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**Contribution by Reporters Without Borders (RSF)
an NGO with special consultative status,
on press freedom and the freedom to inform in Singapore**

1. Summary of the press freedom situation

The press freedom situation in Singapore further declined in 2020. According to the World Press Freedom Index established by RSF, in which Singapore now ranks 158 out of 180 countries after dropping seven places in a year's time, the situation is now classified as "very bad".

This deterioration was largely propelled by the adoption of an "anti-fake news" law that allows the government the power to determine whether statements made online are true or false by ordering media outlets, digital platforms, and ordinary users to publish mandated "corrections", or to remove access to the content completely.

This latest piece of legislation further exacerbates an already poor situation, in which the People's Action Party government has access to broad powers to censor journalistic content or apply pressure on mainstream media outlets. Powerful politicians have been known to use defamation suits to silence critics and political opponents. Vague and ambiguous "OB markers" (for out-of-bounds markers) keep journalists and Singaporeans in a state of uncertainty, encouraging fear and self-censorship.

During its second review in 2016, Singapore accepted one hundred and seventeen (117) recommendations. Among these recommendations, Singapore accepted only a few recommendations related to freedom of expression¹, and none affecting specifically the media, despite the fact that several States had made recommendations in direct relation to the freedom of the media², including the removal of discriminatory media guidelines, the reform of the regime of defamation offences, the elimination of media censorship, and the prevention of self-censorship.

2. Legal framework

Legislation like the Newspaper and Printing Presses Act and the Broadcasting Act allow the People's Action Party government control over mainstream media publications through powers like nominating individuals to a newspaper company's board of directors, or exercising influence over the appointment of key figures in the newsroom, including the editor-in-chief. The mainstream media is generally seen as skewed in favour of the ruling

¹ 166.202 ; 166.89 ; 166.91 ; 166.201

² 166.154 ; 166.200 ; 166.87 ; 166.88 ; 166.204

party.

The law requires permits to be granted by the government before foreign newspapers can be sold or distributed in Singapore. The government also has the power to declare any foreign newspaper to be engaging in the domestic politics of Singapore; it is prohibited for anyone to sell or distribute such declared foreign newspapers without prior approval from the Ministry of Communications and Information. Alternatively, the government is also able to restrict the distribution of such newspapers to a state number of copies.

Apart from legislation regulating licensing and distribution, other legislations related to freedom of expression and speech in Singapore have press freedom implications. Laws like the Sedition Act and Sections 298 and 298A of the Penal Code criminalise expressions that “promote feelings of ill-will and hostility between different races or classes of the population of Singapore” or deliberately “wounding the religious or racial feelings of any person”. The Administration of Justice (Protection) Act also criminalises contempt of court offences with broad language. While these laws have not been used against journalists in recent years, investigations have been opened against politicians and activists. The broad wording of these statutes, as well as their occasional use, leave people uncertain of what might fall foul of the law, encouraging self-censorship.

Journalists also have to be wary of the Official Secrets Act. In 2017, a journalist was issued a stern warning after she approached government agencies with questions related to a public housing resale portal that had not yet been made public. She had obtained information about this portal through a civil servant, who was eventually fined S\$2,000. It has also been observed that there is a lack of a general whistleblowing law that would protect whistleblowers in Singapore.

The Protection from Online Falsehoods and Manipulation Act, commonly known as POFMA, came into force in October 2019. Ostensibly brought in to tackle the scourge of “fake news”, the law grants extensive powers to the government, allowing ministers to issue correction directions, content removal orders, or notices to block access to content to social media platforms, media publications, and ordinary users. POFMA also has extraterritorial reach; as long as content can be accessed by one end user in Singapore, the content can be targeted by POFMA orders. Compliance with these orders are mandatory, and appeals can only be lodged with the courts if one’s request to the relevant government minister to review their decision has already been rejected.

3. Behaviour of State authorities against journalists, bloggers and media outlets

Self-censorship is widespread in Singapore, including among journalists, particularly those working in the mainstream media. Given the environment, journalists in the mainstream media sometimes rationalise their role, expressing disinterest in being a watchdog of those in power.

The state and high-ranking ruling party politicians also use the law against independent journalists, bloggers, and media outlets. There are currently ongoing criminal defamation cases against *The Online Citizen*'s chief editor Terry Xu, and contributor Daniel De Costa, for an opinion piece that De Costa had written alleging corruption at the “highest echelons” of the government. Xu is also facing a civil defamation lawsuit filed against him by Prime Minister Lee Hsien Loong.

The “anti-fake news” law, POFMA, has been used against the media multiple times, with news outlets like *The Online Citizen*, *Yahoo! Singapore*, and *Channel News Asia* required to publish correction notices on articles containing claims regarding the application of the death penalty in Singapore's prisons, speculation over the annual salary of Ho Ching, wife of Prime Minister Lee Hsien Loong and CEO of state investment company Temasek Holdings, and criticism of the PAP government's handling of the COVID-19 pandemic by an opposition politician. *The Online Citizen* currently has two appeals against POFMA orders pending in the courts.

In September 2020, the police opened an investigation into Southeast Asian platform *New Naratif* after the Elections Department filed reports alleging that the outlet had engaged in illegal election activity during the general election in July. As part of this investigation, *New Naratif*'s managing director Thum Ping Tjin was questioned for over four hours, after which police officers went to his home and confiscated his laptop and a mobile phone.

4. Media ownership and political leverage

Newspapers and broadcast news outlets in Singapore are owned by either Singapore Press Holdings or MediaCorp. MediaCorp is owned by the state investment company Temasek Holdings. Singapore Press Holdings is a publicly listed company, but the government is able to exert influence in its management due to the Newspaper and Printing Presses Act (see above).

There is more freedom for media outlets and journalists to operate online. However, independent media outlets considered to have a more critical bent struggle with sustainability. IMDA registration rules — which have been used against outlets like *The Online Citizen* and *The Independent Singapore* — prohibit foreign funding, closing off an important avenue of financial support for independent journalism, especially given the lack of local philanthropic support. In 2018, the government rejected an application by *New Naratif*, a regional media platform founded by Singaporeans, to register as a company in Singapore, citing the fact that it had received a foreign grant.



Recommendations to Singapore authorities

- Amend Article 14 of the Constitution of the Republic of Singapore, so that it clearly proclaims press freedom and freedom of expression and information without any restriction;
- Respect the Singapore state's obligations under national and international law as regards press freedom and the protection of journalists, pluralism and media independence;
- Repeal laws infringing upon press freedom and freedom of speech and criminalizing the exercise of journalism, such as the "anti-fake news" law, the Sedition Act and Sections 298 and 298A of the Penal Code;
- Ensure the full enjoyment of the right to freedom of expression through the revision of the Internal Security Act and the Newspaper and Printing Presses Act, in order to eliminate media censorship and prevent self-censorship;
- Prohibit the practice of using defamation lawsuits and other legal and administrative actions to censor, fine, and imprison journalists for speaking or writing on political issues, and remove all discriminatory media guidelines.

Reporters Without Borders (RSF)

Contacts:

Daniel Bastard
Head of the Asia-Pacific Desk
Email: dbastard@rsf.org

Isabel Amossé
Head of the Advocacy Unit
Email: iamosse@rsf.org