

## **Written Representation 72**

Name: Community Action Network

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### **Submission on the Singapore government's plan to regulate fake news**

The Community Action Network is made up of a group of Singaporeans concerned about civil liberties in Singapore. We count among us, social workers, community workers, a journalist, artists, an academic, and an educator.

#### **Overview**

On January 5, 2018, the Ministry of Law presented a Green Paper titled "Deliberate Online Falsehoods: Challenges and Implications". This came amid strong hints from the Singapore government that it was planning to introduce legislation aimed at combating "fake news".

The Community Action Network believes fake news is not a major issue in Singapore, and that there are enough safeguards in place to deal with potential problems. Rather than introduce more legislation, the government should grant Singaporeans the right resources and tools to identify fake news.

We would like to point out that Singapore's mainstream media has been complicit in helping the government to perpetuate dubious allegations, which can count as "fake news". For example, it parroted the PAP government's position that there was a "Marxist Conspiracy" in 1987. This allegation has never been proven.

#### **"Fake News" – A Genuine Scourge?**

According to the Green Paper:

"Around the world, falsehoods are being deliberately spread online, to attack public institutions and individuals. The aim is to sow discord amongst racial and religious communities, exploit fault-lines, undermine public institutions, interfere in elections as well as other democratic processes, and weaken countries."

Examples raised focus primarily on events in the US and Europe, with Indonesia being the sole Asian country mentioned, other than Singapore.

The Green Paper asserts that we, as a nation, are vulnerable because we are one of the most open and globally connected countries in the world. We are also multi-racial and religiously diverse, and a "key strategic node international finance, trade, travel and communications, and a key player in ASEAN. The paper also cites the possibility foreign actors might wish to "destabilise" us.

CAN submits that the scenarios put forth are too diverse and haphazardly drawn together, and the definition of “fake news” too vague for Singaporeans to be convinced that we are facing a credible threat. For instance, in point 78, two cases - the Singapore Herald and Eastern Sun - are cited as examples of “foreign interference”. And yet, the paper doesn’t provide details on why the two publications were shut down, or explain that their closures were controversial. This is ironic, given the aim of the Green Paper.

The mainstream media still produces most of the news and information on Singapore. As it is controlled by the government and the ruling party, any misinformation can be easily dealt with. Indeed the mainstream media often carries rebuttals and clarifications by the government prominently in all of its reports. Concerns about not being able to tackle falsehoods have no basis in reality. Therefore, there is no credible evidence that new laws to tackle fake news is necessary.

The case of *The Real Singapore* was also raised as an example of how online publications can spread fake news. However, we note that owners of *The Real Singapore* were prosecuted and dealt with, and the site no longer exists. Furthermore, no similar problems have since arisen, it is logical to conclude that existing laws are sufficient in dealing with “fake news”.

In any case, we believe that the argument against so-called “foreign influence” is a superfluous one. It assumes that Singaporeans are gullible and easily manipulated. This cannot be the case, given our world-class education system, and the fact that we are a globally connected city.

Moreover, our government is arguably more susceptible to “foreign influence” than ordinary citizens. The recent case in which we agreed to not cane alleged robber David Roach because of pressure from the United Kingdom, is an example.

Finally, we note also that in the US, President Donald Trump has used the label “fake news” to discredit credible news outlets. We urge the government not to go down the same route.

### **More transparency needed**

In March 2017, socio-political news website The Online Citizen (TOC) ran a report regarding a complaint it had received, that police had accused a reader’s 80-year-old wheelchair-bound father of stealing a motorcycle. The Singapore Police responded a day later claiming that TOC had made “false allegations” against the SPF.

However, in response, TOC said it had written to the police two months earlier, and had received no reply. It added that had it received a response, it would have included that in its article. (<https://mothership.sg/2017/03/heres-a-timeline-of-events-regarding-the-story-of-the-80-year-old-man-and-the-motorcycle/>)

CAN is of the opinion that the SPF jumped the gun in accusing TOC of creating “false allegations”. Any misunderstanding could have been avoided with a timely

response to TOC's enquiry. Writing to parties accused of bad behavior, is after all, standard practice for any credible news organisation. The police, and indeed all government bodies in Singapore, should understand that the best way to combat fake news is to treat all such queries as legitimate, and respond in an open, transparent manner.

### **Existing laws already regulate free speech**

There is sufficient legislation in Singapore to deal with online falsehoods. Indeed some of these laws are oppressive and impede free speech. For example, owners of *The Real Singapore* were successfully prosecuted under the Sedition Act.

Under S. 45 of *The Telecommunications Act*:

45. Any person who transmits or causes to be transmitted a message which he knows to be false or fabricated shall be guilty of an offence and shall be liable on conviction

- a) In the case where the false or fabricated message contains any reference to the presence in any place or location of a bomb or other thing liable to explode or ignite, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both; and
- b) in any other case, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

### **Media Development Authority's (MDA) Licensing Framework**

Online news sites which report an average of at least one article per week on Singapore news and current affairs over a period of two months, and are visited by at least 50,000 unique IP addresses from Singapore each month over the same period of two months have to remove content which is in breach of content standards within 24 hours and post a performance bond of \$50,000.

For acts that incite racial unrest, or harms religious feelings, there is the Sedition Act and Maintenance of Religious Harmony Act.

### **Recommendations**

1. Encourage more transparency from all arms of the government.
2. Legitimate queries from news organisations should be answered promptly, and treated in good faith.
3. Address falsehoods propagated by the government, such as the "Marxist Conspiracy".
4. Enact a "Freedom of Information Act" so citizens can have access to information, and be empowered to ask questions.
5. Repeal the Newspaper and Printing Presses Act – unshackle the mainstream media and allow for genuine competition so that information flows are not monopolised by entities controlled by the government.

6. Teach media literacy skills. The best way to combat fake news is to encourage critical thinking.