



**FOR IMMEDIATE RELEASE
20 NOVEMBER 2019**

**AGC'S MEDIA STATEMENT ON
THREE APPLICATIONS CHALLENGING THE
CONSTITUTIONALITY OF S 377A OF THE PENAL CODE**

The Attorney-General's Chambers (AGC) is the respondent in three applications OS 1114/2018, OS 1436/2018 and OS 1176/2019, challenging the constitutionality of s 377A of the Penal Code.

2 AGC has fully responded to the arguments raised by the applicants before the Court and will leave the Court to make its decision on the applications.

3 One of the applicants has argued that the current prosecution position of other offences related to the enforcement of an offence under s 377A is unclear.

4 The AG has already stated that where the conduct in question was between two consenting adults in a private place, the Public Prosecutor's position is that, absent other factors, prosecution under s 377A would not be in the public interest. It would naturally follow from this position that any prosecution under other provisions which would contradict the non-prosecution position of s 377A would likewise not be in the public interest.

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ATTORNEY-GENERAL'S CHAMBERS
MEDIA AND COMMUNICATIONS UNIT

For queries, please contact:

Ms Lai Xue Ying

Manager

Tel: 6908 3067

Email: lai_xue_ying@agc.gov.sg

Ms Katriona Lim

Deputy Manager

Tel: 6908 8224

Email: katriona_lim@agc.gov.sg