are not guaranteed continuity in the event of the separation of the same-sex couple or the death of the legal parent. The non-legal parent also does not have the right to acquire kinship.

Recommendations: Protect the rights of same-sex partners and children

- We recommend that the State enact general legislation to recognise and protect the rights and duties of same-sex partners and households, within a specified timeline.
- We recommend that the State enact general legislation to recognise and protect the rights of children from same-sex households within a specified timeline.

Article 24: VIOLENCE AGAINST WOMEN AND GIRLS

The State report has listed various initiatives such as the Personal Protection Order, crisis hotlines and awareness-raising efforts to combat violence against women. However, there are significant gaps in these efforts in relation to protecting LGBTQ women from violence. Sexual orientation and gender identity are not explicitly mentioned and State parties still lack education on the specific needs of LGBTQ women.

24.1 Violence from family members

Sayoni's research¹² uncovered that violence is frequently perpetrated by immediate family members on LGBTQ individuals. The high cost of living and the inability to move out of their homes results in LGBTQ individuals living with violence and abuse.

Family members frequently used psychological and physical violence on LGBTQ individuals, shaming and subjecting them to punitive action such as harassment, verbal abuse, physical abuse and reparative therapy. Physical violence and deprivation particularly affects young people and transgender individuals if they come out, are outed or express gender non-conforming behaviour or characteristics at a young age. (See **Annex C** for Disha's story.) Those who do move out or become homeless face financial issues and loss of an education and, consequently, future advancement opportunities, while those who remain at home frequently keep their sexuality hidden. For example, a transgender man was beaten up by his mother, attacked with a chopper, and punched until he left the family home. (See **Annex C** for Hari's story.)

The State claims that it conducts initiatives to raise awareness about family violence, in response to paragraph 24(c) of the Concluding Comments. As same-sex partners are not recognised or represented as family members, their relationships and the violence within them remains unrecognised by the State and relevant agencies.

24.2 Intimate partner violence

The Women's Charter does not permit same-sex marriage²⁸ or recognise same-sex relationships under the definition of 'family'²⁹, and hence women same-sex partners enjoy fewer legal protections than their heterosexual counterparts. In Sayoni's research, more than 50% of our respondents had experienced intimate partner violence, including physical, sexual and emotional violence.¹² Partner violence had devastating health effects and long-term impact on the survivors.

²⁹ Singapore, Women's Charter, chap. 353, sect. 64. Available from <http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=51de77d3-8e21-472e-8e12-c195f3e4f0ff;page=0;query=DocId%3A%22f0897dd7-1f3a-45a9-b1e7-ba30fef2dbba%22%20Status%3Ainforce%20Depth%3A0;rec=0#P1VII-> (accessed 22 January 2017).

As schools do not include such critical information in their sexual health education curriculum, lesbian and bisexual girls are especially vulnerable to sexual and emotional abuse by their intimate partners. Sayoni found that girls between the ages of 12–16 were prone to experiencing sexual violence from intimate partners, including one respondent who went on a date with an older lesbian when she was 13 and was forcefully penetrated with a dildo, but did not tell anyone that she was violated as a minor because of the shame of “immoral sex”. (See **Annex C** for Cris’s story.)

Heteronormative gender dynamics in LGBTQ relationships can lead to intimate partner violence. Masculine-presenting lesbians may internalise the expectation that they should be ‘strong’ and accept ill treatment from their partner without reporting it. (See **Annex C** for Aisha’s story.)

24.3 Sexual violence from male partners

The perpetuation of harmful gender stereotypes in State media and educational institutions has contributed to sexual and emotional violence from the male partners of LGBTQ women. Non-conforming gender presentations and sexual orientations are seen as aberrant and requiring correction and control. Bisexual women are further victimised due to their invisibility and lack of understanding from health professionals. (See **Annex C** for Nurdiana’s story.)

24.4 Barriers to reporting and gaps in service provision

The State argues that its protections extend to everyone. However, LGBTQ individuals face higher barriers to reporting. The stigma of being LGBTQ, associated with the male sodomy law and media censorship, as well as lack of awareness of what constitutes abuse from survivors and the authorities, are factors in the failure to report.

Although the Women’s Charter permits victims of violence to apply for a Personal Protection Order or Domestic Exclusion Order, LGBTQ victim-survivors are often required to undergo a Mandatory Counselling Programme³⁰ in the courts to receive one. This entails undergoing the trauma of facing family members multiple times throughout a process that may take six months to a year. One respondent reported that she was encouraged by the Family Justice Court counsellor to break up with her girlfriend so that her family would forgive her.¹²

Even when violence is reported, service providers and law enforcement lack the training to respond to it with sensitivity, which obstructs access to justice. A transgender woman reporting her partner’s violent behaviour to the police dropped her report after the police asked her if she was a real woman.¹² Transgender sex workers whose identity documents still reflect their legally assigned gender face further vulnerabilities of arrest, threats and extortion.

Despite the State’s claim that it has addressed paragraph 24(d) of the Concluding Observations on providing adequate assistance and protection to women victims of violence, no State services and few non-State services are available for LGBTQ-affirmative counselling and intervention.

³⁰ Ministry of Social and Family Development, “What is Mandatory Counselling”. Available from <https://www.msf.gov.sg/publications/Pages/What-is-Mandatory-Counselling.aspx> (accessed 24 September 2017).

Recommendations: Raise awareness and strengthen capacity among State and non-State actors

- Institute mandatory protocols in State agencies to ensure that violations against LGBTQ people, when reported, are processed and attended to without discrimination or prejudice.
- Conduct LGBTQ-affirmative sensitivity training for the police and family violence service providers, including all agencies in the National Family Violence Networking System, to adequately assist LGBTQ victim-survivors of violence.
- Encourage LGBTQ women to report incidents of violence with LGBTQ-inclusive campaigns and comprehensive sexual health education in schools.
- Strengthen the capacity of shelters and non-governmental organisations that provide LGBTQ-affirmative assistance to victims of violence.

ANNEX A (Article 11: Employment)

Excerpts are taken from Sayoni's research study on violence and discrimination.

Hiring

A1. Jo, a Chinese lesbian who identifies as androgynous, applied for a position in the military. She was subjected to an additional four-hour interview in which the interviewees asked what her sexuality was, assuring her that it was okay if she were gay. She had been warned by other members of the organisation not to reveal her sexuality. She was not offered a place in the organisation at all, even though her friend who was less fit than her was accepted.

Progression at Work

A2. Nur, a butch woman, had her mental stability questioned on the job because she was not heterosexual and asked if her life would be better if she "had not been so bold with (her) lifestyle". Her superior tried to hit on her partner, was rebuffed, and made life difficult for Nur after that. She had to do additional duties and was not given Sundays off. Yet, making a report would have jeopardised her job, so Nur did not do so. She was also not promoted to team leader although she was senior staff and represented her division in multiple areas. In another job at a private transport firm, she was told by her manager not to be openly gay and given twice the workload of her colleagues. The sexist culture at the organisation gave her no room for a complaint.

A3. Grace, who was masculine-presenting and had a corporate job, found that the partners in her office favoured women who dressed in a stereotypically feminine and sexy way. They talked down to her, were not happy with the way she worked, and generally had different expectations of her. She left the job and joined a government-run school. There, the principal of the school called Grace to her office and asked her to try wearing a dress and formal clothes. She said, "I don't care what you do outside of school, but I do not want the students to talk about you." In her next jobs, she was dismissed a few times without receiving one month's notice.

Wrongful Termination

A4. Emily, a transgender woman, lost her job at a local make-up firm even though she had met the company sales targets. She was also unable to get work in the hotel line, and was told it was due to her transition from male to female.

ANNEX B (Article 12: Healthcare)

Excerpts are taken from Sayoni's research study on violence and discrimination.

Inequalities in Healthcare Financing

- B1. Dee, a cisgender lesbian with a non-Singaporean wife, found it difficult to stay in Singapore with her wife because healthcare costs for foreigners were at least three times higher than those for citizens. Although Dee made Medisave contributions like any other Singaporean, the couple could not use her Medisave to cover her wife or daughter's healthcare costs. This imposed "a substantial burden" on the family and Dee expressed that she felt her wife and daughter would always be treated as foreigners.
- B2. Serene, a transgender woman, visited general practitioner clinics and received some Unijab injections (a progesterone). When she wanted an anti-androgen injection, her doctor had no knowledge of it, and she had to print a stack of literature for him. The doctor wrote the prescription and she went to a private hospital to buy the medication, but it was very expensive.

Lack of Access to Spousal Medical Rights

- B3. Adibah, who was accompanying her ill partner of 11 years in the hospital, was regarded as a friend and not a spouse by medical workers. She was also concerned that her partner, a Singapore permanent resident, had previously been hospitalised for cancer and she knew she would have no control over her medical decisions.

Insensitive Healthcare Provision

- B4. Jamie, a cisgender lesbian, approached an area-based counselling service for her anger management issues. The leading counsellor told her that it was not a big problem and that since she was already aware of her anger issues, she could deal with them on her own. However, the counsellor said that she could address the gay problem if Jamie wanted, suggesting that the counsellor saw being queer as the problem and not the anger.
- B5. Sheila, a transgender woman, saw her doctor for a recurrent UTI. Once he knew she was transgender, the doctor told her it was not a UTI but the human immunodeficiency virus (HIV), and asked her to check for HIV.
- B6. Cisgender lesbian Yvonne said that when she requested a Pap smear, the doctor asked her if she was married. When she said that she was not, the doctor said that she did not need a Pap smear.
- B7. Belinda, a cisgender Chinese lesbian, was raped by a friend's brother when she was 16. As he was forcing himself on her, he mentioned that he knew she had a girlfriend. However, she did not tell the psychologist she went to about the sexual violation, as she did not feel comfortable doing so. This psychologist refused to recognise her relationship with her then-girlfriend, instead claiming that she had an unhealthy fixation on someone and implying that she needed to remove herself from the situation. Belinda was also unable to relate that the girlfriend was sexually abusive and violent to her. The discrimination that Belinda experienced led to her feeling hopeless and exhausted at not being able to access the support that she needed.

ANNEX C (Article 24: Violence Against Women)

Excerpts are taken from Sayoni's research study on violence and discrimination.

Psychological and Physical Violence from Family

C1. Disha, an Indian bisexual, experienced harassment from her family at work, at home and over the phone, shaming her for leaving home and for living with a butch woman, and telling her that she would go to hell. She had had a history of being beaten up by her mother. When her sisters disclosed her sexuality to her father, her father beat her for hours; he punched, slapped and kicked her in the groin until she urinated on herself. She then fainted and sustained a concussion and multiple contusions. She said she used to feel guilty, scared and self-blaming. Her parents refused to let her leave the house. She ran away from home with a few clothes and some money and had been living with her partner for one year at the time of the interview. She said that her mother contacted her only for money, but turned abusive when she did not get what she wanted. During the one year living away from home, her mother would not allow her to enter the house to collect important documents such as school transcripts and certificates. She and her partner continued giving her mother money in exchange for her certificates and safety from beatings. At one point, her mother and sisters beat up her partner in public, causing a thumb fracture that required an operation.

Physical Violence, Homelessness and Murder

C2. Hari, an Indian transgender man, grew up with a physically violent mother who worked as a police officer. His mother verbally abused him and hit him with a belt buckle, and even threw a chopper at him once. At 14, his mother found out about his girlfriend and would hit him if he and his sister asked for money. When he fought back at 16, his mother pinned him down, broke his spectacles, and punched his ear until he bled. She forced him and his sister to stay home from school when their injuries were severe enough to be noticed, and did not allow them to seek medical attention. He was forced to leave the house with his sister at age 16 after completing his N-level examinations. They moved in with his girlfriend's family despite a tense relationship. His sister made disparaging remarks about his relationship with his girlfriend. His girlfriend's mother verbally abused him and his sister, and forced him and his sister to serve his girlfriend's brother. His girlfriend was killed by a gang of men for "acting like a man" in a pub brawl. He was evicted from his girlfriend's house. While his sister found a place to stay, he was jobless and homeless for over five years.

Psychological and Emotional Violence

C3. Nurdiana, a Malay-Muslim bisexual, came out to her mother in 2012, but was told not to come out to her father. Her mother said that this was the worst thing her daughter had ever done in her life. Her mother often goaded her and said there was no such thing as bisexuality, and it was because she had not yet found a man. She was unable to move out since she had part ownership in the home. Her parents wanted her to be exorcised by a religious leader as they believed she was possessed. Her parents did not want her extended family to know that she was bisexual and did not invite her to social events such as Hari Raya gatherings.

Unreported Statutory Rape

C4. Cris went on a date with an older lesbian when she was 13 years old and was forcefully penetrated with a dildo. She said that she "wasn't in the right frame of mind to be saying no", and reported that she did not tell anyone what had happened "because of the trouble (she) would get into ... getting into this kind of situation". The shame of being drunk as well as having sex that was considered deviant led her to hide the fact that she was sexually violated as a minor.

C5. Nur, a masculine-presenting butch, used to hang out with her brothers and get into fights with them. Two of her brother's friends got her drunk at a park and raped her when she was 14 years old. She did not report it because she thought it was her fault for committing the sin of drinking in the first place.

Intimate Partner Violence

C6. Aisha, a masculine-presenting lesbian, was threatened by her partner with a knife when she asked for a break up. Her partner, who had untreated borderline personality disorder, used the knife to cut her back while she was sleeping. Her ex also withheld paying back money that Aisha had lent her, saying it was considered rent for the years they had shared a place together, causing Aisha to fall into debt.

C7. Sahar, a cisgender lesbian, was in an abusive relationship with her first girlfriend at 15. Her girlfriend socially isolated her, threatened to kill herself on multiple occasions and would become uncontactable. Sahar was uncomfortable with public displays of affection as she was not out yet, and her girlfriend used this to exact control and fear in the relationship. She forced her to have sex in public places and blamed Sahar for seducing her.