



CITIZENSHIP FOR ALL MEANS AMENDING OUR CONSTITUTION – RIGHTS FOR PEOPLE WITH DIVERSE SEXUAL ORIENTATION AND GENDER IDENTITIES

The Declaration by the Court of Appeal that Section 377A of the Penal Code is constitutional is a perilous step back for human rights in Singapore. The Courts have argued that Section 377A of the Penal Code has passed the legal muster as there is “complete coincidence” in the relation between “intelligible differentia” of the Law and the purpose and objective of Section 377A, to enforce societal morality.

MARUAH says that this rationale, however, goes against international human rights norms. The rather narrow interpretation of Articles 9 and 12, vis-a-vis Section 377A, has left the SOGI (Sexual Orientation and Gender Identity) community little recourse in claiming their personal freedom and dignity. As a law Section 377A of the Penal Code violates fundamental human rights – among them the right to privacy, to freedom from discrimination and freedom from arbitrary arrest and detention. It also adds to the stigma and abuses that lesbian, gay, bisexual and transgender people do face.

MARUAH is clear that Governments have a duty to protect people from prejudice, not to add to it. Public hostility towards gay and lesbian people can never justify violating their fundamental human rights.

Singapore is secular. The laws of the land come from the Constitution. The Constitution is also a contract between the people and the government on sovereignty, structure, principles for the country. In this case however the Singapore Constitution is remiss. There is no mention of any gender, sex or sexual orientation in Article 12. The arguments on cultural relativism, societal morality and rights of all individuals in Singapore are not in sync and Section 377A is a violation of that right for the SOGI community.

As such MARUAH is asking for three things:-

- Education on the Constitution and Citizenship Rights
- Amendments to the Constitution to offer equality to all citizens regardless of race, language, religion and gender
- Reaffirm that Singapore is a secular country in its ideology that appreciates diversity

Braema Mathi
President
MARUAH