

# Singapore

	2013	2014		
<b>Internet Freedom Status</b>	N/A	Partly Free	Population:	5.4 million
Obstacles to Access (0-25)	n/a	6	Internet Penetration 2013:	73 percent
Limits on Content (0-35)	n/a	14	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	n/a	20	Political/Social Content Blocked:	No
<b>TOTAL* (0-100)</b>	<b>N/A</b>	<b>40</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Not Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- Authorities introduced and selectively applied new restrictions for online news providers, requiring ten of them to comply with takedown orders within 24 hours or risk forfeiting an SGD 50,000 performance bond (see **Limits on Content**).
- Three online news startups were subject to a new registration process requiring details about all staff, and prohibiting foreign funding (see **Limits on Content**).
- One online cartoonist was threatened with contempt of court charges for political content. One prominent blogger was charged under the same law; his case is still pending (see **Violations of User Rights**).
- The prime minister initiated defamation proceedings against an activist-blogger, the first time an individual blogger has been sued by a government leader; the case is pending (see **Violations of User Rights**).

## Introduction

Singapore enjoys high and rising levels of digital connectivity. The internet has long been seen by the republic's technocratic leaders as a critical part of the national infrastructure for economic growth and education. However, they are less enthusiastic about the internet's potential for liberalizing political debate and enhancing democratic participation.

The People's Action Party (PAP) government does not filter or block as a means of restricting political expression, but it does make use of sedition, defamation, and contempt of court laws to manage dissent. Officials initiated legal action against at least three bloggers during the coverage period. Based on a history of punitive charges under broadly worded legislation, most established blogs and news websites exercise a level of self-censorship, which varies based on their appetite for risk.

This self-censorship coexists with an unceasing flow of antigovernment comments online. The vigorous use of the internet by individuals and groups opposed to PAP dominance was cited as a key factor behind the ruling party's setbacks in the 2011 general election. Ahead of the next election, expected in 2016, the government is exhibiting greater sensitivity towards online dissent. While its interventions are not severe enough to neutralize the internet's importance as a space for alternative and more authentic voices, it may succeed in slowing down the growth of independent news sites and in discouraging more organized activism.

In particular, officials appear to be trying to forestall any emergence of professionally-run, independent online news organizations with substantial reach, as has happened across the border in Malaysia. During the coverage period, three digital news startups were required to provide extensive registration information and forego foreign funding. One that refused was then banned from engaging in any online activity. Separately, the government introduced a new regulatory framework for larger online news media, strengthening official powers to control content through takedown requests and levying a compliance-related bond. Though several sites could have met the framework's criteria, it was selectively applied to just ten commercial platforms with the capacity to conduct independent news reporting; of those, just one appeared to fall outside the remit of existing media regulation. None of these platforms, whether startups or established outlets, hosted particularly combative or contested content, suggesting that this was part of a longer-term, preemptive strategy to suppress systematized independent reporting online.

Aside from these regulatory innovations, the government was also active in the use of traditional, offline legislative tools against bloggers. Although few in number, the cases sent a strong signal that the government had no intention of adopting liberal democratic norms for political discourse.

## Obstacles to Access

As a wealthy and compact city-state, Singapore has highly developed information and communication technology infrastructure. Seventy-three percent of households had internet access in 2013, while mobile phone subscriptions outnumbered residents by 56 percent.<sup>1</sup> According to the

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1 "Statistics," International Telecommunication Union, accessed July 9, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

government telecommunications regulator Infocomm Development Authority (IDA), practically all households used broadband connections.<sup>2</sup> Its Intelligent Nation 2015 master plan aims to establish an ultra-high-speed and pervasive network, with 90 percent home broadband usage by 2015. The fiber-based Next Generation Nationwide Broadband Network (Next Gen NBN) reached 95 percent of homes and businesses by July 2013.<sup>3</sup> Home owners are offered free installation for the first 15 meters of fiber running into their homes. In addition, the national wireless network offers free public access. In March 2014, the government announced that the number of hotspots would double to 10,000 by 2015.<sup>4</sup>

The digital divide cuts mainly along generational lines. While close to 100 percent of residents aged 7 to 34 reported in 2012 that they had used the internet in the past year, the percentage was 51 percent for those in their 50s and 16 percent for those 60 and older. In March 2014, the government launched an SGD 8 million (US\$6.4 million) Digital Inclusion Fund to increase internet access in lower-income households.<sup>5</sup>

The dominant internet service providers, which are also the mobile telephony providers, are Singapore Telecom (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, one of which, MyRepublic, launched a 1 Gbps broadband service in early 2014 at markedly lower rates than the incumbents.<sup>6</sup>

The internet infrastructure is regulated by the IDA, a statutory body of the Ministry of Communications and Information (MCI), which takes instruction from the cabinet. In planning the all-fiber Next Gen NBN, the IDA has 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. However, in 2013, the IDA approved the sale of the network company OpenNet, which is responsible for building and operating the passive infrastructure, to a unit of SingTel. Due to other players' concerns that the acquisition was anticompetitive, the IDA required that SingTel sell off 75 percent of its stake in that unit by April 2018.<sup>7</sup>

## Limits on Content

The government has kept a 1996 promise not to block or filter any political content and has not subjected online media to the same level of discretionary licensing that restrict newspapers and

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2 "Infocomm Usage – Households and Individuals," Infocomm Development Authority of Singapore, last modified June 17, 2014, <http://www.ida.gov.sg/Infocomm-Landscape/Facts-and-Figures/Infocomm-Usage-Households-and-Individuals#2>.

3 "Fact Sheet," Infocomm Development Authority of Singapore, July 2013, <http://www.ida.gov.sg/~media/Files/Infocomm%20Landscape/Infrastructure/Wired/NextGenNBNFACTSHEET.pdf>.

4 "Wireless@SG to Offer Seamless Wi-Fi Connectivity, More Hotspots," Infocomm Development Authority of Singapore, March 28, 2014, <https://www.ida.gov.sg/About-Us/Newsroom/Media-Releases/2014/WirelessSG-to-Offer-Seamless-Wi-Fi-Connectivity-More-Hotspots>.

5 "Bridging the digital divide," Infocomm News from Singapore, April 17, 2014, <http://www.ida.gov.sg/blog/insg/featured/bridging-the-digital-divide/>.

6 Irene Tham, "Singapore now provides one of the world's cheapest home broadband connections," *The Straits Times*, January 14, 2014, <http://www.straitstimes.com/breaking-news/singapore/story/singapore-now-provides-one-the-worlds-cheapest-home-broadband-connecti>.

7 Tan Weizhen. "IDA approves OpenNet sale to CityNet, but with conditions," *Today*, November 21, 2013, <http://www.todayonline.com/singapore/ida-approves-opennet-sale-citynet-conditions>.

broadcasters.<sup>8</sup> However, during the coverage period of this report, it strengthened its power to issue takedown orders to large commercial online news media, and imposed funding limitations on three fledgling internet news publishing companies. Both measures can be seen as a preemptive move against the future development of independent professional news sites that could seriously challenge the dominance of Singapore's politically conservative mainstream media outlets, the way the online news organization *Malaysiakini* has in Malaysia. The government is expected to incorporate these powers into the Broadcasting Act in 2015.

The internet remains significantly more open than print or broadcasting as a medium for news and political discourse, which flow online largely unhindered. Any restraint of online discourse is mainly due to fear of post-publication punitive action—especially through strict laws on defamation, racial and religious insult, and contempt of court (see Violations of User Rights).

However, 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 Media Development Authority (MDA) deems "undesirable, harmful or obscene."<sup>9</sup> Like the IDA, the MDA is a statutory MCI body and answers to the cabinet. The Broadcasting Act empowers the MCI minister to prohibit disclosure of any directions to censor content.<sup>10</sup> 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.

As a matter of policy, the MDA blocks only a list of 100 websites, for the purpose of signposting societal values. This floating list has never been made public, but is known to comprise mainly pornographic sites and perhaps a few overseas sites run by religious extremists.<sup>11</sup> In November 2013, the authorities took the unprecedented step of reaching beyond their list of 100 to block a controversial extramarital dating website, Ashley Madison. The Canadian company had declared its intention to launch in Singapore as part of its expansion into Asia, prompting complaints from conservative Singaporeans. The government said that the company "stands out" for its "flagrant disregard of family values and public morality" and as a site that "aggressively encourages and facilitates extramarital affairs and has declared that it will specifically target Singaporeans."<sup>12</sup> Observers have noted

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8 In a now-defunct web page titled "Myths and Facts about MDA and the Internet", the Media Development Authority stated: "Fact: MDA does not stop religious and political bodies from putting up web sites." Cited in Cherian George, *Contentious Journalism and the Internet* (Singapore: National University of Singapore Press, 2006), 73.; Yip Yee Hui Josephine, "Internet Regulation – A Myth in Singapore?" *The Singapore Law Review*, November 30, 2013, <http://www.singaporelawreview.org/2013/11/internet-regulation-a-myth-in-singapore>.

9 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>.

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

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

12 "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](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).

a trend of religious conservatives (mainly evangelical Christians) asserting themselves more in public morality debates, with politicians sometimes pandering to their demands for censorship.<sup>13</sup>

The MDA can also issue takedown notices for specific content. In July 2013, the government informed parliament that the MDA had issued a total of 24 takedown notices since 1996, an average of less than 1.5 per year. One was the 2012 *Innocence of Muslims* YouTube video, which several governments banned. Twenty-one were for pornographic content or advertisements for sex or sex chats, and two involved gambling. In February 2014, another site was given a takedown order for promoting drug use. The information minister said the MDA had never directed websites to take down content “just because it is critical of the Government.”<sup>14</sup> However, several bloggers have publicly acknowledged removing critical content under threat of criminal prosecution or defamation suits (see Violations of User Rights), while others are widely believed to do the same behind the scenes. The scale of such self-censorship cannot be ascertained, but is most likely routine among journalists working online.

In June 2013, an individual licensing framework took effect for large online news sites, removing them from the class license outlined above. Sites brought under this new framework are required to comply with any takedown notice within 24 hours, and to put up a “performance bond” of SGD 50,000 (US\$40,000) as an incentive to exercise best efforts.<sup>15</sup> The bond is in line with the requirement for television niche broadcasters.<sup>16</sup> The MDA said that the bond could be in the form of a banker’s guarantee, and that it was prepared to exercise flexibility if any site faced difficulty in complying with this requirement.<sup>17</sup>

The framework only covers sites reporting an average of one article on Singapore’s news and current affairs per week over a continuous two-month period, and receiving visits from a monthly average of 50,000 unique IP addresses from Singapore over those two months. Ten news sites belonging to media corporations were considered to qualify. Seven are run by Singapore Press Holdings, the publisher of most of Singapore’s newspapers, while another two belong to the government-owned national broadcaster, MediaCorp. Newspaper, television, and radio companies are already subject to discretionary individual licensing and traditionally cooperate with government. Yahoo Singapore’s news site, the only one of the ten not belonging to national mainstream media, was the likely trigger for the new regulation. Yahoo News operates a small newsroom of full-time reporters dedicated to covering Singapore for a local audience on a daily basis. Previously unencumbered by any discretionary permit system, it was sometimes slightly bolder in its political coverage, which may have drawn policymakers’ attention to the regulatory loophole. However, neither it nor any of the other nine sites could be said to have had a track record of intransigence towards political pressure, and all

13 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](http://www.iseas.edu.sg/documents/publication/ISEAS_Perspective_2014_17-Christian_Evangelicals_and_Public_Morality_in_Singapore.pdf).

14 “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\\_topqsonlicensingframeworkforonlinenewssites.html](http://www.mci.gov.sg/content/mci_corp/web/mci_pressroom/categories/parliament_qanda/mci_s_response_topqsonlicensingframeworkforonlinenewssites.html).

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

16 “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>.

17 “Online Licensing Framework,” Factually, last modified June 24, 2013, <http://www.gov.sg/government/web/content/govsg/classic/factually/20130618-factually-onlinelicensingframework>.

10 agreed to comply with the new system. Since it is unlikely that any of the 10 sites would disobey a takedown request, the full implications of the online licensing system—including whether refusal to comply would result in the unprecedented ban of a news site—may remain untested.

The new licensing framework was made public through a press release three days before it was implemented, highlighting the lack of transparent and politically independent processes for making or applying regulations.<sup>18</sup> Bloggers and other observers complained that many of its details were unclear, including how the site's audience was measured.

In parliament, the government denied that the new regulations were intended to stifle independent news coverage or criticism. It promised that the 10 sites would be consulted on the specifics of the licensing conditions to ensure that their operations would be virtually unaffected. Though prominent socio-political sites such as *The Online Citizen* qualified for the new licensing regime due to their large audience size and current affairs content the government said it was not considering extending the new rules to blogs that provide mainly commentary and did not perform regular original reporting.<sup>19</sup> However, these assurances were not written into the regulations and only deepened unease about their arbitrary application.<sup>20</sup>

While this framework was designed for the largest news sites, the government's other main regulatory maneuver of 2013 targeted smaller start-ups with ambitions to go commercial. Most socio-political blogs generate negligible revenue and therefore lack the manpower to generate original reporting and commentary on a daily basis. However, a new start-up, *The Independent*, announced its ambition to develop a professionally run current affairs site.<sup>21</sup> The team behind it included P. N. Balji, formerly editor of two national daily newspapers. Claiming that *The Independent* was on the brink of receiving foreign funding—which its owners denied—the government imposed new operating conditions on the company in July 2013.<sup>22</sup> The publisher was required to sign an undertaking not to receive funds from foreign sources other than commercial advertising and subscription revenue. In addition, it had to submit detailed personal information about its owner, editorial team, and source of funds, including the names and national identity card numbers of individual funders, to the MDA. After some back-and-forth over the exact wording of the declaration forms, the group agreed to the terms.<sup>23</sup>

The same conditions were applied to *Breakfast Network*, another new online operation with a corporate existence and an editor-publisher with significant newspaper experience. In this case the publisher decided that the requirements were too onerous and opted to close the site rather than

18 Tessa Wong, "New MDA licensing scheme for new websites," *AsiaOne*, May 28, 2013, <http://news.asiaone.com/News/Latest%2BNews/Singapore/Story/A1Story20130528-425717.html>.

19 Choo Zheng Xi, "MDA's licensing regime: why YOU should care," *The Online Citizen*, May 30, 2013, <http://www.theonlinecitizen.com/2013/05/mdas-licensing-regime-why-you-should-care/>.

20 Choo Zheng Xi, "MDA's belated "assurances": Don't let your guard down," *The Online Citizen*, May 31, 2013, <http://www.theonlinecitizen.com/2013/05/mdas-belated-assurances-dont-let-your-guard-down/>.

21 "About," *The Independent* – Singapore, accessed July 9, 2014, <https://www.facebook.com/TheIndependentSG/info>; "Investor Relations," *The Independent*, accessed July 9, 2014, <http://theindependent.sg/investor-relations/>.

22 "Registration of new website to guard against foreign influence on Singapore politics," Media Development Authority Singapore, July 29, 2013, <http://www.mda.gov.sg/AboutMDA/NewsReleasesSpeechesAndAnnouncements/Pages/NewsDetail.aspx?news=3>.

23 "The Independent explains time lag," *The Independent*, Nov 28, 2013, <http://theindependent.sg/independent-explains-time-lag/>.

register. In December 2013, the MDA issued a statement prohibiting the firm from operating “any iteration” of the website, including its Facebook page and Twitter feed.<sup>24</sup> The owner responded by winding up the company, though the group’s Facebook page continues to operate. A third site, *Mothership*, was subject to the same funding and registration requirements in April 2014 and assented.<sup>25</sup> The site, which carries current affairs commentary along with humor and lifestyle stories, is owned by a social enterprise chaired by retired top civil servant Philip Yeo. Like *Breakfast Network*, it was not accused of courting overseas backers. Nevertheless, in each case, the MDA said that its structure as a corporate entity made it “more susceptible to coming under foreign influence through foreign funding.”<sup>26</sup>

The new restrictions were built on preexisting regulations. There was already a registration system in place for sites deemed to be providing political or religious content, which required them to file with the regulator personal particulars, including the employment details, of the site’s owners and everyone involved in its operations. Through the years, a handful of sociopolitical sites were asked to register. Singapore’s first independent online magazine, *Sintercom*, closed down soon after registering in 2001, when its owner decided that registration implied an unreasonable degree of liability for the site’s content. However, most complied without being noticeably hindered. The revised registration process that the three start-ups were instructed to comply with in 2013-14 was more detailed and less transparent. While the older registration forms—like most other media license application forms—can be freely viewed on the MDA website,<sup>27</sup> the new forms were not made public, prompting criticism that the regulator was practicing “arbitrary and confusing enforcement of the law.”<sup>28</sup>

As for the foreign funding restrictions, these were first applied to online media shortly before the 2011 general election through separate legislation. *The Online Citizen*, the most active independent blog at the time, was not only ordered to register as a political site, but also declared a “political association” under the Political Donations Act of 2001, which banned it from receiving any foreign funding or anonymous local donations totaling SGD 5,000 (US\$4,000) or more per year. The ban on foreign funding appears designed to close off the possibility of any Singaporean site replicating the formula of independent news website *Malaysiakini*, which had a major impact in neighboring Malaysia after startup funds from foreign foundations helped it become commercially viable. The three start-ups that the government singled out in the past year were not the most radical in Singapore’s cyberspace, but stood out for wanting to place citizen journalism on a financially sustainable footing.

Since government restrictions have been highly selective and intermittent, the blogosphere and social media environment remains vibrant. YouTube, Facebook, Twitter, and international blog-hosting services are freely available, and most bloggers are able to operate openly. Well-established independent sociopolitical blogs include *The Online Citizen*, *TREmeritus* and *Yawning Bread*. Their

24 Charissa Yong, “MDA: Breakfast Network must stop Facebook and Twitter Updates,” *The Straits Times*, December 13, 2013, <http://www.singapolitics.sg/news/breakfast-network-must-stop-facebook-and-twitter-updatesmda>.

25 “Mothership.sg’s statement on the MDA regulations,” Mothership.sg, April 4, 2014, <http://mothership.sg/2014/04/mothership-sgs-statement-on-the-mda-regulations/>.

26 “Mothership.sg asked to register under Broadcasting Act,” *AsiaOne*, April 4, 2014, <http://news.asiaone.com/news/digital1/mothershipsg-asked-register-under-broadcasting-act>.

27 Registration Form D for Class Licensable Broadcasting Services, Media Development Authority Singapore, accessed July 9, 2014, <http://www.mda.gov.sg/RegulationsAndLicensing/Licences/Documents/Internet%20Services%20and%20Content%20Provider%20Class%20Licence/RegFrmDSubOnlnNppJan2010.pdf>.

28 Andrew Loh, “Breakfast Network – latest victim of Government irrationality,” *The Online Citizen*, December 12, 2013, <http://www.theonlinecitizen.com/2013/12/breakfast-network-latest-victim-of-government-irrationality/>.

ability to act as whistleblowers and watchdogs is hampered by the lack of any right to information laws and Singapore's plaintiff-friendly defamation law. They are also constrained by being almost entirely volunteer-run, with no capacity to engage in daily news reporting. Even before the government's restrictions on fundraising, economic viability for independent online media was a remote prospect, due to the small market for political news. In addition to sites devoted to politics and current affairs, there are several NGO sites contributing to debates within their respective spheres, such as TWC2 on migrant worker rights and ACRES on wildlife protection.<sup>29</sup>

Overall, the main limitation on content results not from blocking, filtering, or takedown requests, but self-censorship by the main news sites and blogs. Self-censorship is prompted partly by fear of the strict application of defamation, contempt of court, and other laws (see Violations of User Rights). Executives of larger media houses may also dread losing the PAP's patronage. Compared with authoritarian regimes that are more fractured and offer alternative sources of elite support, power and influence in Singapore are unusually centralized within the PAP's top echelons. As a result, news websites run by major media houses tend not to deviate significantly from the official line on controversial political issues. Universities and think tanks are not known to offer radically divergent views either.

On online forums and social media, by contrast, discourse remains disproportionately critical of the government. Since the 2011 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 who are not ideologically opposed to such relationships. There is no evidence of large scale deployment of cyber troops. However, PAP supporters appear to be shedding some of their former reticence and, encouraged by their leaders' example, are expressing themselves more, especially on Facebook. The government's efforts to increase its internet presence have at best narrowed the gap with its critics rather than extending its unfair offline advantage into the online space.

The internet is regularly used for popular mobilization, the success of which is constrained less by online regulation than by offline restrictions on fundraising and public assembly. Online activism played a major role in voicing public opposition to the government's early 2013 Population White Paper, which planned for a large immigration-led population increase to 6.9 million in 2030.<sup>30</sup> Facilitated by online publicity, activists organized a series of rallies at Hong Lim Park, the only venue where outdoor gatherings are allowed without a permit. The reaction forced the government to sidestep the population projection in February 2013.<sup>31</sup> Another online campaign protested against long-established rules prohibiting female police officers and nurses from wearing the Muslim head-cover, the *hijab*, as part of their uniforms. The pressure was sufficient for the prime minister and other cabinet ministers to meet with selected community leaders in January 2014 and promise that the government's position would gradually evolve.<sup>32</sup>

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29 Transient Workers Count Too, accessed July 9, 2014, <http://twc2.org.sg>; Animal Concerns Research & Education Society, accessed July 9, 2014, <http://acres.org.sg>.

30 Our Population, Our Future, accessed July 9, 2014, <http://population.sg/>.

31 "Amended motion on white paper adopted; 6.9 m is not a target," *The Straits Times*, April 18, 2013, <http://www.singapolitics.sg/news/amended-motion-white-paper-adopted-69-m-not-target>.

32 Amir Hussain, "Govt's stance on tudung issue evolving, says PM Lee," *Today*, January 25, 2014, <http://www.todayonline.com/singapore/govts-stance-tudung-issue-evolving-says-pm-lee>.

The news website licensing framework triggered a #FreeMyInternet campaign during the coverage period of this report.<sup>33</sup> Most independent bloggers participated, but it did not succeed in changing the government's mind. The campaign also responded to the MDA's actions against *The Independent* and *Breakfast Network*, and issued a statement in late 2013 warning that "the future of Singapore's online space remains in jeopardy from being regulated by those who do not appear to know what they are doing, and whose intentions remain unknown."<sup>34</sup>

## Violations of User Rights

While citizens are relatively 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 political opposition. During the coverage period, the prime minister sued a blogger for defamation, while another blogger faced contempt of court charges. Police briefly detained an online cartoonist for possible sedition and charged him with contempt of court, though proceedings against him were later dropped. The authorities are believed to exercise broad legal powers to obtain personal data for surveillance purposes in national security investigations, and in the past year, a government website began encouraging citizens to register before posting comments.

The republic's constitution enshrines freedom of expression, but also allows parliament wide leeway to impose limits on that freedom.<sup>35</sup> 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. 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 fill in the details through vaguely articulated subsidiary regulations, such as the website licensing and registration rules described in Limits on Content. 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.<sup>36</sup> Punishments for first-time offenders could include a jail term of up to three years. Newer provisions in the penal code 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."<sup>37</sup> Singapore's first cases of imprisonment for online speech were under the Sedition Act in 2005, when one citizen was sentenced to a month in jail and a second for a day for online postings insulting Muslims.<sup>38</sup> This was also the first prosecution under the Sedition Act since independence in 1965. One of the side effects

33 "#FreeMyInternet – Movement against new licensing requirements for online media," *The Online Citizen*, June 1, 2013, <http://www.theonlinecitizen.com/2013/06/movement-against-new-licensing-requirement-for-online-media/>.

34 "Free My Internet Press Statement on MDA," *Breakfast Network*, December 26, 2013, <https://www.facebook.com/notes/breakfast-network/free-my-internet-press-statement-on-mda/442759222492140>.

35 Constitution of the Republic of Singapore, Section 14.

36 Sedition Act (Chapter 290) Section 3.

37 Penal Code (Chapter 224), Section 298.

38 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>.

of Singaporeans' free access to social media, bypassing experienced mainstream media gatekeepers, is that members of the public now have more occasion to take racial or religious offense at content circulating in the public sphere. Police investigations into these complaints appear to be a regular occurrence, but rarely result in prosecutions, and none were reported in the period under review. In most known cases, police intervention at an early stage has been enough to elicit apologies that satisfy the targets of the offending expression.

Defamation is criminalized in the penal code and punishable with a jail term of up to two years.<sup>39</sup> To date, no charges have been brought under this law to punish online speech. Civil defamation law is fearsome enough. PAP leaders have been awarded damages in the region of SGD 100,000 to 300,000 each (US\$80,000 to US\$240,000) in defamation suits brought against opposition politicians and foreign media corporations.<sup>40</sup> Electronic media have been on the receiving end: 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\$477,000). The government has not heeded recommendations by international human rights groups to introduce caps on compensation for nonmaterial harm to reputation.<sup>41</sup> There has also been no move to modernize Singapore's plaintiff-friendly defamation law in line with recent developments in British and other Commonwealth jurisdictions, which have sought to safeguard legitimate political debate in the broader public interest. Similarly, the offense of scandalizing the judiciary has been used in Singapore to punish criticism of the court that in most democracies would be considered to fall within the norms of political debate. In 2008, a blogger was sentenced to three months in prison for this offense.<sup>42</sup>

In April 2013, Singaporean cartoonist Leslie Chew was arrested over his satirical cartoon strip, *Demon-Cratic Singapore*, which he publishes on Facebook.<sup>43</sup> The offending cartoon contained a thinly veiled attack on the "racist government" of the fictional "Demon-cratic Singapore", including a leader who "abhors Malays". He was held in custody for two days as part of an investigation into possible offenses under the Sedition Act before being released on bail. The Attorney-General's Chambers (AGC) dropped that line of inquiry in July 2013,<sup>44</sup> but charged him with contempt of court for scandalizing the judiciary.<sup>45</sup> The AGC dropped the case in August 2013 when Chew took down four offending strips and apologized.<sup>46</sup>

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

40 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>.

41 Freedom of Expression and the Media (London: Article 19, 2005), <http://www.article19.org/data/files/pdfs/publications/singapore-baseline-study.pdf>; "Singapore: End Efforts to Silence Opposition," Human Rights Watch, October 17, 2008, <http://www.hrw.org/news/2008/10/22/singapore-end-efforts-silence-opposition>.

42 Committee to Protect Journalists, "Blogger sentenced to three months in jail; newspaper faces possible contempt charge for criticizing judiciary," International Freedom of Expression Exchange, September 22, 2008, <http://www.ifex.org/singapore/2008/09/22/blogger-sentenced-to-three-months/>.

43 Demon-cratic Singapore, accessed July 9, 2014, <https://www.facebook.com/DemoncraticSingapore>.

44 "Criminal Investigations Against Chew Peng Ee," Attorney-General's Chambers, July 29, 2013, [https://app.agc.gov.sg/DATA/0/Docs/NewsFiles/AGC%20MEDIA%20STATEMENT\\_CRIMINAL%20INVESTIGATIONS%20AGAINST%20CHEW%20PENG%20EE\\_29%20JULY%202013.pdf](https://app.agc.gov.sg/DATA/0/Docs/NewsFiles/AGC%20MEDIA%20STATEMENT_CRIMINAL%20INVESTIGATIONS%20AGAINST%20CHEW%20PENG%20EE_29%20JULY%202013.pdf).

45 "Commencement of Legal Proceedings Against Chew Peng Ee for Contempt of Court," Attorney-General's Chambers, July 25, 2013, [https://app.agc.gov.sg/DATA/0/Docs/NewsFiles/AGC%20MEDIA%20STATEMENT\\_PP%20v%20CHEW%20PENG%20EE%20LESLIE\\_25%20JULY%202013.pdf](https://app.agc.gov.sg/DATA/0/Docs/NewsFiles/AGC%20MEDIA%20STATEMENT_PP%20v%20CHEW%20PENG%20EE%20LESLIE_25%20JULY%202013.pdf).

46 . Woo Sian Boon, "AGC drops contempt of court proceedings against cartoonist," *Today*, August 7, 2013, <http://www.today-online.com/singapore/agc-drops-contempt-court-proceedings-against-cartoonist>.

In an unrelated case, blogger Alex Au faced contempt of court proceedings for the second time in two years. In the first incident, the AGC alleged in 2012 that he had scandalized the judiciary in a post arguing that “police, prosecutors and judges are more indulgent towards the well-connected.” Au acceded to the AGC’s demand that he take down the post and apologize.<sup>47</sup> However, he followed it up with a critique of Singapore’s contempt laws, through which, he said, the executive had “effectively given our judiciary a blank check to be mercenary, biased, lazy and incompetent.”<sup>48</sup> More than a year later, in November 2013, the AGC again accused Au of scandalizing the judiciary in two recent posts.<sup>49</sup> Au is contesting these latest charges, for which the maximum penalty is two years in jail for each offense. Following his lawyers’ advice, Au removed the two blog posts. At the end of the coverage period, the case was headed to court.<sup>50</sup>

Official intolerance of political speech was most notable in May 2014, when Prime Minister Lee Hsien Loong sued activist Roy Ngerng for defamation. Ngerng’s blog, *The Heart Truths*, had regularly accused the government of providing citizens with inadequate returns from the Central Provident Fund (CPF), a national pension scheme built on compulsory contributions from employees and employers.<sup>51</sup> After the government announced a tightening of CPF withdrawal rules, Ngerng published a graphic illustrating the connections between the CPF Board, the government’s investment arms, and the prime minister, comparing this to a second graphic, from a news site, showing the organizational structure of a church whose leaders were in court charged with misappropriating funds. Lee’s lawyers said that the blog was thus claiming that the prime minister was guilty of criminal misappropriation of Singaporeans’ money.<sup>52</sup> Ngerng apologized and offered to pay damages of SGD 5,000 (US\$4,000). Lee’s lawyers rejected this as “derisory”, adding that Ngerng could be liable for aggravated damages as he had emailed similar allegations to the media even after apologizing.<sup>53</sup> Defamation proceedings commenced at the end of the coverage period. An open letter to the prime minister, signed by more than 50 citizens including prominent activists and bloggers, called for greater respect for freedom of expression and argued that his threat of legal action was “an oppressive tool with undue chilling effects on public discourse”.<sup>54</sup> Marking the first time that an individual blogger was being taken to court for defamation by a government leader, the case was seen by commentators as evidence of a souring of relations between the ruling party and critical segments of the public.<sup>55</sup>

47 Alex Au, “Woffles Wu case hits a nerve,” *Yawning Bread*, June 18, 2012, <http://yawningbread.wordpress.com/2012/06/18/woffles-wu-case-hits-a-nerve/>.

48 Alex Au, “Using power to give immunity to the powerful,” *Yawning Bread*, July 15, 2012, <http://yawningbread.wordpress.com/2012/07/15/using-power-to-give-immunity-to-the-powerful/>.

49 Alex Au, “AGC versus me, the 2013 round,” *Yawning Bread*, November 27, 2013, <http://yawningbread.wordpress.com/2013/11/27/agc-versus-me-the-2013-round/>.

50 Alex Au, “My contempt of court trial starts 21 October 2014,” *Yawning Bread*, October 21, 2014, <https://yawningbread.wordpress.com/2014/10/21/my-contempt-of-court-trial-starts-21-october-2014/>.

51 Roy Ngerng, *The Heart Truths*, <http://thehearttruths.com>.

52 Tham Yuen-C, “Blogger asked to remove defamatory post about PM Lee,” *The Straits Times*, May 19, 2014, <http://www.singapolitics.sg/news/blogger-asked-remove-defamatory-post-about-pm-lee>.

53 Nur Asyiqin Mohamad Salleh, “PM Lee rejects blogger’s offer of \$5,000 as damages,” *The Straits Times*, May 27, 2014, <http://www.singapolitics.sg/news/pm-lee-rejects-bloggers-offer-5000-damages>; Nur Asyiqin Mohamad Salleh, “Blogger misled PM Lee, public a second time: Davinder Singh,” *The Straits Times*, May 27, 2014, <http://www.singapolitics.sg/news/blogger-misled-pm-lee-public-second-time-davinder-singh>.

54 Howard Lee, “Citizen Statement on Prime Minister Lee’s Defamation Action against Mr Roy Ngerng,” *The Online Citizen*, May 22, 2014, <http://www.theonlinecitizen.com/2014/05/citizen-statement-on-prime-minister-lees-defamation-action-against-mr-roy-ngerng/>.

55 Catherine Lim, “An Open Letter to the Prime Minister”, *catherinelim.sg: political commentaries on Singapore*, June 7, 2014, <http://catherinelim.sg/2014/06/07/an-open-letter-to-the-prime-minster/>.

A more positive recent development is the emergence of a small handful of Singaporean lawyers prepared to take on human rights and other public interest cases, including M. Ravi, Peter Low, and Choo Zheng Xi. This increases the likelihood of defendants claiming trial, and opens up the possibility of the court system making incremental advances towards greater freedom of expression. When blogger Han Hui Hui faced the threat of legal action from the Council of Private Education over emails she sent to the media alleging that the body had lied to reporters, her lawyer Ravi helped her apply to the courts for a declaration that a government body was not entitled to sue an individual for defamation. Although the dispute was settled, Han and her lawyer said that they would persist in their effort to get a High Court declaration on this legal question.<sup>56</sup> Ravi is also representing Ngerng.

While many people communicate anonymously online in Singapore, 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. Website registration requirements, although imposed on only a small number of platforms, have raised concerns about unwarranted official intrusion into their operations. The owner of *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.<sup>57</sup> Starting from December 2013, the government's main citizen consultation portal, REACH, required users to log in to their Facebook accounts before posting comments, in the belief that anonymity was encouraging irresponsible behavior on the site. Government leaders said they hoped the example would encourage the owners of other Singaporean discussion platforms to follow suit, but have not required it.<sup>58</sup>

Even without registration, surveillance is "an accepted but hidden fact of life" and "few doubt that the state can get private data whenever it wants," as one technology blog put it.<sup>59</sup> Under the sweeping Computer Misuse and Cybersecurity Act, for example, the minister for home affairs can authorize the collection of information from any computer, including in real time, when satisfied that it is necessary to address any threat to national security.<sup>60</sup> Court permission need not be sought. Failure to comply with such orders is punishable with a fine of up to SGP 50,000 (US\$40,000), 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.<sup>61</sup> No warrant or special authorization is needed. Penalties for non-compliance can include a fine of up to SGP 5,000 (US\$4,000), 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 SGP 10,000 (US\$8,000), jail terms up to three months, or both.

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56 Jeanette Tan, "Blogger Han Hui Hui seeks to reopen court case," *Yahoo! News Singapore*, October 28, 2013, <https://sg.news.yahoo.com/blogger-han-hui-hui-challenges-council-of-private-education-to-sue-her-093853015.html>.

57 Breakfast Network, December 9, 2013, <https://www.facebook.com/BreakfastNetwork.SG/posts/437024253065637>.

58 Amir Hussain, "Laws needed in online sphere for accountability, says Shanmugam," *Today*, November 30, 2013, accessed July 9, 2014, <http://m.todayonline.com/singapore/laws-needed-online-sphere-accountability-says-shanmugam>.

59 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/>.

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

61 Criminal Procedure Code (Chapter 68) Section 39.

In August 2013, international news reports said information leaked by former U.S. National Security Agency contractor Edward Snowden revealed SingTel had facilitated intelligence agencies' access to the traffic carried on the major undersea telecommunications cable, SEA-ME-WE-3,<sup>62</sup> but the news did not provoke an outcry among Singaporeans. Members of parliament and other commentators did appeal for more transparency regarding official surveillance efforts in the past year. 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.<sup>63</sup> The Personal Data Protection Act enacted in 2012, which comes into force in July 2014, exempts public agencies and organizations acting on their behalf.<sup>64</sup>

There were no violent incidents targeting internet users in the past year, though trolling and cyber harassment have emerged as major concerns in official circles as well as among many internet users. A section of the *Straits Times* website that reported on government websites being hacked was itself attacked in November 2013, by a hacker using the moniker of the global hacktivist collective Anonymous.<sup>65</sup> A new Protection from Harassment Bill was passed by parliament in March 2014, covering online as well as offline and face-to-face communication. It provides both criminal and civil remedies for victims of harassment, alarm, or distress. Where the offense is intentional, possible sanctions include a fine of SGP 5,000 (US\$4,000) and six months' imprisonment. Civil remedies include protection orders and factual corrections of false statements.

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62 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>.

63 "Singapore Government's Requests to Web Services Companies for User Data," Singapore Parliament Reports, October 21, 2013, accessed July 10, 2014, <http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00005146-WA&currentPubID=00005228-WA&topicKey=00005228-WA.00005146-WA.1%2BhansardContent43a675dd-5000-42da-9fd5-40978d79310f%2B>.

64 "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>.

65 "'Anonymous' hacker targets Straits Times website," *Today*, November 1, 2013, accessed July 10, 2014, <http://www.todayonline.com/singapore/anonymous-hacker-targets-straits-times-website>.