

**B.A. MALLAL MOOT 2021
SEMI-FINAL / FINAL ROUNDS**

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

HC/OS 9955994/2020

STAR WONG

vs

ATTORNEY GENERAL

Coram: Illidan Stormrage J.

Xin Shen Sian and Zhong Jiao (Peace, Harmony and Joy LLP) for the Plaintiff
Berprinsip Ahmad bin Keadilan and Kesihatan binte Ubat for the Attorney General

DECISION

1. The ravages of the Covid-19 pandemic has spread throughout the globe, and has had far reaching effects, on mental and physical health, and in this case, on spiritual harmony as well. In the history of mankind, the development of vaccines in the face of a pandemic has never been done at such a global level, and at such a pace, and the roll-out of vaccination programmes worldwide has never been at such a scale.
2. What happens when measures to tackle a known and scientifically established virus clash with the ancient, rooted and spiritual beliefs of a religion?
3. The Church of the Allmother is a religion that has approximately 500,000 known followers worldwide. It has a documented history of more than 2,000 years, and religious texts from 600 years ago. The precepts of the religion are based on harmony with nature and the elements, and the religion has astrological links that chart the movements of celestial bodies. The list of prominent followers of the religion provided by the Plaintiff show a broad diversity of individuals that includes prominent professionals and researchers in medicine, pharmacology, chemistry, and related sciences.
4. There are approximately 8,000 followers of the Church of the Allmother in Singapore.
5. The Plaintiff runs his own business offering yoga, pilates, and movement classes. His classes range from group classes at his studio to personalized sessions at the homes of clients. He has a staff of 4 other instructors. He, and all his instructors, are from the Church of the Allmother. The Allmother leadership have issued an edict to all followers that all forms of Covid-19 vaccinations are against their religion. There is no challenge to whether such an edict is correct nor whether it is grounded in the principles and beliefs of the

Allmother. It is also undisputed that the Church of the Allmother is a religion under the Constitution of the Republic of Singapore.

6. The Plaintiff's application challenges the measures that have been announced in Singapore in relation to the increase in testing frequency for unvaccinated persons in the workplace under the Vaccinate or Regular Test ("VoRT") regime. It is not disputed that the Plaintiff and his business has to comply with the VoRT regime. The Plaintiff states that because the Allmother objection to vaccination is on religious grounds, the measures are contrary to their freedom to practice their own religion.
7. It is undisputed that under the status quo, all workers in the sports and fitness sector are required to undergo a Rostered Routine Test ("RRT") once a week, and the cost of such RRTs are borne by the government at least until 31 December 2021. Under the VoRT regime, unvaccinated workers in the sports and fitness sector are required to undergo an *additional* test (totaling 2 tests a week), and an employer is not required to bear the cost of the additional tests applicable to only unvaccinated employees (unless he is medically ineligible for the vaccination).
8. The issue that arises under this regime is who bears the costs of the additional tests if the person who chooses to remain unvaccinated does so solely on religious grounds, unsupported by any medical grounds. For the Plaintiff, it is unacceptable that he and his staff must pay for their own tests, as the frequency of such tests would create financial hardship for them. He also does not accept that his business should pay for such tests, as the financial burden would be heavy.
9. While Art 15(4) of the Constitution clearly envisages that the right to freedom of religion is subject to inherent limitations and not an absolute and unqualified right, I do not believe that the requirement to vaccinate impugns the sovereignty, integrity and unity of Singapore. The Plaintiff has also pointed me to press statements by the multi-ministry task force which recognised that vaccinated individuals can still contract and transmit the COVID-19 virus. His argument is that as long as vaccination is not made mandatory by law in Singapore, the impact of the myriad of government measures is contrary to his right to practice his own religion.
10. I agree. Unlike the situations in *Chan Hiang Leng Colin v PP* and *Vijaya Kumar v AG*, the requirement to vaccinate does not affect national security nor public order. While in the United States, there has been litigation around the constitutionality of state mandated vaccination, the situation in Singapore is that there is no legislative mandate to vaccinate.
11. As troubled as I am by the potential public health implications of my decision, I find it difficult to disagree with the Plaintiff. I find that the measures that constrain the right of the Plaintiff and his fellow Allmother devotees to pursue their own livelihood to be contrary to their freedom of religion.

ILLIDAN STORMRAGE J.

25th September 2021