

Written Representation 35

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Dear Sirs / Madam

We refer to the invitation by Parliamentary Select Committee on Deliberate Online Falsehoods - Causes, Consequences and Countermeasures (Committee) for written representations from the public on any matter falling within its terms of reference.

The Written Representation (Paper) attached herewith contains the collective views of the individuals named in the Paper.

We are willing to appear before the Committee to give evidence, if required.

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1. Introduction

- A. We refer to the Parliamentary Select Committee on Deliberate Online Falsehoods – Causes, Consequences & Countermeasures (Committee) seeking written representations from the public. The following are the views of the undersigned.
- B. The Green Paper (Paper) spells out the reasons for the Government’s concerns about online falsehoods. From our reading of the Paper, it seems the concerns stem mainly from the fact that Singapore is a highly connected country with 91% of Singaporean households and 84% of Singaporeans having Internet access, as well as the fact that the majority, 53% of Singaporeans, get their main source of news online (including through social media).
- C. The central point of the Paper seems to hinge on two key phrases DELIBERATE and ONLINE FALSEHOODS. This makes us believe that the Committee’s focus and recommendations will be centered on individuals and organisations which deliberately spread falsehoods and only in the online space. It further leads us to believe that the target of the Committee will not be on genuine errors which happen in all news reporting from time-to-time, and that deliberate falsehoods which emanate from the print media are excluded from the remit of the Committee.
- D. We are glad that the Paper has refrained from using the words ‘fake news’. We believe that language and terminology matters, and for that reason the term ‘fake news’ should not be used to discuss the phenomenon of an ecosystem of polluted information on the internet. Dr Claire Wardle (research fellow at Harvard’s Shorenstein Center on Media, Politics and Public Policy) in describing the complex problem of online falsehoods as “information disorder”, further states: “Much of the content used as examples in debates on this topic are not fake, they are genuine but used out of context or manipulated. Similarly, to understand the entire ecosystem of polluted information, we need to consider far more than content that mimics ‘news’.”¹ For the sake of this representation we have decided to construe online falsehoods as polluted information which corrupts the news ecosystem.
- E. For example, on 10 Feb 2018, the Ministry of Home Affairs (MHA) responded to an erroneous report by Channel News Asia (CNA) which misquoted comments made at a doorstep interview on 9 Feb 2018 by Minister of Home Affairs and Law, K. Shanmugam on addressing radical content online. CNA had misquoted Mr Shanmugam as saying the authorities need to look at the content put out by MUIS and other Muslim leaders, and point out what is wrong when necessary. MHA clarified that what the Minister had in fact said was

¹ [MPs warned against term 'fake news' for first live committee hearing outside UK – The guardian, 7 Feb 2018](#)

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quite the opposite, that the teachings in mosques as well as content put out by local Muslim leaders and MUIS is the real antidote to the spread of radical content online.²

- F. Such misreporting has serious implications and a potential to divide society further. But the Government did the right thing in not labelling the misreporting as ‘fake news’, but instead clarified on what the Minister had actually said, and also reached out to the publication to correct their reporting. This is the standard the Government should take with all media regardless if it is the mainstream media or not. Labelling misreporting as ‘fake news’ without clarifying any misrepresentations does very little to quell doubts and fears caused by misinformation.
- G. We agree with the premise of the Paper that there is global concern about deliberate falsehoods which are circulated online. The Paper listed several countries which are grappling with deliberate online falsehoods – the United States of America, France, Germany, the United Kingdom, Germany, Italy, Sweden, and Indonesia – but we are unsure if the countries listed in the Paper have drawn up specific legislation to target DELIBERATE ONLINE FALSEHOODS which carte blanche covers every topic from politics, to hate speech, to criminal defamation, and to healthcare scares.
- i. The French Government, for example has said that it would overhaul its media legislation this year to fight the spread of “fake news” on social media, but that these new rules would **only apply during the election cycle**³. There has been stiff resistance to the French Government’s announcement to combat ‘fake news’.⁴
 - ii. Another example would be the German government passing legislation in June last year which requires social media companies operating in Germany to **delete hate speech** and posts within 24 hours or face hefty fines. This has also been severely criticised for increasing pressure on private companies to control information flow and that too without any prior determination of the legality of the content at issue by a court.⁵
- H. Although the Paper mentions examples like racial / religious fault lines in our society and how online disinformation may affect them, there are **more mentions** of how online falsehoods may destabilise established political incumbency. This causes some doubts as to the real intent of the Paper.
- a. Some motives cited for interested parties to create and propagate “Fake News” in Singapore

² [‘A fight for the hearts and minds’: K Shanmugam on addressing radical content online – Channel NewsAsia, 9 Feb 2018](#)

³ [Macron plans law to fight ‘fake news’ in 2018 – Reuters dated 4 Jan 2018](#)

⁴ [French opposition, Twitter users slam Macron's anti-fake-news plans. Reuters, 6 Jan 2018](#)

⁵ [Germany: The Act to Improve Enforcement of the Law in Social Networks – Article 19, Aug 2017](#)

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- i. To counter the overbearing dominance of the People's Action Party's influence in the public and private sector
 1. The States Times Review, a publication which was flagged by the Law Minister as a propagator of 'fake news'⁶ has claimed on its website that its main goal is to counter the "ruling party dictatorship's political agenda".⁷
 2. Such actors are also motivated to counter agents who they believe are paid by the ruling party and its linked organisations in order to "moderate the vitriol and balance the skewed comments on the Internet."⁸
- ii. To counter the 'loud noise' of the opposition and its supporters who are perceived as a 'vocal minority'
 1. A Facebook Page, 'Fabrications about the PAP', is a good example for this. Academics have highlighted that this social media site's purpose is to attack the opposition parties⁹. Opposition Parliamentarian Pritam Singh recently flagged one such disinformation campaign by the Page in November last year.¹⁰
- iii. For Monetary Gains
 1. In the highly publicised case of The Real Singapore (TRS), which was ordered to be shut down, it was reported that the website made U\$474,000 in Google ad revenue in 17 months.¹¹
 2. A former editor of TRS disputed the accusation that he and his wife made half a million dollars from the seven articles that were flagged by the Attorney-General's Chambers as seditious. The editor argued that TRS had published over 30,000 articles during its 3 years of operations and contended that these 7 articles were enough for the authorities to label "the entire website as fake news." He added this was just a convenient excuse to shut TRS down and that the flagged articles generated only \$116 in revenue instead of the alleged half a million dollars.¹²
 3. Contrary to popular belief, it is difficult to make a living blogging about socio-political issues unless you are among the top most read blogs in

⁶ [Government to review laws to tackle fake news: Some instances of fake news – Straits Times, 19 June 2017](#)

⁷ [Straits Times fake news gives rise to States Times Review, record 19 million views since inception – States Times Review, 23 July 2017](#)

⁸ [PAP moves to counter criticism of party, Govt in cyberspace – Straits Times, 3 Feb 2007 & Where have all the IBs gone – Part 1: Evolution of PAP's online counter-insurgency – The Online Citizen, 26 Nov 2014](#)

⁹ [Whispers, not shouts: A re-reading of the social media space – Straits Times, 4 Dec 2015](#)

¹⁰ [WP's Pritam Singh refutes claims of poor estate maintenance by PAP fanpage - The Independent Singapore, 24 Nov 2017](#)

¹¹ [The Real Singapore made AU\\$474,000 in Google ad revenue in 17 months from Dec. 2013 to April 2015 – Motehrship, 8 Mar 2016](#)

¹² [TRS co-founder slams TODAY for "outright false and defamatory" allegations against him and his wife – The Independent Singapore, 28 Jan 2018](#)

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Singapore. Google AdSense on average pays \$0.46 per click and 0.1% has been an average Click Through Rate for some time.¹³

iv. To ensure that a political party (or parties) with a more open immigration / employment policies wins an election

1. In the lead up to the last General Election, All Singapore Stuff published an anonymous article titled 'Foreigners are now afraid of Singapore's Opposition', which blamed the Opposition for the Government's stricter curbs on Singapore's immigration and employment policies.¹⁴ One opposition politician commented after the last General Election that new citizens were the swing voters who brought the landslide victory to the ruling party.¹⁵
2. Were the new citizens spooked by such disinformation on an online publication with very large readership? New citizens may have relatives who may still be living abroad and may be hoping to join their loved ones in Singapore in the future. A stricter immigration and employment policy will certainly not be in the favour of many new citizens.

2. Questions and Concerns

A. **Why are current laws insufficient to deal with the scourge of deliberate online falsehoods?**

The Paper lists several laws and legislations including the Sedition Act (which was used against TRS), Political Donations Act, Societies Act, Public Order Act, etc. There are other laws and legislation not mentioned in the Paper, e.g. Broadcasting Act (MICA's licensing regime¹⁶, Internet Code of Practice¹⁷, etc), Protection from Harassment Act (which the Government invoked against an individual as well as on an online publication¹⁸, etc). We certainly agree that criminal law is needed to combat the most extreme and harmful cases of disinformation – such as campaigns that incite violence or make false medical claims. We are just unsure why such laws, legislations and regulations are insufficient to deal with disinformation? Problematic online publications such as TRS were shut-down using the current laws and the public generally supported such actions by the Government. This only shows that the public is with the Government in rejecting online falsehoods.

¹³ [How Singaporean Bloggers Can Make Money - Nuffnang vs Gushcloud vs GoogleAds vs Other AdNetworks – The Smart Local, 7 Jan 2014](#)

¹⁴ [Foreigners are now afraid of Singapore's Opposition – All Singapore Stuff, 4 Sep 2015](#)

¹⁵ [PAP wins in a landslide with 69.86% of votes - Channel News Asia, 12 Sep 2015](#)

¹⁶ ["Free My Internet" netizens to protest against MDA rule – Straits Times, 2 Jun 2013](#)

¹⁷ [MDA orders The Real Singapore admins to disable access to online properties – channel News Asia, 3 My 2015](#)

¹⁸ [Is Government a person? Court rules on anti-harassment law provision – Straits Times, 17 Jan 2017](#)

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B. Better clarity on what specific “pain-points” is the Government is trying to address with its latest initiative with the convening of the Parliamentary Select Committee on Deliberate Online Falsehoods. As will be pointed out below, even existing laws seem to be selectively applied, while others seem too vague and are be applied as the Government pleases and appear to be imposed in order to make a certain topic taboo for further discussion. It is important for the general public to understand the real intent of the Paper. If not, it will be perceived that the real reasons of the Government in convening the Select Committee are solely driven by its concern for disinformation destabilising the incumbency.

C. How do the existing and future laws determine what is private and what is not?

- a. The case of Li versus AGC raises several pertinent questions about the topic of ‘deliberate online falsehoods’:
 - i. On July 15 last year, Mr Li Shengwu wrote in a Facebook post that was shared with “friends only” that the Singapore Government was “litigious” and has a “pliant court system”. His comments accompanied a Wall Street Journal article he posted covering the dispute between his father Lee Hsien Yang, his aunt Lee Wei Ling and his uncle, Prime Minister Lee Hsien Loong over the Oxley Road house of the late founding Prime Minister Lee Kuan Yew, who was Mr Li’s grandfather.
 - ii. Six days after the comments were made, the Attorney General’s Chambers (AGC) wrote to Mr Li, asking him to “purge the contempt” by deleting the post and issuing a written apology on his Facebook page. Mr Li did not do so.
 - iii. The AGC then filed an application for permission to start contempt of court proceedings in the High Court, which was granted on Aug 21, 2017. The AGC said that while there is evidence suggesting Mr Li was in Singapore when he published the post, “it is irrelevant whether the material was posted outside Singapore. Since it can be accessed in Singapore, its publication occurs in Singapore.”
 - iv. While Mr Li claimed that no one asked for his permission to make his post public, the AGC argued that Mr Li’s “friends only” privacy setting for his post does not entitle him to claim privacy and that as he chose the medium of publication, it should be taken that he was fully aware the post could be disseminated to a broader audience.¹⁹
 - v. The Government has claimed that race and religion are fault lines in our society which may be exploited. Yet stereotypical descriptions of certain

¹⁹ [Court papers set out AGC's arguments for bringing contempt of court case against Li Shengwu – Straits Times, 8 Dec 2017](#)

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people which may be considered racists cross the online / offline divide from time to time. So what happens when someone makes a crass comment about a person of a certain race or religion because he thinks that he is among friends, and one of his 'friends' records it and releases it in the public domain? Who will be held responsible? The person who made the comment or the person who uploaded it online in a public domain? In the case of Mr Li, should the person who took the screenshot of Mr Li's private post and made it public also be held liable?

- vi. Do we need a Code of Conduct on recording private conversations with the intention of uploading it in the public domain?
- vii. Is the Government going after Mr Li because he is a Singaporean? What if a foreigner had made that same comment?
- viii. Does the (dis)information need to be uploaded / posted from an ISP (Internet Service Provider) from Singapore?

D. What constitutes a threat? (E.g. what happens if my father sends me something on WhatsApp and I forward it to another individual (or a group)? Is it private or public?)

E. What are the Government's considerations in charging a young offender as an adult? The case of Amos Yee's first charges when he was just 16 years of age²⁰

F. How will the government ensure that the rules are fairly, not selectively, implemented?

- a. Mr Yee was convicted a second time in September 2016 on the charges of 'wounding religious feelings'²¹, but it is unclear how an individual who was formerly a member of the ruling party's youth wing was dealt with for allegedly committing a similar offence in the year 2011²². Prime Minister Lee Hsien Loong responded at that time to hate speeches (such as the one made by a member formerly affiliated with his political party) and asked Singaporeans to not get worked up by such hate speeches and to take it in our stride. Cases such as these create confusion among the public, as to when they will be prosecuted and when they will not.

²⁰ [UN agency calls for Amos Yee's immediate release – Straits Times, 23 Jun 2015](#)

²¹ [Amos Yee gets 6 weeks' jail for wounding religious feelings – Channel News Asia, 29 Sep 2016](#)

²² [6 years after lodging of police reports against ex-YPAP member's insensitive post, public non the wiser about what actions were taken – The Independent Singapore, 30 March 2017](#)

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- b. Similarly, why was the actor Shrey Bhargava questioned by the Police after he made a post on Facebook about ‘casual racism’ in Singapore²³, while other actors can be engaged even by the Government for roles caricaturing certain nationals?²⁴

Despite police reports being made, why do hoaxes which may hurt religious sensitivities keep appearing year-after-year (E.g. Halal pork label hoax)²⁵?

- G. How effective / successful have the Government’s efforts to educate the public on responsible internet usage (e.g. Media Literacy Council, Factually website, etc) been?

3. How best to address the scourge of online falsehoods and disinformation

- A. But what do falsehoods really mean? Dr Cherian George says: “We cannot fight disinformation while simultaneously choking society’s capacity to generate, circulate and debate information and ideas. Freedom of expression is a necessary (even if sometimes not sufficient) part of the solution. Conversely, the most serious disinformation campaigns are always accompanied by attempts to suppress contending ideas. Governments that are itchy to censor are probably not really interested in countering disinformation — but in monopolising the capacity to mislead.²⁶” We agree.
- B. We also agree that production of falsehoods online and its circulation are often meticulous and well-organised. For example, an online publication from India, Postcard News, has made a successful business model out of the distribution of false, albeit provocative, news stories with catchy clickbait headlines. Such online falsehoods gather momentum when they are shared by prominent right-wing influencers on social media.²⁷
- C. But such online falsehoods are being countered in India not through more legislation, but by enterprising fact checkers and hoax busters. One such enterprising news foundation is Alt News²⁸, which was launched on 9 February 2017 to combat the phenomenon of polluted online information in India. This ground-up initiative is so successful that the founder of this website was invited to the Google NewsLab Asia-Pacific Summit to discuss potential solutions to online falsehoods.²⁹

²³ [Police say 'no criminal offence disclosed' after questioning actor Shrey Bhargava over Ah Boys to Men 4 Facebook post – Straits Times, 1 June 2017](#)

²⁴ [Domestic helpers criticise Michelle Chong’s “ridiculous” impression of helpers in Singapore – The Independent Singapore, 26 Jan 2018](#)

²⁵ [‘Halal’ pork label an old hoax: FairPrice – Today Online, 27 Jan 2014](#)

²⁶ [Disinformation and what to do about it – Dr Cherian George, 21 Jan 2018](#)

²⁷ [The growing tide of fake news in India – AjJazeera, 12 Dec 2017](#)

²⁸ <https://www.altnews.in/>

²⁹ [On the origin of specious news – The Hindu, 1 Jul 2017](#)

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- D. We are unsure what measures like closing down websites do. When TRS was forced shut, similar sites like All Singapore Stuff (ASS) sprang up. Technology is going to change too fast for the Government to keep up and deal with containing disinformation.
- E. Rather than shutting down websites, efforts should be made to cultivate grounds-up organic fact-checking communities like Alt News. Such communities will be helpful in identifying the nodes of influence from which online falsehoods emerge and curb them at the roots.
- F. The Government has a role to play in ensuring that there is a framework for such communities to thrive by making data readily available for fact-checking.
- G. Government-run fact checking website like 'Factually' may not be the best source for such organic fact-checking communities to rely on as they may be perceived as propaganda rather than unbiased facts. Even popular myth-busting websites like 'Snopes' are perceived as being less reliable these days because of their political leanings and 'clear display of partisanship'³⁰.
- H. We propose that an independent fact finding committee (Independent Committee) be set-up as part of this framework. The Independent Committee should comprise of individuals that are trusted by the public, are non-partisan and should be made up of people from different professions, but mainly by media professionals (professionals from both print and online publications).
- I. The Independent Committee itself should exercise the highest degree of transparency and have clearly spelled out rules and processes for verifying facts.
- J. The Independent Committee should be funded by the Government, but should have a significant degree of independence from it.
- K. Such a framework of organic fact-checking communities supported by an independent fact-finding committee will create an eco-system of unpolluted information and may be a better alternative to legislating new laws to curb online falsehoods.
- L. Any Framework that is put forth must allow for rigorous debate to take place to arrive at a fact. Where consensus on what is fact is not able to be established, all sides of the debate must be made available to public for them to arrive at their own conclusions.

4. **Conclusion**

- A. The problem of online falsehoods is a real one, but we are convinced that human discernment is the best way to counter any falsehoods and that the Government should provide all the tools to ensure that the public can better develop this capability.

³⁰ [Facebook under fire for picking 'liberal' outlets to fact-check – New York Post, 16 Dec 2016](#)

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- B. The Government has a responsibility to ensure the public that laws are applied in an even-handed manner across society. It also has the responsibility to clear the fuzzy lines of the Out-of-Bounds (OB) markers.
- C. We believe the government has to explain why the existing laws are insufficient to deal with the problem of online falsehoods.
- D. We believe that any punitive action by the Government will only further fan the spread of online disinformation.
- E. We are not anti-incumbents. Some of the incumbents' aims are also our aims. Some of our goals overstep partisan political boundaries.
- F. We hope that the Parliamentary Select Committee will listen to as many representations from the public as possible, gather the best ideas from these presentations, and have a second round of public feedback gathering on the soundness of the best of these ideas before presenting its recommendations to Parliament. That would be the mark of a Government which is consultative of its citizens.

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