



MARUAH's Statement on the Select Committee and on the Discussions on Deliberate Online Falsehoods

1. MARUAH, a human rights organization, thanks the Select Committee for the time given to this process, and to the staff of Parliament for their effort in administering to the hearings.
2. We issue a statement here that deals with two main areas – Part A: The Select Committee's Conduct; Part B - Reflections on the Discussions on Deliberate Online Falsehoods (DOFs)

Part A: The Select Committee's Conduct

3. We also like to put on record our misgivings on the proceedings of the Select Committee as carried out when MARUAH was a witness¹ and when we were observers at the hearings. We express our dissatisfaction at the modus operandi and the approach that the Committee took on when it came to the hearings from some civil society actors, online media practitioners, technology providers, academics. There were instances of aggression and a confrontational stance that underpinned the approach taken for these witnesses. We believe in a non-confrontational approach to each other and accept challenges – even if they were terse - on the submissions made. But what we observed on March 27th and March 29th, the Committee was unrelentingly adverse to these particular witnesses.
4. A look at the Select Committee's terms of reference (TOR)² shows that the Committee is to examine and report on Deliberate Online Falsehoods (DOFs) based on:
 - the phenomenon of using digital technology to deliberately spread falsehoods online falsehoods;
 - the motivations and reasons for the spreading of such falsehoods, and the types of individuals and entities, both local and foreign, which engage in such activity;
 - the consequences that the spread of online falsehoods can have on Singapore society, including to our institutions and democratic processes;
 - how Singapore can prevent and combat online falsehoods, including looking at the principles that should guide Singapore's response; and any specific measures, including legislation, that should be taken.

MARUAH highlights here that the Committee - most of whom are legally trained - by its TOR mandate, is engaged at the bequest of Parliament, to work on the submissions and with witnesses, giving them an opportunity to share their ideas, defend their positions, be challenged on the substance of their submissions, and co-create possible solution, if one goes by the TOR. Both parties – the Committee and the witnesses – in carrying out this role act in good faith for the cause of dealing with DOFs.

5. On one hand, the Committee had prepared well for the sessions, having many samples of historical information, examples of online content, academic research and studies done by various institutes. Witnesses had also come prepared to defend their submissions and when challenged, to accept

¹ MARUAH submitted a written submission and our Vice-President, also gave oral testimony to the Select Committee

² <https://www.parliament.gov.sg/sconlinefalsehoods>

reflections on their submission, share suggestions and solutions. MARUAH states that in the sessions we observed, the Committee was overly focused, through a process of intense interrogation, on showing that the witnesses were propagators of 'falsehoods'³ or sharing 'falsehoods' as online content providers. The methods used by the Committee were: to elicit, frequently only a "yes" or "no" response to the questions posed; inconsistent in giving space to witnesses to elaborate, qualify or make an exposition on the remarks made to them; to make a demand on the witnesses to respond immediately to the extracts of examples, that were shared during the sessions; often disallowing any misgivings or queries that witnesses wished to make or raise. Whilst MARUAH agrees that the TOR does not prescribe a modus operandi and an approach for the Committee to employ with the witnesses, nevertheless, it needs to be said that the Committee functioned, unnecessarily, in a disrespectful manner, at times, patronisingly and discriminatingly. These hearings, MARUAH ventures to say, were akin to being in a courtroom⁴. Incidentally no witness in these hearing sessions is an accused party to any wrongdoing on 'falsehoods'. And if the government were to feel that there was wrongdoing, this can be ascertained through a non-Parliamentary mechanism.

6. So, MARUAH asks here if the modus operandi and the approach taken on by the Committee was within its remit as mandated by the TOR, based on the fact too that the DOFs seemed to have taken a backseat in the hearings, especially the one held on March 29th, 2018.
7. We emphasise - CSOs, online media journalists, academia, students, and concerned individuals – are all trying to do what is good for Singapore. We need to build up a higher level of trust and even if we disagree, we (us included) ought to handle and manage the discourse well. At the end of the day we want that engagement, that submission of thoughts, expertise as we build up a society, together. We will continue our work and rise to the challenges, ahead. We need to build up that trust for each other and accept that no one institution has all the answers to make our society a better place and to be positive actor in the world.
8. MARUAH congratulates the Committee for having received 170 written submissions and that it had called 65 witnesses to give oral testimony⁵. This is a record high for public participation in a Parliamentary Select Committee and is an encouraging sign of rising citizen engagement in national affairs by Singaporeans. Witnesses at the hearings have proposed various responses on DOFs and the Committee will make its own recommendations when it issues its final report. We also hope that interested organisations and individuals will not be affected by the approach taken thus far by the Committee, and remain true to the cause that they believe in, as those affected are continuing too, with their contributions.

Part B: Reflections on Discussions in relation to DOFs

9. The sessions, the summaries and mainstream and online media reports all point to the challenge of deciphering what is the 'truth' and what is 'false' by both visible and invisible content providers. However, MARUAH says that we must also remember the positive and pivotal role online media plays in widening our intellectual, psychological, emotional, spiritual, social capacities, beyond the traditional education routes of mainstream media and information sources from leaders, such as politicians, religious bodies, communities and civil society.
10. We agree with many of the views expressed in the sessions. But we also state that we are no closer to defining 'falsehoods', the specificity in the criteria to establish the constitution on 'deliberate' actions and on 'severe harm'.

³ The terms 'falsehoods', 'deliberate', 'serious harm', 'extreme harm' will be expressed throughout this document, in inverted commas ('xxx') as we feel that it needs definition that experts will create and we hope, in consultation, with many stakeholders.

⁴ Court decisions are based on what the law says and what the evidence proves; there is no place in the courts for suspicion, bias or favouritism. This is why justice is often symbolized as a blindfolded figure balancing a set of scales, oblivious to anything that could detract from the pursuit of an outcome that is just and fair;
http://www.cscja-acjcs.ca/role_of_courts-en.asp?l=4

⁵ MARUAH too submitted a written submission and was invited to be a witness.

11. We reiterate our point in the submission that we do not wish to have more restrictions through more legislation as we already have enough legislation⁶ and now especially with advent of the approved Public Order and Safety (Special Powers) Act (POSSPA)⁷. We repeat a call to review current laws, and now include the Singapore Code of Advertising Practice (SCAP).
12. MARUAH supports the suggestion made by a witness for an Independent Council to be set up. We ask that it be a multi-stakeholder body (inclusive of academics, online and mainstream media practitioners, tertiary level students) to function, establish and ascertain definitions of 'falsehoods', 'deliberate', 'serious harm' and that this council also works out in relevant and realistic terms: assessing 'falsehoods'; impact of 'falsehoods' on people and on infrastructure; develop follow-up remedial actions that could include preventive work through 'fact-checking'; ensure there is transparency and a willingness to share information; develop clearer frameworks for regulated technology networks and service providers when it comes to content that can cause 'extreme harm' or 'serious harm',
13. We share a pertinent reflection that we need a holistic approach in assessing the motivation behind 'falsehoods' as it needs to be contextualised beyond just the 'race' and/or 'religion' dimensions. We call for a shift in government communications to widen the sphere and not overly focus on religious and racial 'falsehoods' as the trigger chords that jeopardise social cohesiveness.
14. We state, without reservations, that the level of success for a population to deal with 'falsehoods' is how well they are educated in critical thinking, how well they have acquired in-built interrogation mechanisms to question, analyse and manage knowledge inflows to achieve a well-thought through information output, that is fair and accurate for the better of people and the environment. Our young are the most digitized. We say this is the best defence mechanism that we need to build up their critical thinking, in a more determined manner, as this will give rise to diverse views, thoughts and behaviour.
15. We assert that a Freedom of Information Act (FOIA)⁸ and it is not onerous in execution⁹, is the best tool for a population as people ingest much information, not just at face value, but to become a critical consumer. Without an FOIA we state that we will still be rowing our canoe, in still waters or in a storm, with one arm, despite being born with two able arms.
16. Lastly we urge that the Committee, if it were to make a recommendation for new legislative measures, which we again say we do not need to have – we ask that the Draft Legislation, be shared, as was done with the Health Care Services Act, for further public consultations on the Draft legislation can take place. We hope this can take place before amending subsidiary legislation or tabling new legislation in Parliament.

Thank you
MARUAH, Singapore
3rd April 2018

⁶ The Public Order Act; Penal Code (Section 141, 142, 144, 145, 146, 148, 298, 463); Public Entertainment and Meetings Act; Miscellaneous Offences (Public Order and Nuisance) Act; Maintenance of Religious Harmony Act; Prevention of Corruption Act; Parliamentary Elections Act; Telecommunications Act; Sedition Act; Internal Security Act; Newspaper and Printing Presses Act; Consumer Protection (Fair Trading) Act.

⁷ The Public Order and Safety (Special Powers) Act (POSSPA) has many preventive measures, that can be executed with immediacy through the provision of an authorization order, to seize materials, weapons and detain persons, based on the intelligence gathered and suspicions, as there is the threat to people's safety and infrastructure. We say that this is already a remedial legislative measure that has already been set in place to stall and contain any 'severe harm' to the population in the country.

⁸FOIA is not a free-for-all. There are mechanism and protocols to observe to attain and access information. Here is one example - <https://ico.org.uk/for-the-public/official-information/>; why we need an FOI has been called for by many CSOs at the Universal Periodic Review. It is also cited in many sources. Here is another example - <https://www.lexology.com/library/detail.aspx?q=2f3432be-c8ff-4ff1-b396-3cd25682fdee>.

⁹ *ibid*