

## Written Representation 26

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Mr Charles Chong  
Deputy Speaker of Parliament  
Chairman of the Parliamentary Select Committee on fake news

Dear Sir,

I thank you and the committee members for this opportunity to put forth my views. As a former journalist and now a blogger, I have been writing about the fake news phenomena from the time it was more commonly known as lies and propaganda. My online columns on this topic have picked up pace since Mr Donald Trump coined (and degraded) the term, to mean news that he did not like.

I have a deep and abiding interest in this subject, which I also teach as part of a module in the National University of Singapore. I would add that I also have plenty of experience sifting the truth from lies and am a firm upholder of professional standards of journalism.

My paper is focused on point d of the committee's terms of reference, on how Singapore can prevent and combat online falsehoods. Taking to heart that legislation is not a given, which is the impression that many have formed from media reports, I would like to recommend other measures that can be taken.

I hope you will peruse my paper and forgive any intemperate remarks contained therein. What I write is sincerely felt, and if I have been misinformed on any aspect, I am sure the committee will enlighten me!

Thank you for your time.

Bertha Henson

## Introduction

It is universally recognised that fake news is a problem, especially if they lead to untoward action on the part of the misinformed. I contend, however, that new fake news legislation will not only serve to curtail local expression, but is powerless against the real threat, which is extra-national. Even in countries which have been on the bad end of fake news, new laws are directed against organisational behemoths to ensure greater accountability and transparency, rather than against individual citizens.

Singapore already has a formidable arsenal of tools governing expression which the Green Paper neglected to mention. Adding yet more legislation is risky for Singapore.

What are the risks?

- a. That a law embedded in the books will allow imprudent governments to make injudicious use of it to quash legitimate dissent – especially since the concept of “fake news” even with “deliberate intent” is so broad and vaguely understood.
- b. That such a law would polarise/divide Singaporeans over what they consider acceptable news or views, because it is not a concept that can be easily grasped.
- c. That such a law would constrain people from speaking up because they unsure of the line between fake news and badly reasoned views.
- d. That such a law will not succeed in keeping all forms of fake news out in any case, since technology always moves faster than legislation.
- e. There is already some confusion over how/why the current laws are applied in some cases but not others. Selective application of yet another law will further erode the public’s trust in the authorities -- which has already been declining over the past few years, according to the Edelman 2018 trust survey.

I am of the view that a different approach is needed: one that will increase the population’s level of immunity to fake news, rather than attempt to screen it from all forms. This approach will also do away with the need to define “deliberate fake news” which is the key subjection of contention everywhere. One key principle: we must the ability to deal with ***potential consequences*** of deliberate fake news, rather than fake news per se.

### Use existing legislation

Singapore's small size, open climate and its diverse population makes it vulnerable to outside influences. This is expounded in the Green Paper. But what is not said is that the country has, over the years, safeguarded itself from such nefarious influences with a series of laws that restrict expression. It can be argued that our laws are more wide-ranging than those implemented in the West, some of which have "hate speech" laws, and deal with a greater variety of circumstances.

The Government has also used such laws where it believes that speech, whether real or otherwise, online or offline, would cause societal disharmony. The laws include Sedition Act, Public Order Act, Public Entertainment Licence, Internal Security Act, Protection from Harassment Act, Maintenance of Religious Harmony Act, Telecommunications Act, Administration of Justice Act and defamation laws.

None of them deal with fake news per se. But they place a premium on the potential consequences of speech, which should be our chief concern about this phenomenon. Current legislation **already** gives the Government the leeway to judge whether certain expressions (whether true or false and including inflammatory opinions) would have an inimical impact on the population. Given that fake news is a subset, current laws should be adequate to deal with egregious perpetrators of fake news.

For example, in the case of the poster who faked a Wanbao headline on the City Harvest case, the Government considered its impact on the reputation of judges, and hence resorted to the Administration of Justice legislation. Contempt of court proceedings can be brought against anyone in whatever form, not just faked headlines.

Similarly, lies that are told to disrupt multiracial harmony can be dealt with by the Sedition Act or the Maintenance of Religious Harmony Act while individuals can use the Protection from Harassment Act to have websites take down information (true or false) that do them harm.

### Update the Broadcasting Act which is now being reviewed

All online websites are already regulated by the class licensing code which gives iMDA the power to invoke a 24-hour take down notice on complaints of breaches of the Internet code of conduct.

According to iMDA: "Since the Class Licence was introduced in 1996, MDA has asked websites to remove content that was in breach of content guidelines only 24 times. Only one instance was for content that was religiously-insensitive, and most other instances had to do with pornographic material or advertisements soliciting sex."

There are two ways to view this: That almost all websites do not contain problematic or prohibited material or that the iMDA is too lax in enforcement. Likewise, so far, the Government has pointed out only a handful of fake news examples circulating in Singapore.

I am of the view that invoking the Class Licence condition is preferable to using new or even current legislation to deal with sources of fake news. In fact, this would have been a speedier way to deal with the fake news articles on the now-defunct website TheRealSingapore, rather than using the Sedition Act first, and then invoking MDA's powers to shut down or block the site.

I suggest that the government makes it known to the public whenever it invokes the condition, with an explanation as to the inappropriateness of its content, so that all are aware of the limits of expression.

To this end, the Internet Code of Practice should be updated so that Internet content providers are left in no doubt that Singapore does not condone practices that including lying to the population for the sake of achieving greater readership or at the expense of peace and security. This will be an important moral marker that expresses society's abhorrence for lying.

Another suggestion is to draw up a token list of banned websites which propagate fake news, as is the case with the 100 pornographic sites that have been taken out of sight.

#### Counter fake information with more information

Singapore's media landscape is vastly different from the west, where the problem is partisanship and varying perspectives. Here, the media is tightly regulated and this gives rise to the perception that it would always hew to the official line and only use officially sanctioned information. There is not enough diversity of news nor views.

Unofficial OB markers mean that mainstream media is careful about treading on sensitive territory, such as race issues and alternative narratives of Singapore's history, leaving the space open for others to inhabit – and distort. These factors, plus the increasing lack of diverse mainstream media editorial products in the past year, only serve to drive readers online for other non-mainstream sources.

This erosion of trust in the media is borne out in the Edelman 2018 survey on trust which showed a 2 percentage point dip in trust in mainstream media and a corresponding rise in trust in platforms. Just 52 per cent of people put their trust in it. The invocation of the Official Secrets Act recently has not helped the case for Singapore journalism, as asking for information to confirm a tip-off from sources can be illegal.

Fake news proliferate or half truths are told, when real info is not readily available. Misinformation is best countered by sufficient, timely, accurate and relevant information. But there is an increasing perception that the Government is unwilling to share information, or wishes to have full control over its dissemination.

This is especially the case for non-traditional media sources, which have little or no access to officialdom and have to rely on other unofficial sources for information.

The Government can lead the way by responding to requests for information from citizens who see their role as informing the populace in good faith. The increasing complexity of communications means that management of information cannot be centralised or contained in one space. It should also be evident to the Government that professional standards in mainstream media are falling, with increasing numbers of information gaps and the lack of explanatory journalism.

In such a media landscape, it would be best to empower as many citizens with information rather than have them fill in the gaps in an information vacuum.

Such free flow of information might be inconvenient to organisations with established work processes, but has become increasingly necessary for the development of a mature citizenry.

### Impose more rigorous standards of sponsorship and advertising

Getting “paid to write” has become a fixture in the media industry. Professional organisations abide by their own code of ethics, which require that they disclose to their audience payments for articles published and programmes broadcasted – sometimes to the ire of their paymasters. Increasingly, however, such “alerts” have been given less prominence.

For example, signals that certain content is really an advertorial or has been paid for by sponsors are pushed into corners which are easily missed or as “fine print” instead of being emblazoned boldly as in the past.

While professional outfits, at least, abide by some standards, there are increasing numbers of bloggers and social influencers not schooled in communications ethics, blatantly touting such commercial ventures as bona fide editorial products. Even at the university level, ethical communications is not a subject that is taught to students of journalism, new media or public relations.

I am aware that such articles/programmes might not constitute fake news per se and would not set the country on fire. But in line with setting markers that promote transparency and honesty, I suggest a requirement that all websites include notices of paid-for items, as is the case for mainstream editorial products. This is not unlike the French legislation to force shadowy paymasters to the fore. Alternatively, complaints of such under-the-table money can be directed at the Advertising Standards Authority of Singapore to handle.

### Encourage official and civic efforts

I am glad that the Government’s Factually website has improved greatly in its efforts to debunk fake news circulating on social media in the past few months. Of note is its response to online rumours that the Government has “secretly” raised the CPF minimum sum or has a 20 per cent quota on foreign students in our universities. Such direct responses are far better at capturing attention than explanations of Government policy, such as why Singapore is moving towards e-payments. I

suggest going one step further – to reproduce a selection of the fake news content (minus names) when giving its response to capture more eyeballs and warn people against sharing such posts,

Unlike other countries where there are civic groups which call out fake news, Singapore's effort seems to be led mainly by the Government, and then reported in the media. To put it bluntly, there are segments of the population which do not believe the Government even when the truth is told. In my view, the fight against fake news must be to ensure that the vast middle ground can hold their own against the onslaught of fake news, or even take the fight to the perpetrators.

Ideally, a group of civic-minded individuals or a non-profit group can take up the cause of debunking fake news and publicizing it widely. But this is resource-intensive and require sound judgment. Even the Government's Factually website confines itself to one post a week.

More media literacy courses can be conducted of course, but it would take a long time for the concepts to take hold and have an impact.

One way is to build up the people's immunity to the stings of fake news: a weekly compilation of "crazy/faked stuff online" whether local or foreign, accompanied by how the content was found to be false. It should be disseminated far and wide. This approach is do-able, whether as a project by the Media Literacy Council or undertaken by student-journalists under the guidance of faculty members. Written wittily, it would do better in ridiculing perpetrators and consumers of fake news rather than reams of explanatory journalism.

#### Add voice to international efforts

Governments world-wide are taking the fight to the tech giants to stop fake news content at its source or at least curb its spread. They acknowledge that they are powerless against fake accounts, algorithms and bots that only social media companies such as Facebook, Twitter and Instagram can act against. Nevertheless, it is clear that international pressure, which has included fines and official investigations, has had some effect. Singapore should add its voice to this effort. As the current chairman of ASEAN, it might wish to push for a strong statement from the ASEAN 10, to show the media/tech giants that the concern over fake news is not confined to Western nations.

#### Separate measures for countering foreign influence/agents

Concerted foreign intervention is a form of subversive espionage and the full weight of the law must be brought to bear on foreigners as well as their local proxies. Their methods, however, extend far beyond disseminating fake news. They could include promoting (real) causes inimical to Singapore's future.

Current laws and regulations ban foreign sponsorship of assemblies and receiving overseas monies for activities which are not bona fide commercial activities. In my view, these diverse legalization could be grouped together to show the seriousness with which we view foreign influence. It will also assure citizens that laws against fake news are to protect the integrity of the Singapore system against outsiders, and not directed at well-meaning citizens who offer differing viewpoints.

### Conclusion:

I believe there are already enough levers for the Government to pull to curb bad expression (whether real or false) - and it has done so. The current legislative and regulatory arsenal already allows the government much discretion to decide whether certain expressions have crossed the line and whether to take a soft or hard approach against individuals. Furthermore, during elections, new regulations and safeguards have always been put in place to ensure that voters' choices aren't unduly influenced by outside forces or skewed campaigning. I reckon that Singapore is at the forefront of most countries when it comes to safeguarding the people against negative influences – and even against themselves - precisely because we know how easily a small, multiracial society can fracture into many parts.

Any new law Singapore proposes should be directed at ensuring greater accountability on the part of the tech companies and setting a clear line against foreign influence. This is mainly the case with governments elsewhere.

For the local population, I advocate an inoculation approach where Singapore clearly puts forth its stand on deliberate and mischievous fake news, whether in codes of conduct or regulations or bans. This approach should encourage an open exchange of real information and opinions as a counter-measure, even as “news” about fake news are widely publicized. We need to build a culture of transparency and honesty, requiring that the truth be told of the agendas or motivations behind what people say or write.

This way, we do not crimp further the Singaporeans' reluctance to voice opinions for fear of crossing some invisible line. The space for civil discourse should not be left to the vocal (rabid) few, but encompass as many ordinary citizens as possible. Even the misinformed and irrational have their place if the informed and rational aren't too afraid to speak up.

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