

8 Dec 2006

e-submission to REACH, public feedback unit
Ministry of Home Affairs
on the proposed amendments to the Penal Code

In response to the Ministry's request for public comments to the Consultation Paper on the Proposed Penal Code Amendments, we are submitting our opinion in the memorandum attached.

Briefly, we advocate the following:

1. Total repeal of s377A and decriminalisation of consensual sex between adults, regardless of their sexual orientation or preference; and
2. Total abolition of the marital immunity currently awarded to man who engages in non-consensual sex with his wife.

Whilst heartened by the respect which the government is showing towards human rights in many of the amendments, the introduction of laws to protect the young and the weak, and the restraint in increasing imprisonment and caning for penalty, we are concerned by the government's discrimination against homosexual men, showing a lack of respect for their constitutional and human rights.

By decriminalizing anal and oral sex between heterosexuals even for individuals as young as sixteen years of age, while retaining the provision on acts of sexual intimacy between men even when the acts are consensual and between adults, a significant portion of Singaporeans are being treated unequally. The privacy of heterosexuals and lesbians are respected but not that of gay men. They are deprived of their fundamental rights to freely express their love for someone of their choice. The right to stand equal before the law and freedom of expression are an inherent dignity and inalienable right of humankind.

S377A and its retention is examined on 3 levels. They are:

- i. The technical level of who and how we can have sex;
- ii. The practical and symbolic level with ramification on an individual's and/or a community's self-worth, pride and relationship with the rest of society; and
- iii. The most general and conceptual level, our definition of democracy and the extent we should embrace diversity and pluralism.

Our position lies on the effect that it will have on the status, moral citizenship and sense of self-worth for an individual and a significant portion of the community. We believe that the amendment as it stands, associating gay sex with necrophilia and bestiality not only serves no purpose but is destructive to the individual and the community. It does not foster a better understanding of gay men, many of whom are responsible, upright and contributing members of our society.

On the provisions concerning marital rape, we opine that the current partial abolition on conjugal immunity does not adequately protect potential victims.

Attached is the memorandum setting out the reasons for our position. We understand that other civic groups also endorse our position.

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Chairperson

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