

STATEMENT submitted to UPR Pre-session on SINGAPORE (Geneva, March 2021)

Delivered by: OOGACHAGA Key issue: LGBT+ rights

1 INTRODUCTION

This statement is delivered on behalf of Oogachaga, Singapore's most established, non-profit organisation working with the lesbian, gay, bisexual, transgender, queer and gender-diverse (LGBT+) community since 1999. We have participated in UPR processes since 2015, having made joint stakeholder submissions with Pink Dot SG in the 2nd and 3rd cycles. We participated in the national consultation in September 2020.

2 OUTLINE

This statement addresses the following key issues:

- a) Decriminalisation of consensual same-sex intimacy between adult men (section 377A)
- b) Legal gender recognition
- c) LGBT+ media censorship
- d) Conversion therapy

3 STATEMENT

3.1 Decriminalisation

At the last Review, this issue was addressed by these States: **Austria, Brazil, Greece, Czech Republic, Finland, France, The Netherlands, Norway, Slovenia, Spain, Sweden, United Kingdom, United States of America.**

Since the last Review, three constitutional challenges have been mounted against section 377A of the Penal Code, which criminalises “gross indecency” or consensual same-sex intimacy between adult men in private and public. The Court of Appeal, which is the apex court, heard these cases in January 2021. As of the date of this statement, 1st March 2021, the Court's ruling is still pending. It is not known when this ruling will be made.

We recommend the repeal of section 377A of the Penal Code. There are also other related issues to address.

3.2 Legal Gender Recognition

This issue was not raised at the last Review.

Since then, in 2017 the State has implemented new and more stringent guidelines that required transgender persons to be medically examined by a third-party, Singapore-registered medical professional to confirm surgical change of genitalia from one sex to another, before updating of their legal sex on national identity documents.

This has proven to be invasive and impracticable. Due to a lack of local expertise, the majority of transgender Singaporeans undergo surgery overseas, and are thus unable to access locally-registered clinicians who could provide the confirmation. Likewise, reports also revealed that many local physicians were unwilling or unable to provide such confirmation when approached.

We recommend the provision of a path for transgender persons to change their legal sex without the need for medical or surgical requirements, or at least without the third-party confirmation requirement.

3.3 LGBT+ Media Censorship

At the last Review, this issue was addressed by these States: **Canada, Sweden, United Kingdom, United States of America.**

Since then, no progress has been made by the State in addressing this issue. In fact, there were numerous examples of State censorship and interference of LGBT+ positive content in the media:

- A Mandarin song and music video featuring same-sex relationships was banned from broadcast on local television and radio
- A television advertisement to promote an annual LGBT+ rally was refused classification and not allowed to air.
- A shopping mall operator was pressured to remove the tagline from banners publicising the LGBT+ rally
- A radio station removed the words “less gay” from the Taylor Swift’s song, *You Need to Calm Down*
- A non-sexual kiss between two women in a Star Wars film was censored
- Audience members were stopped from waving the LGBT+ rainbow pride flag at the concert of Australian singer-songwriter and LGBT+ activist Troye Sivan

We recommend the removal of all existing media guidelines that discriminate against the positive portrayal of LGBT+ people.

3.4 LGBT+ Conversion Therapy

This issue was not raised at the last review.

Since then, in June 2020 the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity presented to the Human Rights Council his Report on Conversion Therapy, to which Oogachaga provided inputs.

Conversion therapy is defined as “an umbrella term to describe interventions... which are premised on the belief that a person’s sexual orientation and gender identity... can and should be changed or suppressed... in particular when the person is lesbian, gay, bisexual, trans or gender diverse.” Such practices are thus known to “inflict severe pain and suffering on LGBT persons, often resulting in long-lasting psychological and physical damage.” Such practices have been documented to take various forms, with a range of proponents including healthcare professionals, faith-based practitioners and state-sanctioned service providers. The report recommended a global ban on such practices.

In Singapore, professional and faith-based service providers continue to apply such approaches. Over the years, many LGBT+ youth and adult clients seen by Oogachaga in the confidential counselling setting consistently report being subjected to these practices, and are often left with mental health issues and trauma-related symptoms as a result.

We recommend:

- All care-giving professional associations to implement guidelines that explicitly prohibit all clinical practices that seek to change one’s sexual orientation and/ or gender identity.
- Legislation be implemented to protect LGBT+ minors and vulnerable adults from psychological violence, including conversion practices by professionals and non-professionals.

Thank you so much for reading and taking action.