

Written Representation 162

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Submission to the Select Committee on Deliberate Online Falsehoods

The Green Paper titled “Deliberate Online Falsehoods: Challenges and Implications” tabled in Parliament on 5 January 2018 (“**the Green Paper**”) seeks submissions from the public to the Select Committee on Deliberate Online Falsehoods (the “**Select Committee**”) on the following matters:

- (a) The phenomenon of using digital technology to deliberately spread falsehoods online;
- (b) The motivations and reasons for the spreading of such falsehoods, and the types of individuals and entities, both local and foreign, which engage in such activity;
- (c) The consequences that the spread of online falsehoods can have on Singapore society, including to our institutions and democratic processes; and
- (d) How Singapore can prevent and combat online falsehoods, including:
 - i. The principles that should guide Singapore’s response; and
 - ii. Any specific measures, including legislation, that should be taken.

This submission addresses point (d). It also draws attention to some of the key assumptions underlying the Green Paper that may be unsubstantiated. It suggests that legislation would be premature, and that the Singapore Government should instead pursue in the short-term a strategy of deep engagement with social media platforms and improving media literacy and education amongst Singaporeans.

For the longer term, this submission proposes that more careful study of the actual extent of the problem in Singapore and its demonstrable impact on our society, twinned with ongoing public conversation and debate around the findings of such study, is warranted. Such an evidence-based approach would result in a more thoughtful and effective strategy for repairing the societal fault lines that publishers of fake news seek to engender, and for ensuring the protection of our institutions and political processes.

This submission adopts the term “fake news” in place of “deliberate online falsehoods”, and uses both terms interchangeably. No substantive difference is intended by this.

The underlying assumptions

The Green Paper contains a number of assumptions, several of which appear to be unsubstantiated and warrant further study. The difficulty of drawing concrete, evidence-based conclusions on these assumptions at this stage throws into question the possibility of developing effective or comprehensive solutions to the problem of fake news at this stage. Knee-jerk legislation when the assumptions have not been fully examined may even have unintended deleterious effects. This section examines a few of these major assumptions in turn.

Assumption 1: that Singapore lacks legislation through which fake news may be addressed.

The Green Paper seeks submissions on “how Singapore can prevent and combat online falsehoods, including... any specific measures, including legislation, that should be taken”.

This implies that Singapore lacks legislation through which fake news may be prevented and combatted. This is far from the case. Several other submissions to the Select Committee have already expounded on the adequacy of the existing legislative and other tools at the Government’s disposal to deal with fake news should the problem arise.

Under current legislation, the Singapore Government already enjoys a significant amount of control over both cyberspace and the traditional media in Singapore. It controls internet content in Singapore mainly through the class licences imposed on certain internet content providers under the Broadcasting Act. The class licence conditions regulate the type of content that internet content providers may publish over the internet. If IMDA determines that a licensee has contravened any of the conditions of its class licence, IMDA may suspend or cancel the licence, or impose a fine on the licensee, or both.¹

To illustrate the amount of discretion that IMDA has in this regard, IMDA only has to inform the licensee that the licensee has published a programme that is “against the public interest”, and the licensee must remove that programme or prohibit its broadcast.² The “public interest” is such an amorphous, ill-defined concept that the IMDA has close to full discretion over what a licensee may or may not publish.

Further, there are general laws, intended to deter and punish certain types of speech, that arguably already prevent and further may be used to “combat” fake news that fall within those types of speech, whether online or not:

- The Sedition Act (Cap. 290)
- The Maintenance of Religious Harmony Act
- The Defamation Act
- Provisions of the Penal Code that criminalise certain acts intended to damage the reputation of others, including section 499, which criminalises defamation
- Certain provisions of the Miscellaneous Offences Act.

¹ Section 12 of the Broadcasting Act.

² Paragraph 16 of the Schedule to the Broadcasting (Class Licence) Notification.

A significant amount of regulation already applies to internet content in Singapore. I believe that this degree of control over internet content has no parallel in the jurisdictions in Europe and the U.S. that are discussed in the Green Paper. It is not clear that, if the issues and incidents discussed in the Green Paper (paragraphs 14-50) were to arise in Singapore, the Singapore Government would not already have the tools it needs.

In the absence of any new information, or any evidence-based justifications, the Singapore Government should be slow to legislate.

Assumption 2: that, should fake news become a phenomenon in Singapore, it will necessarily destabilise our society.

There are a number of sub-assumptions here: first, that fake news overseas has destabilised those societies; second, that the effects of fake news in those societies will be echoed in Singapore; third, and related to the second, that Singaporeans are largely unable to distinguish between unreliable and reliable information.

I deal first with the assumption that fake news overseas has greatly destabilised those societies. The Green Paper – on its own terms – is not clear on the impact of fake news on those societies.

For example, on the fake news surrounding the 2016 US presidential elections, the Green Paper says, “There is no agreement yet amongst the US Congress or experts on the impact of these falsehoods on the election”. False information on voting methods “appear to have been designed to reduce valid votes in favour of Hilary Clinton.” The key words “no agreement” and “appear” highlight the lack of evidence regarding the impact of fake news on US society, and suggest that no conclusion either way on the impact of fake news can be drawn from this incident at this stage.

On fake news in jurisdictions other than the US, the most serious effects of fake news in those jurisdictions that are discussed in the Green Paper appear to be mass fear, panic, and protests. These include the false rumour of a terrorist attack on Oxford Street in November 2017, “contributing to mass panic and widespread confusion”;³ a false report in Germany that a 13-year-old girl had been raped by men of Middle Eastern or North African appearance, leading to “protests on the streets”;⁴ and false information in Italy about the effects of vaccination, leading to “anti-vaccine protests”.⁵

It seems then that it is worth discussing what sorts of Government action would be proportionate to dealing with actions that cause, at maximum, “mass fear, panic and confusion”. (Protests are a non-starter in Singapore’s context for reasons that are obvious – and no further legislation is warranted to deal with the threat of “protests on the streets”)

³ Paragraph 27 of the Green Paper.

⁴ Paragraph 38 of the Green Paper.

⁵ Paragraph 43 of the Green Paper.

I would suggest that none of these potential outcomes any harm great enough to warrant legislation or other governmental measures – at least not without further data or evidence. The Green Paper itself appears to support this conclusion. In fact, the Green Paper confirms that all the false claims made in those incidences were subsequently publicly discredited.⁶ No further evidence has been provided as to any long-term deleterious effect of misinformation on the societies in which it is circulated; perhaps all that is required in these cases, for the time being at least, is the prompt circulation of counter-information from credible sources.

This is not to say that fake news is necessarily harmless. Instinct tells us that fast-spreading lies cause harm. However, we would do well to measure those instincts against evidence. The ultimate question is – how susceptible is our educated and internet-literate population to believing such falsehoods and acting on those beliefs? Are there certain segments of society that are more susceptible than others? Taking into account as well that there are various types of fake news, what exactly is the potential impact of members of the Singapore public believing each type of fake news?

This author suggests commissioning an independent public policy think-tank to study the questions raised in the preceding paragraph and to facilitate public debate around those findings. This would provide better insight into where exactly the problems lie, if there are indeed problems, and steer policymakers and public commentators or other private actors toward more evidence-based and effective solutions.

Assumption 3: that “deliberate online falsehood” is self-explanatory.

The Green Paper does not distinguish between types of fake news, nor does it define “deliberate online falsehood”. The term is not self-explanatory.

One reason to clearly define the boundaries of fake news is to set the parameters for the public debate surrounding the issue. Perspectives differ on what fake news entails. At the moment, the Green Paper may give the impression (from the examples listed) that misinformation spread in error would fall within the Government’s conception of “deliberate online falsehoods”. For instance, the Oxford Street terrorism scare cited in the Green Paper was due to rumours spread by witnesses who genuinely believed that gunshots had been fired. There was no “deliberate falsehood” by any stretch of the the ordinary meaning of those words.⁷ There needs to be clarity on whether the Government truly includes within its conception of deliberate online falsehoods such genuine belief in something that is in fact untrue.

Other submissions have expounded on the difficulties with defining “deliberate online falsehood”. I do not quite think that it is so difficult to define; the more important thing

⁶ This author was resident in Central London at the time of the 2017 Oxford Street terrorism scare, and confirms through first-hand observation that normal life promptly resumed once news outlets confirmed that the rumours were false.

⁷ <https://www.telegraph.co.uk/news/2017/11/25/police-searching-two-men-following-oxford-street-terror-panic/>.

is that it *be* properly debated and defined, so that, moving forward in the public discourse, we are not all speaking at cross-purposes.

General solutions

The earlier sections of this submission demonstrated the gaps in information and the definitional problems that presently surround the issue of fake news in Singapore. The solutions discussed therefore can only remain in the realm of the general; more specific solutions can only be raised and debated when more information about the extent and causes of the problem in Singapore comes to light.

An example of a general policy solution would be to ramp up public education efforts in relation to media literacy; for instance to include classes on spotting fake news in the public school curriculum. This has already been implemented in some schools in Singapore.⁸ Teaching students to differentiate between credible and non-credible news sources, for instance, would help to guard against ultimate the mischief caused by public belief in any manner of fake news.

Educating the general public – role of the media

A question is then how to extend such education to the general public. It is equally important that adults be educated on such matters. This is where both the printed press and social media companies have a role to play; all these entities should be doing their part to publish educational information on spotting fake news. Social media companies in particular have the means to educate a great number of users, given their broad reach. The Government could engage these companies' public policy departments, as well as the printed press, to have them promote such educational content to users.

The Green Paper suggests that efforts by the social media companies to combat fake news have not entirely worked, and further suggests that "technology (by which it means, at least in part, the social media companies' efforts) will only ever partly address the problem".⁹ But what is sorely lacking here is information into *why* the companies' measures have not been totally successful. For example, could it be due to these companies dedicating insufficient resources to combating the problem? After all, social media companies' ultimate goal is profit maximization; viral content ultimately helps their bottom lines.

The Government's role in this case could be to study and implement targeted measures to incentivise social media companies to overcome the temptation to maximise profit at the cost of truth.

For example, it may be worth exploring offering tax incentives to social media companies to increase their headcount for in-house teams dedicated to identifying and removing or debunking fake content. IMDA could also publish media guidelines requiring that social media companies create such in-house teams, and that these companies structure their algorithms to promote content from, for instance, well-

⁸ <https://www.channelnewsasia.com/news/singapore/thriving-rather-than-surviving-teaching-students-how-to-spot-9960656>.

⁹ Paragraphs 70 and 71 of the Green Paper.

known journalistic sources or recognised experts, and to remove content or account belonging to bot farms or obviously fake news sources.

Avoiding legislation

Legislation is not the ideal solution to every problem. Legislation is meant to regulate human conduct, often by force. It is expensive; it always involves the expenditure of public resources – teams of civil servants are needed to draft each Bill, law enforcement resources required to monitor and enforce the law, and expenses incurred by private actors to ensure their own compliance with the law. Legislation takes a long time to create. Hastily made policy tends to make bad law. But once law is enacted, it is not easily changed; it requires further public expense, and much political will, to amend or remove.

For these reasons, legislation should generally be seen as the last resort for policymakers. Where the parties involved are willing to abide by guidelines, for example, this is preferable. This is especially so in areas of life that are ever-evolving, where new and unforeseen challenges are constantly emerging. The burgeoning field of internet technology and artificial intelligence is such an area. It is only where parties will not voluntarily reign in the excesses of their behaviour, or other less intrusive forms of regulation are not available, that legislation should be passed to regulate conduct.

Solutions for the long term – getting to the root of gullibility

Ultimately, there are various types of misinformation and motivations for such misinformation. Truly effective solutions address the root causes of the problem. They require understanding the consumers of each type of misinformation and the persons supplying them; recognising that susceptibility to believing each type of fake news may have deeper root causes; and addressing those causes instead.

Some types of fake news play on certain groups' inherent distrust of others, solutions to which might involve some heavy efforts at social integration. This requires one particular set of solutions. And then an entirely different solution set would be appropriate for dealing with other types of misinformation, for instance politically-motivated defamation of a public figure, which public debate and legal recourse might be more suited to deal with. Or misinformation about the effects of vaccines, such as that spread by anti-vaccinators in Italy, might simply need deeper study into why some people are wont to dismiss the opinions of scientific experts and buy into fearmongering tactics instead.

The spectrum of issues that may be involved, along with the absence of evidence on some of the key assumptions in the Green Paper, suggests that deeper study over a longer period of time is warranted in order for the Singapore Government to formulate truly effective solutions. I would suggest that, for a truly evidence-based policymaking process, there needs to be:

1. A clear definition of what sorts of information “deliberate online falsehoods” entails;

2. Independent studies and surveys done into the extent of the problem in Singapore, the susceptibility of our population to believe the content of “deliberate online falsehoods”, and whether there are deeper social or anthropological reasons for such susceptibility (if any);
3. Publication of the findings of such independent studies; and
4. Further conversation around the issue, especially involving the main stakeholders involved (such as the social media companies).

This Select Committee process is a step in the right direction. It draws on the experience and views of many social media users and various domain experts to publicly debate the real extent of the problem and to collaboratively brainstorm solutions. It is heartening to see. However, what is clear from the Green Paper, and this whole process, is that there is insufficient information at this point for the conversation to end; the work is only just beginning.