



October 18, 2007

Mr. Lee Hsien Loong,  
Prime Minister of Singapore  
Prime Minister's Office,  
Singapore Government

Sent Via e-mail to [pmo\\_hq@pmo.gov.sg](mailto:pmo_hq@pmo.gov.sg)

**Re: Repeal Art. 377A in the Revision of Singapore's Penal Code**

Dear Prime Minister:

On behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC), I am writing to ask for your leadership in calling for the repeal of two Singaporean penal code sections, Art. 377 and Art. 377A. Repeal of these sections would ensure that all private, sexual relationships between consenting adults, regardless of their sexual orientation, would no longer be regulated by criminal law and punished.

Among our group's primary goals is the decriminalization of sexual relationships involving private intimacy between adults. As a result, IGLHRC closely monitors developments and proposals around the world that promote equality or adversely impact on it. We have noted the effort in Singapore to repeal Art. 377, and commend you for your government's leadership to rid the law of these antiquated and discriminatory laws. However, IGLHRC also joins the growing number of people in Singapore who also ask that Art. 377A, which criminalizes sexual relations between men, be repealed as well. We ask you to consider the following points:

**Maintaining Art. 377A would constitute discrimination by law and send the message that men having sex with men are second-class citizens who can be discriminated against, first by the government, and then by employers and anyone else.** Only by repealing both Art. 377 and Art. 377A will Singapore comply with the principle that all citizens should be equal before the law, as stipulated in both national and international law. Moreover, only the repeal of both articles will uphold the right of individuals to a private life, and an existence free from discrimination.

**Maintaining Art. 377A puts Singapore at odds with global trends in the last decade to protect people from discrimination.** The global trend is clearly in the direction of repealing laws such as this that are consistently used to target certain citizens for mistreatment or discrimination. By repealing Art. 377A, Singapore would join many countries, including Hong Kong (1991) and China (1997), which have repealed their laws against homosexuality, as well as all of Europe. Additionally, the high courts in South

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Africa and the United States have ruled such laws to be unconstitutional. The United Nations Human Rights Committee has also declared these laws to violate international human right standards. Proactively, nearly fifty countries from around the world—including Japan, South Korea, and Taiwan—have adopted legislation to protect people against discrimination based on sexual orientation; some have done so by revising their constitutions to include sexual orientation non-discrimination: Ecuador, Fiji, Portugal, South Africa, Sweden, and Switzerland.

**Art. 377A ignores reality of people's lives and negatively affects many.** In Singapore, as in the rest of the world, many people engage in emotional and sexual relations with people of the same sex. Criminalizing their relationships will not change people, but rather force them into secrecy, expose them to discrimination and blackmail, and subject them to rejection by their families and other members of society who harbor prejudice. The state's role in criminalizing same sex relationships carries a social toll that adversely impacts on everyone, not only on those who engage in same sex relationships. Free expression and speech are curtailed, as those who wish to engage in same sex relationships as well as those who wish to support them fear public discussion. Frank discussions about sexuality in the context of public health and health care settings are limited by fear people have of revealing their true lives, resulting in suicide or unsafe sexual practices. Social rejection and fear of retribution for revealing their relationships lead some to seek asylum elsewhere.

**Retaining Art. 377A makes Singapore less competitive on the business market.** Studies show that those countries that are more accepting of sexual diversity fare much better economically than those countries that are less accepting. Businesses thrive in places where their employees and customers are not subject to criminal law because of their sexuality; openness to the community of people with non-normative sexuality is an indicator of receptivity to new ideas, creativity and thus, economic progress.

Singapore is a modern society where most human beings are treasured and encouraged to develop their full potential. We urge you to expand this vision, enable *all* your citizens to flourish, and end the regulation of sexual relations between consenting adults in private by repealing *both* Art. 377 *and* Art. 377A.

Sincerely,



Paula Ettelbrick  
Executive Director

IGLHRC works to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based nonprofit, nongovernmental organization, IGLHRC affects this mission through advocacy, documentation, coalition building, public education, and technical assistance.



**For reference:**

Singapore Penal Act, 1871

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

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.