

(as at 6 April 2018)

**Select Committee on Deliberate Online Falsehoods**

**Summary of Evidence – 23 March 2018 (Day 5)**

1. This is a summary of the evidence from Mr Gaurav Keerthi, Professor Thio Li-Ann, Singapore Press Holdings (represented by Mr Warren Fernandez, Mr Goh Sin Teck, Mr Mohamed Sa'at bin Abdul Rahman), Channel News Asia (represented by Mr Walter Fernandez and Mr Jaime Ho), Mothership (represented by Mr Martino Tan and Mr Lien We King), PAP Policy Forum (represented by Mr Vikram Nair, Mr Benjamin Tay, Mr Jude Tan, Ms Sujatha Selvakumar), NGO Monitor (Professor Gerald Steinberg), NTUC (represented by Poh Leong Sin, Jonas Kor and Chong Nyet Chin), Singapore Press Club (represented by Mr Patrick Daniel, Ms Lau Joon Nie and Mr Zakir Hussain) and Singapore Corporate Counsel Association (represented by Mr Wong Taur-Jiun) and their counsel, Dr Stanley Lai and Dr Gillian Koh.

**Mr Gaurav Keerthi**

2. Mr Keerthi spoke about the possible measures that can be taken to counter the challenges posed by Deliberate Online Falsehoods in Singapore.
3. His evidence was as follows:
  - i. It is unacceptable that online falsehoods currently have the potential to be a threat to social cohesion, peace and stability, national security and trust in public institutions, media, etc.
  - ii. Social media platforms are best suited for social interactions and networking; rather than robust public debate.
  - iii. Educating students was important to encourage them to review information that they receive with a critical eye. His personal view was that education alone would never be a sufficient solution for any challenge.
  - iv. He had developed online tools to assist users to sift fact from fiction, and to robustly debate issues in a respectful manner so as to allow people to identify weaknesses in arguments and evidence, and where they were missing factual information. However, these tools alone were not the solution.

- v. He agreed that certain pre-conditions need to exist for there to be a marketplace of ideas – it must be free, public, transparent, and have a strong level of truth. Where these pre-conditions do not exist, the process of determining truth via the marketplace of ideas would be impeded.

**Professor Thio Li-Ann**

4. Professor Thio Li-Ann spoke about the role of speech in a democratic society and how the marketplace of ideas concept require certain pre-conditions which do not necessarily exist in Singapore's society.
5. Her evidence was as follows:
  - i. Deliberate Online Falsehoods are capable of definition. The courts regularly identify what is false and what is true. There are laws which require this.
  - ii. There are a range of different types of speech. These include deliberate online falsehoods, misimpressions, mistakes, misrepresentations, and opinions based on the truth, misinterpretation or falsehoods. The issue is which speech should be protected.
  - iii. Deliberate online falsehoods are not a form of speech that should be protected. They confuse and destroy democratic society.
    - (a) Speech is a means to an end. An important end of speech is to have free and open political debate and protect a democratic society.
    - (b) Deliberate Online Falsehoods are contrary to these ends. They also undermine the marketplace of ideas.
  - iv. Deliberate Online Falsehoods are more harmful today. There are more diverse means of spreading them, further and more deeply. They can seriously affect society.

**Channel NewsAsia Editors (represented by Mr Walter Fernandez and Mr Jamie Ho)**

6. Mr Walter Fernandez and Mr Jamie Ho spoke about (a) the definition of a Deliberate Online Falsehood, (b) who should decide what a Deliberate Online Falsehood is and measures to be taken, and (c) the role mainstream media can play.

7. Their evidence was as follows:

- i. Deliberate Online Falsehoods which influence democratic processes, compromise national security, undermine the judiciary, affect religious or racial harmony, or manipulate financial or economic outcomes are a concern.
- ii. The threat of Deliberate Online Falsehoods threatens serious journalism. Addressing the threat adequately will increase trust in serious journalism.
- iii. Remedial action that can be taken against Deliberate Online Falsehoods should include a range of remedies, including compulsory take-downs, corrections issued to platforms, ordered clarifications by the source and public education efforts aimed at addressing specific Deliberate Online Falsehoods.
- iv. The Government should be a part of the process in tackling Deliberate Online Falsehoods. There is a need to move quickly to authorise action against Deliberate Online Falsehoods.
- v. An independent “fact-checking” council, appointed by and accountable to Parliament, could be set up to determine whether a particular piece of content amounts to a Deliberate Online Falsehood, and to recommend remedial actions.
- vi. The technology company platforms have different abilities from media organisations – legislation should make them more accountable for the public outcomes of actions on the platform.

**Singapore Press Holdings (represented by Mr Warren Fernandez, Mr Goh Sin Teck, and Mr Mohamed Sa'at bin Abdul Rahman)**

8. Mr Warren Fernandez, Mr Goh Sin Teck, and Mr Mohamed Sa'at bin Abdul Rahman spoke about the principles to guide action against online falsehoods, as well as SPH's recommendations on how to tackle Deliberate Online Falsehoods.

9. Their evidence was as follows:

- i. There are gaps in the existing legislation. There should be legislation to hold online content distributors accountable for the content they promote, and level the playing field with mainstream media organisations. They should be required to take down deliberate falsehoods.

- (a) Online content distributors, which include social media and instant messaging platforms, prioritise content that draws eyeballs and engagement and so, rewards sensationalism over sense and falsehoods over facts.
  - (b) As misleading information and deliberate fabrications spread unchecked online, news organisations are under pressure to respond quickly, which strains already strapped newsrooms.
  - (c) Even with self-regulation, online platforms may not be able to rein in their users.
  - (d) There is a need for the Government to move quickly to combat Deliberate Online Falsehoods. There must be a process to go to an independent body to challenge the characterisation of the information as a Deliberate Online Falsehood.
- ii. It is difficult to pinpoint the perpetrator of falsehoods on “dark social” platforms like WhatsApp, email and Telegram. People are more likely to view falsehoods spread through such mediums as reliable or true, as they are receiving the information through their own social circles. It is important to look into such closed platforms.
  - iii. A strong, trusted and well-resourced mainstream media is important to counter Deliberate Online Falsehoods.
  - iv. It is important to educate the older generation, and non-English-speaking populations against Deliberate Online Falsehoods.
    - (a) The Malay newspaper has been continuously educating people on the true meaning of “jihad”, as the term has been misused in recent times.
    - (b) The Chinese newspaper has come across false information from China, spread by people like businessmen. There may have been commercial considerations at play, as there may have been rewards from spreading such news. By focusing on Facebook, Twitter, and Instagram, other platforms may have been neglected.

**Mothership (represented by Mr Martino Tan and Mr Lien We King)**

10. Mr Martino Tan and Mr Lien We King spoke about why Deliberate Online Falsehoods are a challenge today and what steps Mothership takes to challenge the problem.
11. Their evidence was as follows:
  - i. Technology has turned news and information into commodities that are tradable, low-cost, and public.
    - (a) Open distribution networks and access now bypass and significantly diminish the role of traditional media and journalists.
  - ii. Matters relating to race and religion, national security, national identity, and social cohesion must never be subject to any attempts at deliberate falsehoods and misinformation, especially from foreigners.
  - iii. There should be no Deliberate Online Falsehoods purveyed on the Internet or anywhere. Any measure to remove Deliberate Online Falsehoods that can be done should be done.
  - iv. The right to free speech does not include spreading Deliberate Online Falsehoods. Legislation can be an effective countermeasure for material that travels faster than the truth.
  - v. There are gaps in the existing legislation.
    - (a) New measures should focus on the challenges posed by technology and the technology companies.
    - (b) Carefully calibrated legislation is needed.
    - (c) Allowing executive action with judicial oversight will prevent abuse of any legislation.
  - vi. There are other players – WhatsApp chats, Facebook discussion groups, individual influencers – who could perpetuate and create online falsehoods and who need to be regulated.

**PAP Policy Forum (represented by Mr Vikram Nair, Mr Benjamin Tay, Mr Jude Tan, Ms Sujatha Selvakumar)**

12. PAP Policy Forum (“PPF”) spoke on the use of falsehoods by foreign funded NGOs to undermine Singapore’s well-functioning society. In particular, they pointed to the recent report by Human Rights Watch (“HRW”), “Kill the Chicken to Scare the Monkeys” (“HRW Report”) as an example of how false and misleading impressions can be created by a selective presentation of facts, to sow seeds of doubt on national issues and sour governmental relations between countries.
13. Their evidence was as follows:
  - i. Falsehoods have no place in public discourse.
  - ii. While HRW tries to present itself as an independent and objective human rights watchdog; the reality is more complex. There is little information about the sources of their finances and their hiring policy.
  - iii. The HRW Report is an example of how foreign funded NGOs, with its opaque background, rely on and use falsehoods to undermine the good governance in Singapore.
  - iv. The HRW Report is based on a biased and flawed methodology:
    - a. The report is based largely on interviews with 34 individuals without any accompanying explanation of how these individuals were selected. It calls into question their research methodology of relying on witnesses whose accounts cannot be verified (HRW has been criticised by their founder Robert Bernstein for the same point).
    - b. It omits reputable objective empirical studies done by third parties, which are relevant to the issues raised in the HRW Report (e.g. the Edelman Trust Barometer Report).
  - v. The HRW Report deliberately paints a highly misleading picture of Singapore by suppressing the truth.

**NGO Monitor (represented by Professor Gerald Steinberg)**

14. Professor Steinberg on behalf of NGO Monitor spoke about how Israel has been a target of sophisticated and coordinated campaign of delegitimisation for many years.
15. His evidence was as follows:
  - i. Gross distortions and falsehoods have been used against Israel by powerful NGOs, mainstream media and social media platforms.
  - ii. Social media platforms, such as Twitter and Facebook, have greatly amplified the spread of falsehoods as such platforms allow the falsehoods to be circulated almost instantaneously.
    - a. Powerful NGOs these days have a large budget which they can use to buy technology such as bots to amplify the spread of their false claims. For example, HRW's funding figures have almost doubled to \$75 million since 2009.
  - iii. Digital media manipulation and falsehoods are used not only by state actors but also by non-state groups such as NGOs to promote their agendas, and wage psychological warfare.
  - iv. In Israel, there are mechanism to quickly challenge falsehoods and there is a need to reduce the visibility and impact of these falsehoods.
  - v. A number of NGOs, largely funded by foreign governments and private foundations, also spread false allegations and distortions about Israel. An example of such an NGO is HRW.
  - vi. NGO Monitor has also reviewed and looked into HRW's work and reports on Israel. This culminated in their 2009 Report on Exports or Ideologues: A Systematic Analysis of Human Rights Watch's Focus on Israel. Their report found that:
    - a. HRW has not been fully transparent with their source of funding. They do not disclose whether they have received any government funding.
    - b. HRW's activity concerning Israel exhibits a strong and consistent bias which paints Israel as the perennial aggressor.

- c. HRW's "research reports" on Israel demonstrate consistent pattern of methodological distortion and sweeping conclusions based on inadequate evidence, which amounts to violations of "best practices" standards for human rights fact-finding.
- d. HRW's methodology is flawed for the following reasons (among others):
  - (i) Reliance on eyewitnesses with limited credibility due to inherent agendas or intimidation and false eyewitnesses' testimonies.
  - (ii) Omission of evidence that does not support their own ideological conclusions.
- e. HRW disproportionately focuses on Middle East, and in particular Israel. This is because the primary funder of HRW has a very specific set of political and human rights objectives.

**NTUC Fairprice (represented by Mr Poh Leong Sim, Mr Jonas Kor, Ms Chong Nyet Chin)**

- 16. Mr Poh Leong Sim (Co-operative Secretary), Mr Jonas Kor (Director, Corporate Communications) and Ms Chong Nyet Chin (Director, Food Safety & Quality) of NTUC FairPrice ("FairPrice"), described various incidents of online falsehoods that FairPrice has been a victim of.
- 17. Their evidence was as follows:
  - i. Several of these falsehoods recurred even though FairPrice had committed resources and put processes in place to counter these falsehoods.
  - ii. Rectifying online falsehoods requires manpower and resources. These could lead to increased costs for the consumer.
  - iii. Deliberate Online Falsehoods can affect social harmony. One example was the image of the Pasar Fresh Pork product with the Halal sticker from the Islamic Religious Council of Singapore which started circulating on the Internet in 2007, in what is also known as the "Halal Pork" incident. This image was false.
  - iv. There should be legislation to address the problem of false news, especially when it disrupts social harmony.

**Singapore Press Club (represented by Mr Patrick Daniel, Ms Lau Joon Nie and Mr Zakir Hussain) and Singapore Corporate Counsel Association (represented by Mr Wong Taur-Jiun) and Dr Stanley Lai**

18. Representatives of the Singapore Corporate Counsel Association (“SCCA”) and the Singapore Press Club (“SPC”) shared their views on the use of digital technology to deliberately spread falsehoods online, and how this problem should be combatted.
19. Their evidence was as follows:
  - i. Deliberate online falsehoods are a potential threat to our social cohesion. The status quo today is unacceptable.
  - ii. There is a need to regulate intermediaries through which deliberate online falsehoods spread. Practically speaking, it is not always possible to target the source of the creation and publication of deliberate online falsehoods.
  - iii. Technology companies should be required to comply with directions concerning contents on their platforms. There is also a need to consider regulating advertising on social media platforms.
  - iv. Corporations have been the target of online falsehoods. These falsehoods can affect the public health, public safety and consumer regard for the corporation.
  - v. On countering deliberate online falsehoods:
    - (a) SCCA was of the view that there is currently insufficient protection against deliberation online falsehoods. This is due to the speed with which Deliberate Online Falsehoods can spread. The judicial system may be limited and slow, and potentially very costly. In general, steps to address Deliberate Online Falsehoods need to be faster, cheaper, and more effective.
    - (b) SPC was of the view that legislation today may not be comprehensive.
    - (c) SCCA and SPC were of the view that executive take-down actions have a role to play. Such actions were needed to deal with virality and nature of the digital age. There must a mechanism for subsequent applications to be made to set aside such take-down orders.

(d) Any penalties must take into consideration the intention of the respondent in spreading the falsehood.

**Dr Gillian Koh**

20. Dr Gillian Koh spoke about how deliberate online falsehoods should be addressed.

21. Her evidence was as follows:

- i. Dr Koh agreed that people spread deliberate online falsehoods to undermine social cohesion or national security, or to influence political or financial outcomes, all the time, and not only during the election period.
- ii. Dr Koh agreed that not all speech can and should be protected in the same way, and that no purpose was served, nor was democracy advanced, in allowing a deliberate online falsehood to spread further.
- iii. Dr Koh agreed that where something was clearly a falsehood, it should not be allowed to circulate. These included certain falsehoods that had circulated online recently, such as claims that President Obama was a Muslim, and that Mrs Hilary Clinton had sold arms to ISIS.
- iv. Dr Koh acknowledged that the problem of deliberate online falsehoods went beyond the issue of elections. She explained that she had chosen to focus her submission on dealing with foreign interference during elections, but agreed that other aspects, such as deliberate online falsehoods that affect race, religion, and national security outside the election period, were also issues that had to be dealt with.

She also clarified that whilst she was aware that there were existing tools dealing with certain aspects of the problem, she had not intended to address the details of what existing legislation covered, and what amendments might be necessary to address the current gaps.

She agreed that these were issues better left to legal experts, including previous representors who had shared their views with the Committee.