Written Representation 142

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Select Committee on Deliberate Online Falsehoods: Written Representations

1.   We are undergraduate law students at the Singapore Management University. We would like to make some submissions with regards to the matter stated above.

2.   On 10 January 2018, Parliament convened a motion to form a Select Committee ("**the Committee**") to consider the issue of deliberate online falsehoods. Among others, the Committee was tasked to examine how Singapore can prevent and combat online falsehoods, as well as the principles which should guide Singapore's approach. We would like to discuss that particular aspect of the Committee's terms of reference.

3.   We believe that there are three main principles which should guide Singapore's approach towards online falsehoods.

Firstly, any remedy towards online falsehoods should not overly encroach on free speech and open discourse over the Internet.

4.   Art 14(1) of the Singapore Constitution provides for a constitutional right to free speech. While this fundamental right is not without restrictions, it should not be circumscribed unless absolutely necessary.

5.   A major issue in the context of online falsehoods is that it may be difficult to determine what kinds of falsehoods ought to be caught under any proposed scheme. It is certainly desirable for people to speak the truth online and to substantiate any claims with evidence. Unfortunately, that is only an ideal state of affairs and a very significant portion of online discourse contains at least some degree of falsehood, with very few comments actually being substantiated with facts. It will be very difficult to identify exactly what manner of falsehood is sufficiently egregious to be caught under any proposed penal provision.

6.   We understand that the Green Paper presented to Parliament on the matter seems to focus mainly on online falsehoods in the context of political and social discourse. This would certainly narrow the scope of any proposed legislation considerably, but it would still capture an uncomfortably large segment of online discourse. For example, members of the public frequently post on sites such as SGForums commenting on social issues. Not all of these posts are substantiated, or even truthful. To determine whether these posts are egregious enough to warrant punishment would stretch judicial resources thin, not to mention the difficulties in bringing such offenders to court in the first place.

7.   It has doubtless been suggested for Parliament to enact legislation to empower a statutory body to remove online falsehoods. This is similar to the approach in Germany, where the Network Enforcement Act requires social networks with over 2 million German users to remove illegal content. While that that approach may be necessary in some cases, we believe that such a power should be limited to cases with high potential for social disruption. The power to manipulate information (even by simply removing an online post) is always a very dangerous one with much room for abuse, and its use must be counteracted with clear guidelines and an affirmation of the inherent value of free discourse.

Secondly, any remedy towards online falsehoods should emphasize on educating the public.

8.   A vibrant online scene and multiplicity of views is vital to the functioning of a healthy democracy, and the Green Paper has endorsed at paragraph 80 the desirability of such a state of affairs. Penal provisions and forcible removal of online articles would certainly be detrimental to such free discourse and may even breed discontent among the populace. That being said, the proliferation of online falsehoods is certainly not conducive to a productive online discussion, particularly when the actors publishing such falsehoods do so to further their own agenda.

9.   Instead of forcing a compromise between two evils, we believe that a solution should aim at empowering the public to discern for themselves fact from fiction, truth from falsehood. People should be taught to cross-check for facts and to maintain a healthy amount of skepticism about what they read online. This would certainly be a more sustainable and long-term solution than direct intervention and may even help improve the quality of online discussion.

Thirdly, any remedy towards online falsehoods should be aimed at providing netizens with effective means of obtaining credible information.

10.   One key reason why online falsehoods have become such a large problem may be the lack of credible information. Traditional news media such as the Straits Times may be available for public viewership online, but they rarely cover the full range of topics which may be discussed online. Moreover, most netizens simply do not take the time out to cross-check against these sources of information.

11.   To make things worse, online falsehoods often proliferate much faster than their credible counterparts. To give an example, a fraudulent blog post may 'go viral' and be shared across the entire Internet on multiple platforms whereas traditional news sites rarely garner a similar level of interest.

12.   While regulation and social policy may influence the behavior of the public to a certain degree, these are but stop-gap measures. The potency of online falsehoods lay in the unique quality that they are misconstrued as being real. If the public knew they were reading online falsehoods, it would be unlikely that a select committee would have even been convened. The root of the problem is that large swathes of the public, in their passive consumption of information online, believe that which is fake to be true. If they pass on this information, it would generally be out of concern for loved ones

and family. Malevolence stops at the party that first disseminates the information in a manner calculated to mislead.

13.   As such, any remedy needs to be two-pronged. The first solution must target potential producers of information and the second must enable the public to discern real news from online falsehoods.

14.   For the former, we believe that existing statutes such as the Sedition Act, Maintenance of Religious Harmony Act, Defamation Act and even the Miscellaneous Offences Act are sufficient to deter and punish creators of information. For the latter, however, the situation is less simple. Given the different demographics in society, a blanket solution may not suffice. Instead, the general population may be split into 2 larger groups – those who trust the government and those who do not.

15.   For the first group, targeted information campaigns or even training programmes to equip these persons with the ability to discern credible sources from those which are less credible may be enough. Alternatively, the Government might tap upon grassroots networks engage the community and educate them on how to discern online falsehoods.

16.   For the latter group however, the situation is less simple given an inherent distrust between them and the government. They may take the extremist position that the government is out to brainwash them, and online falsehoods designed to fracture society would generally be embraced by them due to confirmation bias. For better or worse, the only method to build trust with them via public engagement and long-term education.

A special statutory body
17.   We believe that a possible response could involve the creation of a special statutory body. This body could be given special powers to flag out websites with a large amount of traffic from Singapore and to monitor new posts or developments on those sites for falsehoods. However, instead of outright removing such falsehoods, the statutory body could post on the page under an "Official Business" tagname in a highly visible manner to flag the page out as an online falsehood. At the same time, it could also provide some links on the page to support the claim that the page is indeed an online falsehood.

18.   This approach would eschew the heavy-handed method of removing the websites altogether, but would instead inform all members of the public that the falsehood is unreliable and allow them to think for themselves, supporting the public along the way by preparing easy ways to verify the news. Furthermore, this could help provide more means for the Government to understand the views of the people and vice versa, improving engagement and even strengthening trust in public institutions.

19.   We understand that this approach may be face certain difficulties in implementation – the statutory body may not be able to respond as quickly as desired given the size of the Internet. Moreover, the public may initially be unnerved to know that a public body is monitoring their online exchanges. However, these weaknesses may be rectified by targeting only those sites with considerable Singaporean traffic

and by engaging in frank, reasonable dialogue with netizens, who may eventually grow accustomed to and even welcome the Government's online presence.

20.   In essence, we are suggesting that the Government could itself leverage online tools and forums to better engage with the people and to assist in creating a safe, rational online environment for discussion. Simply plugging gaps and widening existing blanket bans would only result in the public craving foreign news, thus making them more susceptible to foreign interference.

21.   In the long run, however, resources would have to go into public education campaigns as well as measures to train students to differentiate real news from fake. As most schools have computer literacy programs, the scope of the curriculum may be widened to include source verification skills. The best measures are those that allow the public to distinguish online falsehoods on their own.

22.   We are extremely honored to have this chance to make representations before the Select Committee and would be pleased to assist further in giving evidence if necessary. Thank you very much for considering our views!