

## **Written Representation 14**

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Dear Sir

I refer to the Green Paper issued by the Ministry of Communications and Information and the Ministry of Law on Deliberate Online Falsehoods: Challenges and Implications, and the invitation for submissions from the public to the Select Committee.

At the outset, I wish to express my appreciation for the well-researched Green Paper which sets out the risks posed by disinformation. As a citizen of Singapore, I am keen to ensure that our society is not torn apart by lies and that our political processes are not perverted by fake news. While I do not propose to comment comprehensively on the various issues raised by the Green Paper, there are certain specific aspects which I wish to touch on as follows.

### **Truth proposition or opinions?**

At the core of the fake news debate is the issue of how to categorise a statement as either true or fake. In order to be capable of such categorisation, the statement has to be a truth proposition e.g. he threw a lighted cigarette into the dustbin; and not a statement of opinion or belief or preference e.g. durians are delicious. While it is possible to ascertain the truth of the holding of an opinion or belief or preference (e.g. if he thinks durians are delicious, why is it that he never eats them when offered and instead pinches his nose and walks away), the opinion itself is incapable of being a truth proposition. It is simply a discretionary and subjective view.

While this may seem like a minor distinction, I submit that there are greater implications where important matters such as religion and faith are concerned. Although most may think that faith and religion would fall into the 'beliefs' category, these beliefs are usually based on truth propositions - some of which can be tested and some not. For example, a central tenet of the Christian faith is that Jesus Christ is a historical figure who existed more than 2000 years ago. If a contrary statement were to be made that Jesus Christ is a myth who never existed, it would be a truth proposition capable of being proved or disproved.

Therefore, while it is possible for the truth proposition of religions to be debated on the basis of which is true and which is false based on evidence, the religious beliefs based on those underlying propositions should remain free to be held by those espousing them. This will allow respectful discourse to take place as to the credibility of underlying truth propositions without disrespecting the freedom to hold any religious beliefs.

## **Raising concerns**

It is widely acknowledged that the raising of concerns, sometimes referred to as whistleblowing, has the ability to expose misconduct, allowing the relevant authorities to stop the violation, limit the damage and bring people to account. Conversely, the absence of an effective channel to raise concerns has allowed corrupt and dishonest schemes to be perpetuated over long periods of time.

While law enforcement agencies and corporate compliance programs emphasise the importance of people coming forward to raise concerns, it remains the case that Singapore does not have any overarching legislation protecting whistleblowers or people raising concerns against retaliation. There may be specific protections relating to anonymity of informants but they are restricted in scope. Moreover, Singapore has tough defamation laws which could be used to stifle genuine expressions of concern. In certain cases, persons who raised concerns were threatened with defamation lawsuits and were forced to publicly apologise, only to be vindicated at a much later stage, when the concerns regarding misconduct of the allegedly defamed party turned out to be true.

In the context of fake news, it can be easy for those criticised for misconduct to dismiss those criticisms as being false. If measures are put in place to target those who peddle falsehoods, it would be equally, if not more, important to ensure that such measures do not inadvertently silence people who wish to raise genuine concerns. Instead, I submit that legislation should be enacted to protect those who genuinely raise concerns based on reasonable grounds. Such legislation should also modify the state of defamation laws such that the expression of genuine concerns, even if *prima facie* defamatory in nature (as they inevitably would), should be protected from legal liability by qualified privilege.

Such protections would also extend to situations where news is circulated with the intent of preserving public interest, which though motivated by genuine concern, may turn out to be misguided or overstated e.g. advisories from schools on strangers offering rides to students who may be trying to kidnap them. Doing so will provide assurance to those who, out of civic-mindedness, alert others to suspicions of misconduct without necessarily requiring conclusive findings of such misconduct to be shown.

## **Online vs traditional communications**

While the speed and scope of coverage of news enabled by the internet and social media has rendered the issue of fake news more significant, the measures that will be adopted at the end of this consultation process should also extend to traditional modes of communication. This is because the fundamental concerns remain the same between a WhatsApp message saying that pork has been found in halal food at a certain supermarket and a man falsely shouting “fire, fire!” in a crowded cinema.

I hope the above views are helpful to the Select Committee on its deliberation of this important topic. I will be happy to discuss in further detail if necessary.