

Singapore

	2016	2017		
Internet Freedom Status	Partly Free	Partly Free	Population:	5.6 million
Obstacles to Access (0-25)	6	6	Internet Penetration 2016 (ITU):	81 percent
Limits on Content (0-35)	14	14	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	21	21	Political/Social Content Blocked:	No
TOTAL* (0-100)	41	41	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2017 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Teenaged blogger Amos Yee was sentenced to six weeks in jail for insulting religious groups, after which he sought asylum in the United States (see **Prosecutions and Detentions for Online Activities**).
- The common law offence of contempt of court was codified into a new statute providing for a maximum penalty of three years in jail and a fine of SGD 100,000 (US\$74,000) (See **Legal Environment**).
- The founder of *The Real Singapore* website was sentenced to ten months in prison under the Sedition Act for inflaming racial and xenophobic feelings (see **Prosecutions and Detentions for Online Activities**).
- Several individuals were given police warnings for online posts deemed to violate election laws (see **Prosecutions and Detentions for Online Activities**).
- The Court of Appeals dismissed the Ministry of Defense's appeal that it should be allowed to use a new antiharassment law to protect itself from criticism (see **Legal Environment**).

Introduction

Singapore's internet freedom environment was stable in 2017. The government continued to actively promote digital technologies while restricting their use for political dissent and for expression that could cause friction between ethnic or religious communities.

Singapore topped the World Economic Forum's Networked Readiness Index global ranking in both 2015 and 2016.¹ The internet remains Singapore's most vital platform for alternative voices, being much more open than other media or public spaces. However, online and offline restrictions mean that the internet cannot generate any significant challenge to the dominance of the ruling People's Action Party government.

The government appears less defensive than before about its free speech restrictions. This is partly because of its strong performance in the 2015 general elections, which it took as evidence of public support for a governance model that prizes order over personal liberty. It has also been noticeably emboldened by the troubled politics of Western democracies. Government officials and supporters have pointed at the rise of irrational populism, Britain's Brexit referendum, and the election of Donald Trump as proof of the folly of too much democracy.

In the past year, the government said it was seriously considering new laws to punish disseminators of "fake news," though it did not appear to be referring to content deliberately fabricated to drive revenue or mislead the public. Rather, the government criticized a leading progressive website, *The Online Citizen*, for making "false and malicious allegations" against the police. "The time has come for us not to simply rebut but to actually actively deal with it—so that people who seek to profit from such conduct will actually feel the pain of it," the Minister for Law and Home Affairs told Parliament in April 2017.² Impending amendments to the Broadcasting Act are expected to deal with overseas content providers that directly target the Singapore audience.³

The reaction to teenaged blogger Amos Yee's asylum application illustrated Singapore's strong resistance to free speech principles, in both government and legal circles. Criticizing the US judge's decision to grant Yee asylum, the Association of Criminal Lawyers of Singapore condemned Yee's posts as "hate speech" despite the fact that not even his prosecutors had suggested that he was inciting discrimination or violence—the internationally recognized legal definition of hate speech.⁴ The Law Society of Singapore took exception to the judge's statement that Yee faced persecution, countering that he was lawfully prosecuted—and ignoring the fact that the specific law used against him violates international human rights norms and has been criticized by a number of legal scholars and other groups.⁵

1 World Economic Forum, "Singapore," in *Global Information Technology Report 2016*, <http://reports.weforum.org/global-information-technology-report-2016/economies/#indexId=NRI&economy=SGP>.

2 "STR, ASS and TOC flagged by Shanmugam for publishing fake and false news," *The Independent*, April 3, 2017, <http://www.theindependent.sg/str-ass-and-toc-flagged-by-shanmugam-for-publishing-fake-and-false-news/>.

3 "Response by Minister for Communications and Information Dr Yaacob Ibrahim," March 6, 2017, <https://www.gov.sg/microsites/budget2017/press-room/news/content/response-by-minister-for-communications-and-information-dr-yaacob-ibrahim>.

4 "Singapore: Lawyers reject claims blogger Amos Yee was persecuted," *Asian Correspondent*, March 28, 2017, <https://asiancorrespondent.com/2017/03/singaporean-lawyers-reject-claim-amos-yee-persecuted/#C4zR6VScMM7AJCA.97>.

5 Jaclyn Ling-Chien Neo, "Seditious In Singapore! Free Speech And The Offence Of Promoting Ill-Will And Hostility Between Different Racial Groups," *Singapore Journal of Legal Studies* [2011] 351–372, <https://law.nus.edu.sg/sjls/articles/SJLS-Dec11-351.pdf>; "Section 298 contradicts Singapore's secularism, says Muslim group," *The Online Citizen*, December 15, 2015, <https://www.theonlinecitizen.com/2015/12/15/section-298-contradicts-singapores-secularism-says-muslim-group/>;

Obstacles to Access

As a wealthy and compact city-state, Singapore has highly developed information and communication technology (ICT) infrastructure. Its Intelligent Nation 2015 master plan for an ultra-high-speed, pervasive network achieved the target of 90 percent home broadband penetration. In addition, the national wireless network offers free public access.

Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) ^a	2016	81.0%
	2015	82.1%
	2011	71.0%
Mobile penetration (ITU) ^b	2016	147%
	2015	146%
	2011	150%
Average connection speeds (Akamai) ^c	2017(Q1)	20.3 Mbps
	2016(Q1)	16.5 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

Internet penetration is high, as is the general quality of service (see Key Access Indicators). More than 90 percent of resident households had broadband internet access in 2016.⁶ The total volume of data sent over mobile networks per month increased by more than 37 percent between 2015 and 2017.⁷

The fiber-based Next Generation Nationwide Broadband Network (Next Gen NBN), providing speeds of 1Gbps or more, reaches more than 95 percent of homes and businesses. The national wireless network, Wireless@SG, offers free public access via hot spots running at 5Mbps. The government aims to double the number of hot spots by 2018.⁸

The government is trying out a heterogeneous network (HetNet), a new wireless system that allows smartphone users to hop automatically across cellular and Wi-Fi networks for smoother mobile internet use.⁹

The government's current IT masterplan, called Smart Nation, aims to integrate technologies more seamlessly and improve Singaporeans' skills in creating, as well as using, new technologies. It is building the backbone infrastructure to support big data, the Internet of Things, and other advances.¹⁰

⁶ Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/industry-development/facts-and-figures/infocomm-usage-households-and-individuals>.

⁷ Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/industry-development/facts-and-figures/telecommunications#9x>

⁸ Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/about/newsroom/media-releases/2017/wirelesssg-enhances-login-experience-and-expands-operator-pool>

⁹ Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/industry-development/infrastructure/next-gen-national-infocomm-infrastructure/heterogeneous-network-hetnet>.

¹⁰ Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/infocomm-and-media-news/buzz-central/2014/6/singapore-lays-groundwork-to-be-a-smart-nation>

The digital divide cuts mainly along generational lines. While 99 percent of residents aged 15 to 24 reported in 2015 that they had used the internet in the past three months, the percentage was 30 percent for those aged 60 and older.¹¹ The government's Digital Inclusion Fund aims to make internet connectivity more accessible and affordable to older and lower-income Singaporeans. Under its Home Access program, around 8,000 households will receive four years of fiber connectivity and a basic computing device for SGD 6 per month.¹²

The shutdown of the 2G network in April 2017 raised concerns about the impact on people using older phones, particularly elderly Singaporeans and migrant workers.¹³ Around 100,000 subscribers were still registered on 2G networks on the eve of the shutdown.¹⁴

Restrictions on Connectivity

No known restrictions have been placed on ICT connectivity, either permanently or during specific events. The Singapore Internet Exchange (SGIX), a not-for-profit established by the government in 2009, provides an open, neutral and self-regulated central point for service providers to exchange traffic with one another directly instead of routing through international carriers, thus improving latency and resilience when there are cable outages on the international network.¹⁵

Singapore has adopted a National Broadband Network (NBN) structure, with the network built and operated by an entity that supplies telecommunications services on a wholesale-only, open-access, and nondiscriminatory basis to all telecommunications carriers and service providers.¹⁶ To avoid conflicts of interest, separate companies have responsibility for passive infrastructure and active infrastructure such as routers, as well as retail service providers downstream.

ICT Market

The dominant internet access providers are also the mobile telephony providers: SingTel, Starhub, and M1. SingTel, formerly a state telecom monopoly and now majority owned by the government's investment arm, has a controlling stake in Starhub. The market is open to independent entrants. MyRepublic launched a broadband service in 2014. In October 2015, it started 4G trials to prepare for its bid for a telco license.¹⁷ ViewQwest, another new player in the broadband market, was launched in 2015.¹⁸

11 Infocomm Media Development Authority of Singapore, 'Annual Survey of Infocomm Usage in Households and by Individuals for 2015', [https://www.imda.gov.sg/~media/imda/files/industry%20development/fact%20and%20figures/infocomm%20survey%20reports/2015%20hh%20public%20report%20\(120417\).pdf?la=en](https://www.imda.gov.sg/~media/imda/files/industry%20development/fact%20and%20figures/infocomm%20survey%20reports/2015%20hh%20public%20report%20(120417).pdf?la=en)

12 Infocomm Media Development Authority of Singapore, <https://www.imda.gov.sg/infocomm-and-media-news/buzz-central/2014/11/digital-inclusion-programme-extends-its-reach>

13 <https://sg.news.yahoo.com/pulling-2g-networks-singapore-affect-025814901.html>

14 <http://www.channelnewsasia.com/news/singapore/100-000-mobile-subscribers-still-on-2g-despite-start-of-the-netw-8708772>

15 <https://www.imda.gov.sg/industry-development/infrastructure/next-gen-national-infocomm-infrastructure/singapore-internet-exchange>.

16 iDA, "Building Singapore's Next Generation Nationwide Broadband Network, <http://bit.ly/1LlvOnl>.

17 Irene Tham, "MyRepublic starts 4G trials as part of bid for fourth telco licence," *Straits Times*, October 23, 2015, <http://www.straitstimes.com/tech/myrepublic-starts-4g-trials-as-part-of-bid-for-fourth-telco-licence>.

18 Shivaanan Selvasevaran, "ViewQwest sets sights on smart home market," Channel News Asia, November 19, 2015, <http://www.channelnewsasia.com/news/singapore/viewqwest-sets-sights-on/2275218.html>.

Regulatory Bodies

The Infocommunications Media Development Authority (IMDA) develops and regulates the converging infocommunications and media sectors.¹⁹ IMDA is not an independent public agency but a statutory body of the Ministry of Communications and Information (MCI), taking instruction from the cabinet.

In planning the all-fiber Next Gen NBN, regulators have promised a competitive industry structure that would avoid conflicts of interest and allow retail service providers that offer services to end users to purchase bandwidth connectivity at nondiscriminatory and nonexclusive prices.

Limits on Content

The government has kept a 1996 promise not to block or filter any political content. During the coverage period, there was no repeat of the May 2015 order to shut down a political website, the only such case to date. A licensing system introduced in 2013 has been used to limit the growth of independent online news start-ups by restricting their funding options. Despite such measures, the internet remains significantly more open than print or broadcasting as a medium for news and political discourse, which flow online largely unhindered.

Blocking and Filtering

The Broadcasting Act has included explicit internet regulations since 1996. Internet content providers and internet service providers (ISPs) are licensed as a class and must comply with the act's Class License Conditions and the Internet Code of Practice. Under this regime, ISPs are required to take "all reasonable steps" to filter any content that the regulator deems "undesirable, harmful, or obscene."²⁰

As a matter of policy, the IMDA blocks a list of only 100 websites for the purpose of signposting societal values. This floating list has never been made public, but no political site has been blocked. Other than a few overseas sites run by religious extremists, the list is known to comprise pornographic sites.²¹ Outside of this list, the Canada-based extramarital dating website, Ashley Madison, has been blocked since 2013, after it announced its plan to launch in Singapore.²² No other site is known to have been singled out for blocking in this manner. The use of regulation to signpost social values has been linked to the influence of religious conservatives (mainly evangelical Christians) asserting themselves more in public morality debates.²³

19 Irene Tham, "Merger of IDA, MDA spurred by changes in tech," *Straits Times*, January 27, 2016, <http://www.straitstimes.com/singapore/merger-of-ida-mda-spurred-by-changes-in-tech>.

20 Conditions of Class Licence, Section 2A (2), Broadcasting (Class Licence) Notification under the Broadcasting Act (Chapter 28) Section 9, last revised May 29, 2013, <http://www.mda.gov.sg/RegulationsAndLicensing/Licences/Documents/Internet%20Services%20and%20Content%20Provider%20Class%20Licence/Class%20Licence%20%28Post%20ONLS%29.pdf>.

21 "Internet," Media Development Authority Singapore, Regulations & Licensing, accessed July 9, 2014, <http://www.mda.gov.sg/RegulationsAndLicensing/ContentStandardsAndClassification/Pages/Internet.aspx>.

22 "MCI's response to PQ on the Ashley Madison website," Ministry of Communications and Information Press Room, November 11, 2013, http://www.mci.gov.sg/content/mci_corp/web/mci_pressroom/categories/parliament_qanda/mci-s-response-to-pq-on-the-ashley-madison-website.html.

23 Terence Chong, "Christian Evangelicals and Public Morality in Singapore," *ISEAS Perspective* 17 (2014): 1-11, accessed July 9, 2014, http://www.iseas.edu.sg/documents/publication/ISEAS_Perspective_2014_17-Christian_Evangelicals_and_Public_Morality_in_Singapore.pdf.

The Broadcasting Act empowers the MCI minister to prohibit disclosure of any directions to censor content.²⁴ This—together with the fact that most ISPs and large online media companies are close to the government—results in a lack of transparency and public accountability surrounding online content regulation.

Content Removal

Since the Class License system was introduced in 1996 (see Blocking and Filtering), it has been used once to ban a political site. In May 2015, the MDA declared that *The Real Singapore* (TRS) website had violated the Internet Code of Practice, and that its Class License was therefore suspended. The regulator said that several of its articles had “sought to incite anti-foreigner sentiments in Singapore.” Some articles were “deliberately fabricated” and “falsely attributed.” The site was taken down soon after.²⁵

The information minister said that this was only the 27th intervention against online content since 1996. Previous cases apparently involved takedown notices for specific content, but these were not made public. However, in 2013, the minister informed parliament that most takedowns were for pornographic content or solicitation; others were related to gambling or drugs. He told parliament that the MDA had never directed websites to take down content “just because it is critical of the Government.”²⁶

A separate notice-and-takedown framework exists for high-impact online news sites—those receiving visits from a monthly average of 50,000 unique IP addresses from Singapore. Since IMDA is not obliged to make its takedown orders public, and there is no culture of leaks from major media organizations, it is not possible to gauge how often this mechanism is being used.

Introduced in June 2013, the framework removes the identified sites from the class license and subjects them to individual licensing, under which they are required to comply with any takedown notice within 24 hours. The sites are required to put up a “performance bond” of SGD 50,000 (US\$35,600) as an incentive to remain in compliance.²⁷ The bond is in line with the requirement for television niche broadcasters.²⁸

Altogether, eleven news sites have been licensed under the new framework. Nine are run by Singapore Press Holdings or MediaCorp—which, as newspaper and broadcasting companies, are already subject to discretionary individual licensing and traditionally cooperate with the government (see Media, Diversity and Content Manipulation).

24 Broadcasting Act (Chapter 28) Section 3(5).

25 Belmont Lay, “Media Development Authority statement on The Real Singapore,” *Mothership*, May 3, 2015, <http://mothership.sg/2015/05/media-development-authority-statement-on-the-real-singapore/>. MDA statement: <http://www.mda.gov.sg/AboutMDA/NewsReleasesSpeechesAndAnnouncements/Pages/NewsDetail.aspx?news=661>.

26 Chan Luo Er, “MDA was right to shut down The Real Singapore: Yaacob Ibrahim,” Channel News Asia, August 22, 2015, <http://www.channelnewsasia.com/news/singapore/mda-was-right-to-shut/1837480.html>; “MCI’s response to PQs on Licensing Framework for online news sites,” Ministry of Communications and Information, July 8, 2013, http://www.mci.gov.sg/content/mci_corp/web/mci/pressroom/categories/parliament_qanda/mci_s_response_topqsonlicensingframeworkforonlinenewsites.html.

27 Broadcasting (Class Licence) Notification under the Broadcasting Act (Chapter 28) Section 9, revised May 29, 2013, G.N. No. S330/2013.

28 “Fact Sheet – Online news sites to be placed on a more consistent licensing framework as traditional news platforms,” Media Development Authority Singapore, May 28, 2013, <http://www.mda.gov.sg/AboutMDA/NewsReleasesSpeechesAndAnnouncements/Pages/NewsDetail.aspx?news=4>.

The only outlets not belonging to national mainstream media are Yahoo Singapore's news site and an independent start-up, *Mothership*. After it was licensed, Yahoo's reporters were granted the official accreditation that they had sought for several years. In 2015, *Mothership* became the first individually licensed site not belonging to a major corporation.²⁹ It appears to have been targeted purely on the basis of having crossed the regulatory threshold of 50,000 visitors a month. Although it is popular for its irreverent commentary, *Mothership* is considered moderate and not antiestablishment.

Apart from IMDA's notice-and-takedown framework, critical content may be removed by bloggers under threat of criminal prosecution or defamation suits (see Prosecutions and Detentions for Online Activities). In March 2017, the Attorney-General's Chambers told activist-blogger Han Hui Hui that she would be charged with contempt of court unless she removed a YouTube video and five Facebook postings alleging that judges were persecuting her for political reasons. She took down the offending statements and apologized.³⁰

In a separate case, a user-generated news website *All Singapore Stuff*, removed a contributor's article alleging that the police did not take seriously her complaint about being bullied. The police had refuted the accusations, adding that it would take action against people who make false allegations. The website apologized.³¹

Media, Diversity, and Content Manipulation

The online landscape is significantly more diverse than offline media. YouTube, Facebook, Twitter, and international blog-hosting services are freely available, and most bloggers operate openly. All major opposition parties and many NGOs are active online. However, independent and oppositional online media are too small and weak to redress the imbalance in Singapore's media environment, which continues to be dominated by the PAP establishment.

The biggest online news players, in terms of resources and viewership, are the internet platforms of the mainstream newspaper and broadcast outlets of Singapore Press Holdings (SPH) and MediaCorp. MediaCorp is 80 percent government-owned, with SPH holding the remaining 20 percent. SPH is a listed company, but through the Newspaper and Printing Presses Act, the government can nominate individuals to its board of directors. Since the 1980s, every SPH chairman has been a former cabinet minister. The government is known to have a say in the appointment of chief executives and chief editors.³² Their websites are subject to the notice-and-takedown framework (see Content Removal), but the main avenue of control is the routine self-censorship that also afflicts their parent news organizations.

The Online Citizen and *The Independent*, two sites known for critical commentary, have never had the capacity to generate original daily news or regular investigative features. They struggle to remain

29 "Mothership.sg to come under online news licensing framework," Channel News Asia, July 30, 2015, <http://www.channelnewsasia.com/news/singapore/mothership-sg-asked-to/2017168.html>.

30 <http://mothership.sg/2017/03/han-hui-hui-apologises-removes-posts-video-that-were-in-contempt-of-court/>

31 <http://www.straitstimes.com/singapore/all-singapore-stuff-apologises-for-unfounded-allegations-in-anonymous-contribution>

32 Cherian George, *Freedom From The Press: Journalism and State Power in Singapore*. Singapore: National University of Singapore, 2012.

financially viable.³³ These sites come under special IMDA registration rules, prohibiting foreign funding and requiring the sites to provide details about funding sources.³⁴ In effect, this shuts out grants and loans from foreign foundations, which have been essential for most independent political sites in the region.

More middle-of-the-road websites such as *The Middle Ground* (which was also asked to register) and *Mothership* appear to have had more success in attracting local investors and may be able to sustain themselves financially. This has contributed to what analysts call a “normalization” of online space, with the PAP’s ideological dominance of the offline world increasingly reflected online.³⁵ Reinforcing this trend is the proliferation of social media, which seem to have encouraged a previously silent mainstream to air their views more readily.

Furthermore, especially since the 2011 general election, individual ministers and government agencies have ramped up and professionalized their social media capacity. Major government campaigns regularly and openly commission bloggers and creative professionals.

Certain pro-PAP websites and Facebook pages attacking the opposition engage have been described as engaging in “guerilla-type activism”, with supporters responding quickly to anti-establishment comments online.³⁶ Some of *Mothership*’s sponsored content has been suspected of being paid for by government. The site identifies its sponsored posts without naming the sponsor.

Analysts described some possible content manipulation around the 2015 general election, when online rumors in the form of bookies’ odds gave detailed predictions of opposition victories in several constituencies. Since election laws ban opinion polling, these underground predictions were the only quantitative indicators of likely outcomes available to voters. Several versions were circulated widely via WhatsApp within the nine-day campaign period. The messages, pointing to an impending opposition landslide, may have sufficiently spooked some swing voters to vote more conservatively.³⁷ The case illustrates how political operatives might be able to manipulate voter sentiment in an environment where quality information is limited by regulatory constraints. Overall, though, there is no evidence of large scale deployment of cyber troops or paid online commentators.

Digital Activism

The internet is regularly used for popular mobilization by groups across the political spectrum. The success of these efforts is constrained less by online regulation than by offline restrictions on fundraising and public assembly. There is only one site—a small downtown park designated as a

33 Walter Sim, “The Online Citizen now a one-man show,” *Straits Times*, March 3, 2016, <http://www.straitstimes.com/politics/the-online-citizen-now-a-one-man-show>.

34 Wong Pei Ting, “MDA seeks registration of website The Middle Ground,” *Today*, July 29, 2015, <http://www.todayonline.com/singapore/mda-seeks-registration-website-middle-ground>.

35 Tan Tarn How, “The normalisation of the political cyberspace since the 2011 GE,” *Today*, August 26, 2015, <https://nus.edu/2eGv727>; Tan Tarn How, Tng Ying Hui and Andrew Yeo, “Whispers, not shouts: A re-reading of the social media space,” *Straits Times*, December 4, 2015, <https://nus.edu/2fwli8k>.

36 Tan Tarn How, “The normalisation of the political cyberspace since the 2011 GE”; Pearl Lee, “Supporters seek to amplify PAP voice online,” *Straits Times*, September 20, 2015, <http://www.straitstimes.com/politics/supporters-seek-to-amplify-pap-voice-online>; Tan Tarn How, Tng Ying Hui and Andrew Yeo, “Battle for Eyeballs: Online Media in the 2015 Election,” September 11, 2015, <http://www.ipsccommons.sg/battle-for-eyeballs-online-media-in-the-2015-election/>.

37 Jeanette Tan, “7 illuminating conclusions two political analysts made of the GE2015 results,” *Mothership*, November 5, 2015, <http://mothership.sg/2015/11/7-illuminating-conclusions-two-political-analysts-made-of-the-ge2015-results/>.

Speakers' Corner—where Singaporeans can gather without a police permit.

A 30 percent increase in the price of water, announced in the government's budget statement in March 2017, was highly unpopular. Singaporeans expressed their unhappiness online. A protest at Speakers' Corner drew around 100 people.³⁸ The government increased its efforts to explain the need for the move but did not back down from its decision.

Violations of User Rights

Restraints in online discourse are mainly due to fear of post-publication punitive action—especially through strict laws on defamation, racial and religious insult, and contempt of court. While citizens remain free from major human rights abuses and enjoy high levels of personal security in Singapore, the government places a premium on order and stability at the expense of civil liberties and political opposition. The authorities are believed to exercise broad legal powers to obtain personal data for surveillance purposes in national security investigations.

Legal Environment

The republic's constitution enshrines freedom of expression, but also allows parliament leeway to impose limits on that freedom.³⁹ As the ruling party has consistently controlled more than 90 percent of seats in the legislature, laws passed tend to be short on checks and balances.

In August 2016, Parliament passed a new statute codifying the offence of contempt of court.⁴⁰ The government characterized the new law as little more than a housekeeping move, as contempt had hitherto been the only criminal law based on common law. The Administration of Justice (Protection) Bill specifies that it is an offense to publish material that interferes with ongoing proceedings, or that "scandalizes the court" by publishing anything that "imputes improper motives to or impugns the integrity, propriety or impartiality of any court" and "poses a risk that public confidence in the administration of justice would be undermined." This lowers the previous threshold from "real risk" of harming the administration of justice. The maximum penalty under the new Act would be three years in jail and a fine of SGD 100,000 (US\$74,000), stiffer maximum penalties than judges had previously imposed.⁴¹

Contempt of court was already one of the most frequently applied laws restricting public debate in Singapore, invoked against bloggers writing about such issues as gay rights and the treatment of opposition politicians in the courts.⁴² Critics had been calling for Singapore's contempt laws to be liberalized in line with other Commonwealth jurisdictions, but the Bill was passed with 72 votes to 9, with members of the opposition Workers Party' voting against.

The Newspaper and Printing Presses Act and the Broadcasting Act, which also covers the internet, grant sweeping powers to ministers, as well as significant scope for the administrative branch to

38 <http://www.straitstimes.com/singapore/about-100-gather-for-water-price-hike-protest>

39 Constitution of the Republic of Singapore, Section 14.

40 <http://www.channelnewsasia.com/news/singapore/bill-on-what-constitutes/3044972.html>

41 <https://www.theonlinecitizen.com/2016/07/12/new-bill-on-contempt-of-court-proposes-unusually-harsh-punishment/>; [https://law.nus.edu.sg/about_us/news/2016/AnyRiskWillDo\(SepSLG\).pdf](https://law.nus.edu.sg/about_us/news/2016/AnyRiskWillDo(SepSLG).pdf)

42 <https://cpj.org/2015/01/singapore-blogger-convicted-of-contempt-of-court.php>; <https://www.hrw.org/news/2013/08/07/singapore-end-scandalizing-judiciary-prosecutions>

fill in the details through vaguely articulated subsidiary regulations, such as website licensing and registration rules (see Content Removal and Media, Diversity and Content Manipulation). Other laws that have been used against online communication, such as the Sedition Act and Political Donations Act, are open to broad interpretation by the authorities.

The Sedition Act, dating from colonial times, makes it an offense “to bring into hatred or contempt or to excite disaffection against the Government” or “to promote feelings of ill-will and hostility between different races or classes of the population of Singapore,” among other things.⁴³ Punishments for first-time offenders could include a jail term of up to three years. Newer provisions in the penal code (Section 298) provide for jail terms of up to three years for offenders who act through any medium with the “deliberate intention of wounding the religious or racial feelings of any person.”⁴⁴ Singapore’s first cases of imprisonment for online speech were under the Sedition Act in 2005, over postings insulting Muslims.⁴⁵ Police appear to regularly investigate complaints of insult and offense. In most known cases, police intervention at an early stage has been enough to elicit apologies that satisfy those who feel targeted by offending expression.

Defamation is criminalized in the penal code, but to date, no charges have been brought under this law to punish online speech.⁴⁶ Civil defamation law is fearsome enough. PAP leaders have been awarded damages in the range of SGD 100,000 to 300,000 each (around US\$70,000 to 200,000) in defamation suits brought against opposition politicians and foreign media corporations.⁴⁷ Electronic media have been affected: In 2002, a libel suit was leveled at Bloomberg for an online column; it settled out of court and paid three leaders damages totaling SGD 595,000 (US\$422,000).

Under the Protection from Harassment Act, a person who uses “threatening, abusive or insulting” expression likely to cause “harassment, alarm, or distress” can be fined up to SGD 5,000 (US\$3,500).⁴⁸ Victims can also apply to the court for a protection order, which could include prohibiting continued publication of the offending communication. The government also inserted into the law a section providing civil remedies for “false statements of fact” published about a person. The affected party can seek a court order requiring that the publication of the falsehood cease unless a notice is inserted setting the record straight.

An antiharassment law was enacted in 2014 and, soon after, was wielded by the government as an instrument against critics: the Ministry of Defense applied for a court order against an article published in *The Online Citizen*. Originally granted by a district court, the ministry’s application was overturned by the High Court in December 2015. The court ruled that government departments could not be considered a “person” under the Act, and therefore could not apply for protection from harassment.⁴⁹ In January 2017, the Court of Appeal, the apex court, dismissed the Ministry of

43 Sedition Act (Chapter 290) Section 3.

44 Penal Code (Chapter 224), Section 298.

45 Jaclyn Ling-Chien Neo, “Seditious in Singapore! Free speech and the offence of promoting ill-will and hostility between different racial groups,” *Singapore Journal of Legal Studies* 2011: 351-372, <http://law.nus.edu.sg/sjls/articles/SJLS-Dec11-351.pdf>.

46 Penal Code (Chapter 224), Sections 499-500.

47 Michael Palmer, “Damages in Defamation: What is Considered and What is Awarded?” *Law Gazette*, May 2005, <http://www.lawgazette.com.sg/2005-5/May05-feature3.htm>.

48 Protection From Harassment Act, <http://statutes.agc.gov.sg/aol/download/0/0/pdf/binaryFile/pdfFile.pdf?Compld:5c68d19d-19ad-49d8-b1a9-5b8ca8a15459>.

49 Selina Lum, “Government cannot invoke harassment Act to make website remove statements on Mindef: High Court,” *Straits Times*, December 9, 2015, <http://www.straitstimes.com/singapore/courts-crime/government-cannot-invoke-harassment-act-to-make-website-remove-statements-on>.

Defense's appeal with costs.⁵⁰

Prosecutions and Detentions for Online Activities

In December 2016, teenaged blogger Amos Yee fled to the United States. He was granted political asylum by a Chicago judge in March 2017. The US Department of Homeland Security appealed the decision, but it was ultimately upheld.⁵¹ Yee had served two stints in jail for online postings criticizing religions. Human Rights Watch, supporting his asylum bid, said that he was being persecuted for his political opinions, which never amounted to advocacy of violence.⁵² It also noted that Singapore tried Yee as an adult even though under international human rights law he was still a child at the time of his trials.⁵³

In his first case, Yee was sentenced to four weeks in jail in 2015. He was found guilty of wounding Christians' feelings under Section 298 for an expletive-ridden video that likened the adulation of the late leader Lee Kuan Yew to Christians' worship of Jesus. He was also found guilty of transmitting an obscene image under Section 292 of the penal code. Referencing a comment by the late British Prime Minister Margaret Thatcher that Lee was usually right, Yee had posted a manipulated image depicting the two politicians having sex.⁵⁴

Yee continued with his online commentary, including on religious themes. Again falling fall of Section 298, he pleaded guilty in September 2016 to six counts of posting videos and blogs derogatory of Christianity and Islam. He was sentenced to six weeks in jail.

In a separate case in June 2016, website owner Yang Kaiheng was sentenced to eight months in jail for posts that violated the Sedition Act.⁵⁵ His wife, Australian national Ai Takagi, had been sentenced to ten months' imprisonment in March. They were accused of using their website, *The Real Singapore* (see Content Removal), to exploit racial and xenophobic divisions in Singaporean society through posts attacking foreigners from the Philippines, India, and China. The prosecution said that the couple had invented sensational reports in order to attract readers and advertising revenue.⁵⁶

Actions were taken against several internet users in connection with election law violations. In August 2016, the police served *The Middle Ground* a "stern warning" in lieu of prosecution for publishing an article reporting on its street poll of 50 voters ahead of a May 2016 by-election.⁵⁷ It had already complied with an order to take down the article.⁵⁸ The Parliamentary Elections Act prohibits the publication of election surveys during the official campaign period.

50 <http://www.channelnewsasia.com/news/singapore/court-rejects-govt-s-appeal-to-invoke-anti-harassment-law/3442776.html>

51 <https://www.hrw.org/news/2017/04/05/us-release-singaporean-blogger-amos-yee>; <http://www.cnn.com/2017/09/26/world/amos-yee-singapore-us-release/index.html>.

52 https://www.hrw.org/sites/default/files/supporting_resources/hrw_letter_for_amos_lee_20170127_0.pdf

53 Singapore is a state party to the UN Convention on the Rights of the Child.

54 Global Freedom of Expression, Columbia University, "Public Prosecutor v. Amos Yee Pang Sang," <https://globalfreedomofexpression.columbia.edu/cases/public-prosecutor-v-amos-yee-pang-sang/>.

55 <http://www.channelnewsasia.com/news/singapore/trs-trial-yang-kaiheng/2911566.html>.

56 Elena Chong, "TRS ad revenue 'used to pay mortgage on couple's apartment'," *Straits Times*, March 29, 2016, <http://www.straitstimes.com/singapore/courts-crime/trs-ad-revenue-used-to-pay-mortgage-on-couples-apartment>.

57 <http://www.todayonline.com/singapore/website-gets-police-warning-election-survey-results>

58 "Our first take-down order from the MDA," *The Middle Ground*, May 6, 2016, <http://themiddleground.sg/2016/05/06/first-take-order-mda/>.

The election law also prohibits election campaigning on polling day and its eve (“cooling off day”). The offense is defined broadly to cover commentary, including by individuals and groups with no party affiliations. In February 2017, police issued stern warnings to four individuals for breaching this rule. One was the founder of the pro-PAP Facebook page, “Fabrications About the PAP,” while the other three were associated with *The Independent*, which has no formal party links.⁵⁹ Two other prominent activists, Roy Ngerng and Teo Soh Lung, were also investigated for breaches of cooling-off day rules. Their phones and computers were confiscated (see Surveillance, Privacy, and Anonymity).⁶⁰ In contrast, the authorities do not appear to have investigated suspicious “fake news” that may have affected the 2015 general election result (see Media, Diversity, and Content Manipulation).

Surveillance, Privacy, and Anonymity

Singapore has no constitutionally recognized right to privacy, and law enforcement authorities have wide powers to conduct searches on computers without judicial authorization.⁶¹ While many people try to communicate anonymously online in Singapore, their ability to conceal their identities from government is limited. Registration is required for some forms of digital interaction. Government-issued identity cards or passports must be produced when buying SIM cards, including prepaid cards, and buyers’ details must be electronically recorded by vendors. Registration for the Wireless@SG public Wi-Fi network also requires ID.

Details about Singapore’s surveillance capabilities and practices are unknown. However, according to the UK-based organization Privacy International, “it is widely acknowledged that Singapore has a well-established, centrally controlled technological surveillance system” that includes internet monitoring.⁶² One analyst says that “few doubt that the state can get private data whenever it wants.” The government justifies its surveillance regime on security grounds. “Whether by compulsion or natural tendency, most Singaporeans appear to be relatively sympathetic to this rationale and do not protest the government’s collection, monitoring, or even transfer abroad of data about them,” said one recent study.⁶³

Privacy International notes that law enforcement agencies are aided by sophisticated technological capabilities to monitor telephone and other digital communications. Surveillance is also facilitated by the fact that “the legal framework regulating interception of communication falls short of applicable international human rights standards, and judicial authorization is sidelined and democratic oversight inexistent.”⁶⁴

Under the sweeping Computer Misuse and Cybersecurity Act, the minister for home affairs can authorize the collection of information from any computer, including in real time, when satisfied that

59 <http://www.todayonline.com/singapore/warnings-issued-4-people-cooling-day-breaches-during-bukit-batok-election>.

60 <http://www.straitstimes.com/politics/elections-department-police-explain-cooling-off-day-probes>

61 Privacy International, “The Right to Privacy in Singapore,” Universal Periodic Review Stakeholder Report, 24th Session, June 2015, https://www.privacyinternational.org/sites/default/files/Singapore_UPR_PI_submission_FINAL.pdf; M. Ravi, “At what cost of citizen’s privacy, comes their freedom and security,” *The Online Citizen*, May 12, 2016, <http://www.theonlinecitizen.com/2016/05/at-what-cost-of-citizens-privacy-comes-their-freedom-and-security/>.

62 Terence Lee, “Singapore an advanced surveillance state, but citizens don’t mind,” *Tech In Asia*, November 26, 2013, accessed July 10, 2014, <http://www.techinasia.com/singapore-advanced-surveillance-state-citizens-mind/>.

63 Columbia School of International and Public Affairs, “Singapore,” in *Mapping Global Surveillance and Proposing Solutions to Respect Human Rights*, Spring 2015, <https://pdfs.semanticscholar.org/36a9/5f793d87f54b23fb36a8bedf43a765860440.pdf>.

64 [Privacy International. “The Right to Privacy in Singapore.”](#)

it is necessary to address any threat to national security.⁶⁵ Court permission need is not required. Failure to comply with such orders is punishable with a fine of up to SGD 50,000 (US\$35,000), a prison term of up to 10 years, or both.

Under the Criminal Procedure Code, police officers investigating arrestable offenses may at any time access and search the data of any computer they suspect has been used in connection with the offense.⁶⁶ No warrant or special authorization is needed. Penalties for non-compliance can include a fine of up to SGD 5,000 (US\$3,500), six months in prison, or both. With authorization from the public prosecutor, police can also require individuals to hand over decryption codes, failing which they are liable to fines up to SGD 10,000 (US\$7,000), jail terms up to three months, or both.

In mid-2016, police seized devices belonging to lawyer Teo Soh Lung from her home without a warrant after questioning her in relation to a Facebook post made prior to a May by-election. The police claimed Teo's post violated restrictions on political advertising in the Parliamentary Elections Act, which bars campaigning and election advertising from the day before polling (see Prosecutions and Detentions for Online Activities).⁶⁷ Lawyer Choo Zheng Xi, who witnessed the police raid on Teo's home, said that their actions were disproportionate and pointed out that her devices contained private data irrelevant to the investigation.⁶⁸

Website registration requirements, although imposed on only a small number of platforms, have raised concerns about unwarranted official intrusion into their operations (see Media Diversity and Content Manipulation). In 2013, the owner of one site, the *Breakfast Network*, declined to register because the MDA required the names of anyone involved in the "provision, management and/or operation of the website," including volunteers.⁶⁹

Responding to a parliamentary question, the government said in October 2013 that, as part of the evidence gathering process, law enforcement agencies made around 600 information requests a year to Google, Facebook, and Microsoft between 2010 and 2012. Most were for Computer Misuse and Cybersecurity Act offenses, while the rest were for crimes such as corruption, terrorist threats, gambling, and vice. Although all requests were for metadata, agencies can request content data if required for investigating offenses, the government said.⁷⁰ The Personal Data Protection Act exempts public agencies and organizations acting on their behalf.⁷¹

From July 2015 to December 2015, Facebook reported receiving 214 requests for the details of 239 accounts from the Singapore government, and 198 requests for the data of 213 Facebook users. Facebook provided data in about three-quarters of cases.⁷² From January to June 2015, Google

65 Computer Misuse and Cybersecurity Act (Chapter 50A) Section 15A.

66 Criminal Procedure Code (Chapter 68) Section 39.

67 Terry Xu, "Teo Soh Lung visibly shaken from police raid involving 7-8 officers without search warrant," *The Online Citizen*, June 1, 2016, <http://www.theonlinecitizen.com/2016/06/01/teo-soh-lung-visibly-shaken-from-police-house-raid-of-7-8-officers-without-search-warrant/>.

68 <https://www.theonlinecitizen.com/2016/06/01/teo-soh-lung-visibly-shaken-from-police-house-raid-of-7-8-officers-without-search-warrant/>

69 Bertha Henson, "Singapore opinion news site Breakfast Network to shut down," *Breakfast Network*, via Yahoo Singapore, December 10, 2013, <https://sg.news.yahoo.com/blogs/singaporescene/kitchen-closed-161623269.html>.

70 "Singapore Government's Requests to Web Services Companies for User Data," Singapore Parliament Reports, October 21, 2013, <http://bit.ly/1OZ07H7>.

71 "Personal Data Protection Act Overview," Personal Data Protection Commission Singapore, last modified February 28, 2014, <http://www.pdpc.gov.sg/personal-data-protection-act/overview>.

72 Facebook, "Singapore July 2015 to December 2015," in *Government Requests Report*, <https://govtrequests.facebook.com/country/Singapore/2015-H2/>.

received 1,408 requests to view 1,519 Google accounts.⁷³

According to details leaked by former U.S. National Security Agency contractor Edward Snowden, SingTel has facilitated intelligence agencies' access to the traffic carried on the major undersea telecommunications cable.⁷⁴

Singapore has adopted a U.S. Defense Department concept, "Total Information Awareness," to gather electronic records en masse to look for digital footprints that might provide clues of impending security threats. The idea, which has proven controversial in the United States, has been incorporated into Singapore's Risk Assessment and Horizon Scanning program. According to one analyst, "Singapore has become a laboratory not only for testing how mass surveillance and big-data analysis might prevent terrorism, but for determining whether technology can be used to engineer a more harmonious society."⁷⁵

Intimidation and Violence

There were no violent incidents targeting internet users in the past year. However the lack of protection for the expression of unpopular or dissenting views means that ICT users cannot be said to operate in an environment free of fear.

Technical Attacks

Hacking of public sector websites in past years has prompted the government to strengthen safeguards against technical attacks. A Cyber Security Agency (CSA) was established in 2015 to mitigate attacks and protect critical sectors such as energy, water, and banking. In 2017, the Ministry of Defense announced that it would deploy conscripts to the CSA and its military equivalent as part of a long term plan to train cybersecurity personnel.⁷⁶ Singapore has compulsory national service for all males. The government implemented an Internet Surfing Separation policy for public service officers, to insulate its systems from attacks via the public internet.⁷⁷

In April 2017, Parliament approved the addition of new cybersecurity provisions to the Computer Misuse and Cybersecurity Act.⁷⁸ The amendments make it an offense for a person to use or trade illegally obtained data even if they were not involved in the technical attack in which it was obtained. A standalone Cybersecurity Bill is expected to be presented later in 2017.

73 Google Transparency Reports "Singapore, Requests for User Information," <https://www.google.com/transparencyreport/userdatarequests/SG/>.

74 Phillip Dorling, "Australian spies in global deal to tap undersea cables," *Sydney Morning Herald Technology*, August 29, 2013, <http://www.smh.com.au/technology/technology-news/australian-spies-in-global-deal-to-tap-undersea-cables-20130828-2sr58.html>; *Malay Mail Online*, "Top-Secret expose: Singapore helping US spy on Malaysia," *Yahoo! News Singapore*, November 25, 2013, accessed July 9, 2014, <https://sg.news.yahoo.com/top-secret-expos-singapore-helping-us-spy-malaysia-052600023.html>.

75 Shane Harris, "The Social Laboratory," *Foreign Policy*, July 29, 2014, <http://foreignpolicy.com/2014/07/29/the-social-laboratory/>.

76 <http://www.todayonline.com/singapore/mindef-introduces-cyber-defence-as-ns-vocation>

77 <http://www.straitstimes.com/singapore/some-govt-agencies-delink-net-access-ahead-of-deadline>

78 <http://www.channelnewsasia.com/news/singapore/changes-to-singapore-s-cybercrime-law-passed/3647742.html>