

Report on Discrimination against Women in Singapore based on Sexual Orientation and Gender Identity

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Singapore

by

The logo for Sayoni features the word "Sayoni" in a purple serif font. Above the letter 'i' is a stylized graphic of a woman's face in profile, rendered in a light blue color.

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1. Executive summary

Growing up, girls who are perceived to be queer in Singapore face isolation or bullying at school and pressure to conform to stereotypical gender roles and expression. Information about safe sex for queer persons is excluded from sex education curricula.

Queer adolescents and teenagers, like those in other countries, are at a higher risk of depression and suicide because of social stigma and rejection. Discrimination that they experience is further perpetuated by censorship in mainstream media, resulting in a negative portrayal of their identity or orientation.

At the workplace, almost all queer women report perceiving varying degrees of discrimination. Many resort to hiding their gender identity/ sexual orientation in order to protect themselves against discrimination, harassment and blackmail. If they do experience discrimination by their company, colleagues or supervisors, there is no legal recourse. They are unable to access spousal and maternity employment benefits; and income tax benefits. Trans-women¹ face especially great challenges in obtaining executive or professional positions.

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

Women in committed same-sex relationships cannot legally marry. This excludes them from access to social services and support for marriage and families, and importantly, corresponding rights and benefits in public housing, healthcare, employment, immigration, domestic violence, travel, taxation, parenting, separation, death and inheritance.

Our report therefore concludes that discrimination against queer women in Singapore is currently 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, as documented in this report.

2. Introduction

The need for this report became apparent after the CEDAW Committee's query, noted in the 2007 Summary Records, to the Singapore State about how they intended to "to prevent discrimination against lesbian women in the workplace, in access to health services and in society in general." The State responded that "homosexuals were not discriminated against; they had the same right to employment, education or housing as everyone else."²

While we appreciate the State's efforts to improve gender equality in Singapore, their response revealed an ignorance of the prevalent discrimination experienced by queer women in Singapore at every stage of life. Furthermore, policies have been implemented and legislation enacted that institutionalise the discrimination, impeding "the achievement of substantive equality [which] requires women's particular experiences, concerns and needs to be taken into account in law and policy."³

As queer women have not to-date been represented by Singaporean women's organisations at the international level, we intend to provide a voice. This report describes the inequality that queer women in Singapore experience. In solidarity, we support and endorse the shadow report by the Association of Women Action and Research (AWARE) which describes other forms of discrimination experienced by women.

DEFINITION OF QUEER IN THIS CONTEXT

'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).

SOURCES

In preparing this report, we noted that there is a serious dearth of research on queer women in Singapore and that no known research was conducted prior to Sayoni's first national survey of queer women in 2006. The sources of data for this report are:

- Reports of a biennial national survey of queer women (2006, 2008, 2010) conducted by Sayoni⁴
- the State's official websites, especially for references to government policies
- Singapore's mainstream media articles
- Academic publications
- Websites and blogs e.g. [Yawning Bread](#), [People Like Us](#), [PLURAL](#)
- First-hand testimony from women who have experienced discrimination

SCOPE OF THIS REPORT

It focuses on six critical areas corresponding to CEDAW articles:

- Article 5: Sex roles and stereotyping
- Article 10: Education
- Article 11: Employment
- Article 12: Healthcare and family planning
- Article 15: Equality before the law
- Article 16: Marriage and family

and is not exhaustive. Other areas of concern not covered in this report include:

- Violence against queer women
- Constitutional provision and national machinery for equality

3. Article 5: Sex roles and stereotyping

3.1. Discrimination on the basis of gender expression

Women are still pressured to conform to stereotyped gender roles and expression. For example, women who do not look “feminine” are harassed more frequently in church. Some churches promote psychologically-damaging “reparative therapy” and typically target women who appear ‘masculine’ in apparel or behaviour. For example, during a public talk hosted by a local church on 10th May 2007, testimony by an “ex-gay” woman focused on how she transformed from being a tomboy to a “feminine” heterosexual.

3.2. Censorship in mainstream media

The principle of equality of all persons before the law is enshrined in Singapore’s Constitution. While the State claims to have allowed homosexuals to lead their lives and pursue their social activities⁵, films with lesbian content such as *Saving Face* and *Spider Lilies* have been subject to age restrictions and despite that, sexual scenes between women in films have been heavily censored; a few films have been banned as well. The following examples illustrate how as a matter of public policy, neutral or positive portrayals of same-sex relations between women are censored:

- i. In 2003, Channel i (now defunct) was fined by the Media Development Authority (MDA) S\$ 15,000 for featuring an interview with Anne Heche, who spoke of her romantic relationship with Ellen DeGeneres.⁶
- ii. In 2006, leading cable television broadcaster, Starhub Cable Vision (SCV), was fined by MDA S\$ 10,000 for showing pixelated footage of lesbian sex and bondage from the American reality show *Cheaters* past midnight.⁷
- iii. In 2008, SCV was again fined S\$ 10,000 because it broadcasted a Mandarin pop music video, *Silly Child* by Olivia Yan, which showed two fully-clothed women kissing. In the words of MDA, “romanticised scenes of two girls kissing were shown and it portrayed the relationship as acceptable.”⁸

The State’s media broadcast policy is that “[i]nformation, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, paedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorise such lifestyles. Explicit depictions of the above should not be broadcast”⁹, or that they “must not depict or promote homosexual or lesbian intimacy, including images of paedophilia, bestiality or necrophilia.”¹⁰

Equivalent heterosexual portrayals are not likewise prohibited; negative portrayals of queer women “turning straight” or demonstrating mental illnesses, such as depression, are permitted for broadcast. This, in addition to the relative invisibility of lesbians in the news, distorts reality, reinforcing negative stereotypes and misconceptions for audiences.

In parallel, a media researcher observed that lesbian women were often stereotyped as being engaged in stormy relationships and were depicted as “catty, vengeful and treacherous” lovers.¹¹ As such, the State’s perpetuation of stereotypes contravenes Article 5 of CEDAW, which calls for the State “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

Being stereotyped as dysfunctional is damaging to the psychological health of queer women and may result in lower self-esteem, social stigma and isolation. Not surprisingly then, statistics show that queer youths worldwide are at a significantly higher risk of depression and suicide.

3.2.1.Recommendation: review media codes, policies and practices to equalise treatment of heterosexual and homosexual content

We recommend that the State review MDA's codes, policies and practices to equalise treatment of heterosexual and homosexual content.¹²

4. Article 10: Education

4.1. Homophobia and bullying in schools

Half of the Sayoni 2008 and 2010 survey respondents reported experiencing their first attraction to girls in their adolescent to teenage years (ages 10-15 years). Another 28% in 2008, 27% in 2010 experienced such attraction at a younger age (earliest memory to age 10).

Similar to the experience of students in other countries, students perceived to be queer are subject to bullying and ostracism by their peers. They receive no institutional support in such circumstances because no known educational institution's policies and regulations protect them explicitly from discrimination or abuse on account of their perceived gender identity or sexual orientation. There are also no known student organisations to support them. In addition, queer girls face pressure to conform to heterosexuality and gender stereotypes. This contravenes Article 10(c) of CEDAW which calls for the "elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education."

4.1.1.Recommendation: introduce policies, regulations and training to prevent discrimination and to provide support for queer students

School policies and regulations should include provisions to protect queer youths from bullying and discrimination. School counsellors should be trained to provide support to queer students.

4.2. Discrimination in sex education curriculum

The Association of Women for Action and Research (AWARE), a leading advocacy organisation for gender equality in Singapore, was an authorised external provider of sex education to schools. When Christian groups publicly alerted parents to (a miniscule portion of) AWARE's sex education curriculum describing homosexuality neutrally, some parents pressured the Ministry of Education (MOE) to take action. Consequently, AWARE was suspended from the list of authorised sex education providers.¹³ Said Ministry then implemented a vetting process for all external providers of sex education¹⁴ to impose "the conservative social tone of our Asian society where liberal values on sex are not espoused"¹⁵, implying that homosexuality is part of "liberal values on sex".

Homosexuality is therefore not permitted to be neutrally described in the sex education curriculum as it is regarded by the Ministry as not conforming to the norms of "encouraging heterosexual married couples to have healthy relationships and to build stable nuclear and extended family units."¹⁶ "On homosexuality, children are taught what it is, and that homosexual acts are illegal."¹⁷ This limits crucial "access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning" at a formative age, contravening Article 10(h) of CEDAW.

4.2.1.Recommendation: authorise the inclusion of neutral information about queer sexual health issues in sex education curriculum guidelines

Education about heterosexual sexual health issues (e.g. contraception methods) is available for students. Information about queer sexual health issues should be made equally accessible in the local sex education curriculum, especially information about safe same-sex sexual relations.

5. Article 11: Employment

5.1. Discrimination at the workplace

Almost all (96%) Sayoni 2008 (85.2% in 2010 survey) survey respondents perceive some amount of discrimination at the workplace. Trans-women face especially great discrimination in applying for executive or professional positions and have limited opportunities for career advancement.

Many queer women resort to hiding their gender identity/ sexual orientation in order to protect themselves against discrimination, harassment and blackmail. This increases their stress at work and prevents them from forming healthy working relationships.

While the State has initiated the Tripartite Alliance for Fair Employment Practices (TAFEP)¹⁸, their guidelines do not explicitly acknowledge and discourage discrimination along the lines of gender identity and sexual orientation.

Organisational policies which are not explicit in supporting queer employees make it difficult for any employee to seek redress in the event that they are unfairly treated in recruitment, appraisal, promotion or termination, due to their perceived sexual orientation or gender identity. In the event of such discrimination by colleagues or supervisors, there is no legal recourse, especially for executives.

5.1.1.Recommendation: modify TAFEP fair practices guidelines and enact equal opportunity legislation

We urge the State to modify the TAFEP fair practices principles and guidelines to include gender identity and sexual orientation. The voluntary nature of such guidelines makes them ineffective with non-compliant employers. We would therefore recommend that anti-discrimination or equal opportunity legislation be enacted to deter discrimination on the basis of sexual orientation or gender identity at the workplace. It would also protect other vulnerable groups at risk of discrimination, e.g. pregnant women.

5.2. Unequal human resource policies

Employers such as Merrill Lynch and UBS Singapore¹⁹ lead in equalising employee benefits for same-sex partners. Most queer women are however unable to access employee benefits, such as medical and relocation benefits for spouses, marriage leave, family activities, predicated on an opposite-sex spouse. Most organisations, including the Civil Service, exclude same-sex partners in employee benefits through the wording of policies.

5.2.1.Recommendation: revise HR policies to make employee benefits gender-neutral and equitable

HR policies and employee benefits should be worded in gender-neutral terms to avoid stereotyping of gender roles (e.g. men as providers) and to allow equal access to same-sex partners. In this regard, one of the largest employers in Singapore, the State, could lead.

5.3. Maternity benefits restricted by marital status

Two pieces of legislation governing the administration of maternity leave and unrecorded childcare leave—the Employment Act (Part IX) and the Children Development Co-Savings Act (Part III). To qualify for maternity leave—a total of 16 weeks—under the latter, the mother has to be lawfully married to the child's natural father. A single, unmarried woman would be entitled to 12 weeks of maternity leave only if she is covered by the Employment Act²⁰, which does not cover executives, managers, domestic workers, civil service employees and employees with salaries of more than \$2,000 per month. By implication, some categories of employed

women who are not married are excluded from this maternity leave entitlement. This contravenes Article 12:2(a) which calls for appropriate measures “to prohibit...discrimination in dismissals on the basis of marital status.” Moreover, Article 13 calls on the State to “eliminate discrimination against women in other areas of economic and social life...in particular...the right to family benefits.”

5.3.1.Recommendation: equalise maternity benefits regardless of marital status

A single or queer mother would have the responsibilities for the newborn child and would need as much social support as would a married mother. We urge the State to remove the discriminatory marriage criterion from the eligibility requirements for maternity benefits so as to provide equal access to all female employees, regardless of marital status.

5.4. Income tax policy discriminating by marital status

A working woman may currently enjoy the following tax relief, provided that she be married, divorced or widowed in the previous year:

- Foreign Maid Levy Relief²¹
- Qualifying Child Relief²²
- Working Mother’s Child Relief²³

The purpose of these reliefs is to encourage women to remain in the workforce after childbirth and to encourage childbearing. Making these reliefs contingent on (prior) marriage denies such support to single or queer mothers.

5.4.1.Recommendation: remove discriminatory requirement for prior marriage in income tax policy

We recommend that the State remove the discriminatory qualification that a working mother be married, divorced or widowed, so that every woman with children can claim all possible deductions against her earned income, regardless of marital status.

6. Article 12: Health

6.1. Lack of access to spousal medical rights

Due to the lack of recognition as next-of-kin for women in same-sex partnerships, they are denied hospital visitation rights, access to important information and the authority to make decisions for healthcare treatments for their partners.

6.2. Restricted healthcare financing

Singapore’s Ministry of Health (MOH) runs a national compulsory medical savings scheme named Medisave²⁴ for personal or dependents’ medical/hospitalization needs. Legal dependents are categorised as “spouse, children, parents and grandparents—if they are Singaporeans or Permanent Residents”. Without recognition as spouse or partner, queer women are denied access to their partners’ medical savings should the need arise. Medisave can also be used for assisted conception procedures and queer women are excluded from this choice. These exclusions have greater repercussions for women with lower income.

Most women are also excluded from using their public or private medical coverage/insurance and benefits for same-sex partners. Moreover, there is no known family insurance product for Singaporean women in same-sex partnerships.

These violate Article 12 of the Convention that calls for “access to health care services, including those related to family planning.”

6.3. Insensitive healthcare provision

Healthcare providers are generally uninformed²⁵ or untrained to handle the health concerns²⁶ of queer women, such as the need for cervical and breast cancer screening,²⁷ how to minimize the risk of sexually transmitted diseases and HIV, mental health issues and conception advice, etc.

Moreover, healthcare providers in Singapore tend to assume that patients are heterosexual and this can result in inappropriate or compromised care. Due to fear of social stigma, queer women may withhold crucial health information, such as their sexual activities, that might lead to damaging misdiagnosis²⁸ or oversight.

In Sayoni’s 2010 survey, 83% of the respondents indicated that they have never had a PAP Smear or have had it only when something is amiss. Research elsewhere has shown that queer women are less likely²⁹ to go for PAP smears, although they are effective tools for early detection of cervical cancer.

6.4. Prevalence of mental health issues

In Sayoni’s 2008 and 2010 surveys, respondents ranked the following factors in descending order -- family, internal conflict/confusion, societal pressure, friends, religion -- as contributors to the negative impact of discovering their sexual orientation. 17% (15.4% in 2010) experienced some amount of rejection from their family and 29% of all never intend to come out to their family. These are factors that could account for the higher prevalence and risk of mental disorder, suicidal ideation, substance misuse, and deliberate self harm in lesbian, gay and bisexual persons compared to heterosexual persons found in a systematic review.³⁰

6.5. Denial of access to family planning rights

Substantial inequalities³¹ in healthcare services exist in family planning as same-sex parents are denied access to assisted conception services and adoption rights. This is elaborated upon in section 8.4.

6.5.1. Recommendations: equalise healthcare access, standards and practices

Healthcare providers should re-examine their practices, policies and training to equip medical practitioners with the knowledge and skills necessary to make good quality healthcare equally accessible to queer women. This would first entail avoiding a presumption of heterosexuality in the healthcare system. Health Canada drew up a list of useful guidelines³² which could be adapted to the Singaporean context. For example, medical information-seeking forms are the first point of access and terms like “relationship status” could replace “marital status”, since same-sex unions are not currently recognised here. Healthcare providers should use gender-neutral terms like “partner” when discussing sexual practices and safe sex. Non-judgmental, open-ended questions without assumption of heterosexuality could be used to elicit necessary information from patients. This would help to set the tone for non-discriminatory care in a safe environment.

As patients put their trust in medical practitioners, they should protect patient confidentiality and make referrals to other practitioners with sensitivity. To this end, the Singapore Medical Council and the Singapore Nursing Board (SNB) could sensitise practitioners to the needs of queer women through inclusion in professional training courses and events, on topics like the use of appropriate language in gathering information, specific health challenges that queer women face, mental well-being and conception issues.

7. Article 15: Equality before the law

7.1. Prohibition of same-sex unions for women

The Women's Charter³³ was passed in 1961 and is the leading piece of legislation in Singapore governing matters relating to women and family life. It provides a legal basis for equality in marriage and family, divorce and separation, rights and protection of women, and protection against family violence. The provisions relating to marriage and family apply only to non-Muslims.

In 1996, section 12 of the Women's Charter was amended to expressly prohibit same-sex marriage in clause 1:

"A marriage solemnized in Singapore or elsewhere between persons who, at the date of the marriage, are not respectively male and female shall be void."³⁴

The legislation makes clear what has been implied in the Women's Charter before 1996, which is that same-sex marriages are not allowed. This results in various forms of discrimination and contravenes Article 15(3) of CEDAW, which states that "all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void." This also contravenes CEDAW article 16:1(a) The same right to enter into marriage, and (b) The same right freely to choose a spouse.

7.2. Continued criminalisation of consensual sexual intercourse

In October 2007, Parliamentary debates over amendments to the Singapore Penal Code took place. Nominated Member of Parliament Mr Siew Kum Hong presented a petition, which was ultimately rejected, to repeal section 377A, a law originating from colonial times that criminalises consensual sexual intercourse between men.³⁵

At the conclusion of the debates, Prime Minister Lee Hsien Loong stated that Singapore is a "conservative society" where "family is the basic building block". He added that the definition of family in Singapore is "one man one woman, marrying, having children and bringing up children within that framework of a stable family unit." He reiterated the government's policy that legislation against homosexuals would not be "proactively enforced", but that the law prohibiting it has to be left in place to underline the government's stand.³⁶

Since the Prime Minister's statement, however, prosecution has continued to use section 377A in cases³⁷ of underage or public sex, although other laws could have been used instead. The continued existence of Penal Code Section 377A perpetuates and condones discrimination against queer persons, including queer women.

7.2.1. Recommendation: repeal legislation prohibiting same-sex relations and marriage

We recommend that the government repeal legislation section 12, clause 1, of the Women's Charter and section 377A of the Penal Code. This would have a cascading effect to help reduce discrimination and social stigma against queer women and men.

8. Article 16: Marriage and family

It is impossible for women in same-sex partnerships to exercise rights and privileges ordinarily endowed by civil unions and marriages, as well as access relevant social services and support, as long as the Women's Charter continues to forbid same-sex marriages and civil unions (ref. previous section).

In addition to medical rights and employee benefits, other rights and privileges associated with marriage include: public housing subsidies, immigration sponsorship, parenting, tax reliefs, protection from domestic violence, maintenance, travel and bereavement, to name some.

For instance, in the event of separation, same-sex partners would not be able to claim maintenance, division of property or to share legal custody of their children. When their partner is deceased, the surviving partner may not claim compassionate leave or their partner's remains. When travelling, they may not have their relationships legally recognised in other countries, especially important in an emergency. Women in same-sex partnerships are excluded from the social safety net available to heterosexual counterparts. Should there be domestic violence, they cannot claim a protection order because they are not legally recognised as a family and according to the Women's Charter, protection orders can only be filed against family members.³⁸

8.1. Discriminatory public housing policy

Women in same-sex partnerships may only purchase resale flats as single adults from the age of 35, whereas heterosexual couples who intend to marry may purchase new flats or resale public flats from the age of 21. This is a consequence of the governing authority's -- Housing and Development Board (HDB) -- policy that applicants must form "a family nucleus" before they can apply to buy a HDB flat under the Public Scheme. A "family nucleus" is defined as a person over 21 with: (a) a spouse and children, if any; (b) parents and siblings; (c) children under the person's legal custody, care and control.³⁹

A substantial difference in state subsidy for public housing is determined by marital status. Couples who are first-time buyers are granted S\$30,000 or S\$40,000 if the couple is living near or with their parents.⁴⁰ This subsidy for couples excludes same-sex partners and is inherently discriminatory. Singles who jointly purchase a flat obtain a lower maximum subsidy of S\$22,000.⁴¹

8.2. Denial of property ownership and inheritance

Civil unions or marriage affect joint ownership, acquisition, management, administration, use and disposition of property. For women in same-sex partnerships, exclusion from marriage entails that leaving property to a partner requires special legal advice and makes the inheritance vulnerable to contest.

Based on Singapore's intestacy laws,⁴² if a woman in a committed same-sex relationship dies without making a will, she will be assumed to have no spouse and her assets are automatically distributed to her parents and failing that, her siblings, grandparents, and uncles and aunts, in that order. For her Central Provident Fund (CPF)⁴³ savings to go to her partner, she would be required to specifically nominate her partner as a beneficiary.⁴⁴

The lack of legal support for same-sex unions risks the possibility that even where inheritance is willed to a same-sex partner, relatives of the deceased may contest the will, unnecessarily extend the proceedings and perhaps even succeed in overturning it. If for example the residence of the same-sex partners were registered under the name of the deceased, it could effectively put the surviving spouse out of house and home, adding to their grief and loss.

8.2.1.Recommendation: progressively change policies to recognise civil unions between same-sex partners and lower eligible age for HDB's Joint Singles purchase scheme

We acknowledge that enacting civil unions would require extraordinary political leadership and will. However, with growing acceptance of homosexuality in the younger and more educated population, the government should facilitate the enactment and recognition of civil unions. This would equalise access to the rights and benefits endowed by marriage to both heterosexual and same-sex unions.

In the interim, we recommend that the government's public housing policy be adjusted to allow singles to jointly purchase flats at the current legal age of marriage, 21.

8.3. Unequal access to immigration

Many countries allow same-sex civil union and marriage.⁴⁵ After such a union, a woman may wish to sponsor citizenship, permanent or temporary residency for her spouse of another nationality. However, it is unclear whether same-sex unions originating in other countries are recognised by the Singapore government for sponsorship of residency.

As the Women's Charter states that a marriage solemnized in Singapore or elsewhere between persons who, at the date of the marriage, are not respectively male and female shall be void, a foreign partner would not be able to meet the necessary immigration requirements as their marriage or civil union is not legally recognised. This may cause unnecessary hardship and separation of couples of different nationalities.

Following a case of a male foreign researcher whose partner was welcomed into the country with him⁴⁶, gay and lesbian advocacy group, People Like Us (PLU), issued a statement calling upon the State to clarify its policy toward recognition of same-sex marriages formalised outside Singapore. The State did not respond.

8.3.1.Recommendation: equalise access to residency for foreign same-sex partners

We would like to ask the Ministry of Manpower (MOM) to clarify its policies on eligibility for immigration or residency for same-sex spouses and review its policies to equalise access to residency for heterosexual and same-sex partners. It is inequitable for heterosexual foreign spouses to be eligible for immigration or residency while same-sex spouses are denied access.

8.4. Unequal support for parenting and adoption

Singapore has a gravely declining fertility rate over the years and preliminary research shows that lesbian parenting has a positive effect on their children's psychological adjustment⁴⁷. Despite this, the government has maintained policies that discriminate against families with same-sex partners.

Almost a third of Sayoni 2008 (29.7% in 2010) survey respondents desire children. Yet, women in same-sex partnerships who desire children are faced with countless obstacles that prevent them from adopting or bearing children. Unless they married a man, they would be excluded from maternity leave, childcare leave, joint adoption (one partner will not be recognised as parent), a Baby Bonus⁴⁸ of S\$4,000 and more, joint access to children's school records, and so on. Single mothers who are unable or unwilling to marry the fathers of their children are similarly discriminated against. This contravenes CEDAW Article 16's promise that all women should have equal rights where children are concerned.

Women in same-sex partnerships are not permitted to undergo IVF treatment (it is only permitted for married women with their husband's written consent⁴⁹), to adopt as a couple or to use their government-held medical savings for assisted conception procedures such as artificial insemination or in vitro fertilisation (IVF). Adoption procedures are biased towards heterosexual couples. For instance, TOUCH Adoption Services' checklist of

documents required for a Home Study Report prior to adoption⁵⁰ includes prominent fields of “male applicant” and “female applicant”.

8.4.1.Recommendation: equalise access to parenting and adoption rights

Women in same-sex partnerships should be provided with equal access to parenting and adoption rights. Recognising and supporting such families would be aligned with the national priority of raising the fertility rate. To this end, lifting the reservation to Article 16 would facilitate pro-equality policies being put in place. Given Singapore’s declining fertility rate, this would serve national interests too.

9. Conclusion

We surmise that much of the government’s objections to equality for queer women in all aspects of life stem from ignorance, fear and a lack of political will, especially given the rising influence of vocal, well-funded and well-connected, often fundamentalist, persons and groups.

Currently, the most oft-cited reason for rejecting claims to equality is that they “promote homosexuality” or promote a “homosexual lifestyle”, as if a person’s natural inclinations could be thus altered. We would ask for a re-examination of that premise, taking into consideration a growing body of scientific research, histories and cultures around the world, the economic and social needs of Singapore and the moral obligation of the State to protect vulnerable minorities. To this end, queer, gay and lesbian communities in Singapore would welcome dialogue and cooperation with the State.

We urge the State to take immediate action to identify, redress, prevent and prohibit discrimination against queer women and bring about equal opportunity, access and results for *all* women. Redress could begin with the implementation of our recommendations. This would facilitate Singapore fulfilling its commitment to uphold CEDAW.

10.About the author

This report is the product of efforts by volunteers from *Sayoni*, a community of queer Asian women based in Singapore. Founded by women from diverse backgrounds, age and ethnicity, Sayoni’s mission is to facilitate confidence, participation and public representation of queer women and to raise awareness of relevant issues.

For any corrections, omissions and feedback about this report, readers are welcome to write to admin@sayoni.com. Due to the volume of enquiries that we receive, we seek your understanding that we are not able to reply to every one.

¹ Trans-women are also known as MTF or male-to-female. They are people assigned as male at birth but who identify as female/feminine and may or may not go through a physical transition process to become female.

² CEDAW Committee, 39th Session, *Summary Record of the 803rd meeting—consideration of reports submitted by States parties under article 18 of the Convention: Third periodic report of Singapore*. UN Doc. CEDAW/C/SR.803 (A) (2007)

³ International Gay and Lesbian Human Rights Commission, *Equal and Indivisible: Crafting Inclusive Shadow Reports for CEDAW*, p.12.

⁴ Available at <
http://www.sayoni.com/index.php?option=com_jdownloads&Itemid=57&task=viewcategory&catid=3> [Accessed 1 April 2011]

⁵ CEDAW Committee, 49th Session, “Responses to the list of issues and questions with regard to the consideration of the fourth periodic report: Singapore”, available at <
<http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-SGP-Q-4-Add1.pdf>> [Accessed 22 May 2011]

⁶ Media Development Authority (MDA), “MediaWorks fined for breach of Programme Code”, available at <
<http://mda.gov.sg/NewsAndEvents/PressRelease/2003/Pages/21062003.aspx>> [Accessed 1 April 2011].

⁷ MDA, “SCV fined for breaching Programme Code on its Reality Zone Channel”, available at <
<http://mda.gov.sg/NewsAndEvents/PressRelease/2006/Pages/23102006.aspx>> [Accessed 1 April 2011].

⁸ MDA, “Starhub Cable Vision fined for breaching the TV Advertising Code”, available at <
<http://mda.gov.sg/NewsAndEvents/PressRelease/2008/Pages/9042008.aspx>> [Accessed 1 April 2011].

⁹ MDA, “Free-to-Air Television Programme Code”, p.5, available at <
http://www.mda.gov.sg/Documents/PDF/industry/Industry_TV_ContentGuidelines_FTATVProgCode.pdf>, emphasis added.

¹⁰ MDA, “Guidelines on Promotional Materials for Films and Videos”, p.1, available at <
http://www.mda.gov.sg/Documents/PDF/licences/filmguidelines_promo_materials.pdf>. Other codes with similar provisions include the Subscription Television Programme Code, Guidelines on Promotional Materials for Films and Videos, Guidelines on Promotional Materials for Video Games.

¹¹ Leong, L. W. T. (2005). “The ‘Straight’ Times: News media and sexual citizenship in Singapore”, in A. Romano & M. Bromley (Eds.), *Journalism and democracy in Asia*. London: Routledge Curzon, pp.159-171.

¹² In addition to filmic medias, theatre productions are also heavily censored. Loretta Chen’s play *251: The Annabel Chong Play* had to be altered due to a lesbian kiss; local theatre production company Wild Rice’s funding was cut due to positive portrayals of homosexuality. See <
<http://s-pores.com/2010/03/censure-and-censor/>> and <
<http://www.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20100505-214465.html>> for respective stories. [Accessed 23 May 2011]

¹³ Pearl Forss for Channel News Asia, “MOE tightens control on sex education delivered by external agencies”, 21 May 2009, available at <
<http://www.channelnewsasia.com/stories/singaporelocalnews/view/430857/1/.html>> [Accessed 1 April 2011].

¹⁴ Channel News Asia, “MOE releases guidelines on sex education programmes”, 7 Oct 2009, available at <
<http://www.channelnewsasia.com/stories/singaporelocalnews/view/1009882/1/.html>> [Accessed 1 April 2011].

¹⁵ Ministry of Education, “Remarks by Dr Ng Eng Hen, Minister for Education and Second Minister for Defence on Sexuality Education Programmes in Schools”, paragraph 10, available at <
<http://www.moe.gov.sg/media/speeches/2009/05/21/remarks-by-dr-ng-eng-hen-on-se.php>> [Accessed 1 April 2011]

¹⁶ Ibid., paragraph 15.

¹⁷ Ibid., paragraph 12.

¹⁸ One of the principles is “Recruit and select employees on the basis of merit (such as skills, experience or ability to perform the job, and regardless of age, race, gender, religion, family status or disability.” Tripartite Alliance for Fair Employment Practices, *Fair Employment Practices*, available at <
<http://www.fairemployment.sg/fairemployment.asp>> [Accessed 23 May 2011]

¹⁹ Neo Chai Chin in TODAY Online, 30 January 2008, “Banks and the pool of pink talent” republished and available at <
<http://pluralsg.wordpress.com/2008/01/30/banks-and-the-pool-of-pink-talent/#more-65>> [Accessed 1 April 2011].

²⁰ Ministry of Manpower, “Maternity Leave”, available at <
<http://www.mom.gov.sg/employment-practices/employment-rights-conditions/leave-and-holiday/Pages/maternity-leave.aspx>> [Accessed 1 April 2011].

²¹ Inland Revenue Authority of Singapore (IRAS), “Foreign maid levy relief”, available at <
http://www.iras.gov.sg/irasHome/page03_ektid202.aspx> [Accessed 1 April 2011].

²² IRAS, “Qualifying/handicapped child relief”, available at <
http://www.iras.gov.sg/irasHome/page03_ektid214.aspx> [Accessed 1 April 2011]

²³ IRAS, “Working mother’s child relief”, available at <
http://www.iras.gov.sg/irasHome/page03_ektid220.aspx> [Accessed 1 April 2011]

²⁴ Ministry of Health Singapore (MOH), “Introduction to Medisave,” (2007), available at <
www.moh.gov.sg/mohcorp/hcfinancing.aspx?id=304> [Accessed 1 April 2011].

²⁵ Telex, C., et. al. (1999). “Attitudes of Physicians in New Mexico Toward Gay Men and Lesbians”, *Journal of the Gay and Lesbian Medical Association*, 3(3): 83-89.

²⁶ Lee R. (2000), “Health care problems of lesbian, gay, bisexual, and transgender patients”, *Western Journal of Medicine*, 172: 403-408.

²⁷ Canadian Women’s Health Network, “Papalooza: The Smear Campaign”, 11 November 2007, available at <
www.cwhn.ca/network-reseau/4-3/4-3pg1.html> [Accessed 2 April 2011]

- ²⁸ Cochran SD, Mays VM, Bowen D et al. (2001) "Cancer-related risk indicators and preventive screening behaviours among lesbians and bisexual women", *American Journal of Public Health*, 91(4): 591-597.
- ²⁹ Barbara AM, Quandt SA, Anderson RT. (2001) "Experiences of lesbians in the health care environment", *Women & Health*, 34(1): 45-62.
- ³⁰ King et al. (2008) "A systematic review of mental disorder, suicide, and deliberate self harm in lesbian, gay and bisexual people", *BMC Psychiatry* 2008, 8:70, available at <http://www.biomedcentral.com/1471-244X/8/70/> [Accessed 13 June 2011].
- ³¹ Barbara AM, Quandt SA, Anderson RT. (2001) "Experiences of lesbians in the health care environment", *Women & Health*, 34(1): 47-62.
- ³² Health Canada, "Lesbian Health: Tip Sheet for Health Care Providers", available at <<http://www.hc-sc.gc.ca/hl-vs/pubs/women-femmes/lesbi-eng.php>> [Accessed 2 April 2011].
- ³³ Attorney-General's Chambers, *Women's Charter* (Cap. 353, 1997 Rev. Ed. Sing.), available at <http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-353> [Accessed 2 April 2011].
- ³⁴ *Women's Charter*, Article 12(1).
- ³⁵ Penal Code, Section 377A, "Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years." Available at <http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_getdata.pl?actno=1872-REVED-224&doctitle=PENAL%20CODE%0A&date=late&segid=888373002-001939> [Accessed 2 April 2011].
- ³⁶ Prime Minister's Speech, 23 October 2007, republished and available at <<http://alexau.wordpress.com/2009/10/03/global-rightscommonwealth-stage-1-appendix-3/>> [Accessed 2 April 2011].
- ³⁷ Rajeswari, I. (2011) "Same Difference: the role of conflicts in the recognition of same-sex marriages performed overseas and the related benefits in Singapore", *unpublished*, p30.
- ³⁸ *Women's Charter*, Article 65(1).
- ³⁹ Housing & Development Board (HDB), "Eligibility To Buy: Public Scheme", available at <<http://www.hdb.gov.sg/fi10/fi10321p.nsf/w/BuyResaleFlatPublicScheme?OpenDocument>> [Accessed 2 April 2011].
- ⁴⁰ HDB, "CPF Housing Grant for Family", available at <<http://www.hdb.gov.sg/fi10/fi10321p.nsf/w/BuyResaleFlatCPFGrantFamily?OpenDocument>> [Accessed 2 April 2011].
- ⁴¹ HDB, "CPF Housing Grant for Singles", available at <<http://www.hdb.gov.sg/fi10/fi10321p.nsf/w/BuyResaleFlatCPFGrantSingles?OpenDocument>> [Accessed 2 April 2011].
- ⁴² Attorney-General's Chambers, *Intestate Succession Act* (Cap. 146, 1985 Rev. Ed. Sing.), Article 7, available at <http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_getdata.pl?actno=1967-REVED-146&doctitle=INTESTATE%20SUCCESSION%20ACT&date=latest&method=whole> [Accessed 2 April 2011].
- ⁴³ The CPF is a compulsory social security savings plan that applies to Citizens and Permanent Residents of Singapore.
- ⁴⁴ Central Provident Fund Board, "Making CPF Nominations", available at <<http://mycpf.cpf.gov.sg/Members/Gen-Info/FAQ/Nomination/NOM.htm>> [Accessed 2 April 2011].
- ⁴⁵ Same sex marriages are legal in Netherlands, Belgium, Spain, Canada and South Africa, as well as the state of Massachusetts in the US. Civil unions, civil partnership, domestic partnership, unregistered partnership/unregistered co-habitation or registered partnerships are recognised in: Andorra, Australia, Colombia, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Luxembourg, New Zealand, Norway, Portugal, Slovenia, South Africa, Sweden, Switzerland, the United Kingdom and Uruguay. They are also available in some parts of Argentina, Brazil (Rio Grande do Sul), Mexico, the U.S. states of California, Connecticut, Hawaii, Maine, New Hampshire, New Jersey, Oregon, Vermont, Washington and the District of Columbia (Washington, D.C.).
- ⁴⁶ People Like Us (PLU), "Immigration policy for same-sex partners still vague", available at <<http://www.plu.sg/society/?p=99>> [Accessed 2 April 2011].
- ⁴⁷ Gartrell N, "US national longitudinal lesbian family study: psychological adjustment of 17- year-old adolescents", 2010 126(1) *Pediatrics* 28-36
- ⁴⁸ The Baby Bonus Scheme introduced by the government in April 2001 encourages families to have more children by providing financial incentives through direct cash gifts and government contributions: parents get S\$4,000 each for their first and second child, and S\$6,000 each for their third and fourth child. See Baby Bonus, "Children Development Co-Savings (Baby Bonus) Scheme", available at <<https://www.babybonus.gov.sg/bbss/html/index.html>> [Accessed 2 April 2011].
- ⁴⁹ Ministry of Health, "Licensing terms and conditions on Assisted Reproduction Services imposed under section 6(5) of the Private Hospitals and Medical Clinics Act (Cap 248)", <http://www.moh.gov.sg/mohcorp/uploadedFiles/Publications/Guidelines/Private_Healthcare_Institutions/AR_LTCs_2604_11.pdf> [Accessed 17 June 2011].
- ⁵⁰ Touch Adoption Services, "Document Check-List for Submission (For China Adoption)", available at <http://adoption.tcs.org.sg/applicationforms_china.doc> [Accessed 2 April 2011].