

Existing laws limited in dealing with fake news: Experts at public hearing

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TODAY, 14 March 2018

There are limitations with current laws in Singapore in tackling deliberate online falsehoods, particularly in terms of scope, speed and adaptability, several media and legal experts said on Wednesday (Mar 14) during the public hearing held by the 10-member Select Committee studying the issue.

Singapore Management University law dean Goh Yihan, who was the last person to testify on the first day of the hearing which lasted more than five hours, argued that even if the relevant legislations — such as the Sedition Act, the Internal Security Act (ISA), the Telecommunications Act, and the Penal Code — are able to take offenders to task following prosecution, the falsehoods which they had perpetrated would remain online.

To prove his case, Assoc Prof Goh tested the parameters of the Republic's current legislative provisions to three case studies in other jurisdictions — false stories regarding Hurricane Irma in France last year, French President Emmanuel Macron's alleged "secret offshore account" during his campaign, and a Japanese blogger who repeatedly shared sham tales of a dismemberment case on his blog.

In the Hurricane Irma case, someone named "Rebecca Riveria" made various false claims on Facebook, including how the natural disaster left thousands dead and bodies floating in the streets and that the authorities were hiding the truth.

Some of Singapore's current criminal laws, such as the Telecommunications Act, Sedition Act, and the ISA, could apply in this instance, Assoc Prof Goh noted. However, there are various downsides to using criminal prosecutions to combat online falsehoods, he argued.

For instance, investigations into the actual identity of "Rebecca Riveria" will take time and depending on how well the perpetrators' online tracks are covered, real identities may sometimes never be established.

"Further, criminal prosecutions do not ensure that online falsehoods are removed, or that people are given access to the facts... even if 'Rebecca Riveria' is arrested for spreading falsehoods, the falsehoods she propagated will remain in cyberspace, with no means of ensuring that readers of the falsehoods are made aware of the true facts," Assoc Prof Goh wrote in his submission to the committee.

Earlier on Wednesday, Dr Carol Soon and Mr Shawn Goh from the Institute of Policy Studies presented a 29-page paper before the committee arguing, among other things, how legislation in the online space is confronted with "inherent limitations".

"As the online space is like an amoeba — technological advancements and user behaviour always shifting in ways that are hard to anticipate — legislation will unfortunately always be one step behind," the two researchers argue.

“To protect the freedom of speech and not cultivate over-reliance among members of the public in authorities to counter deliberate online falsehoods, we have to be precise and specific in the types of deliberate online falsehoods that legal action should be taken against,” they added.

They presented five factors which the authorities should consider in determining which online falsehoods to go after including whether the content is verifiably false, the context in which it was communicated, the communicator’s identity and intent, and consequences of the falsehood.

Legislation should focus on “high breach” falsehoods which tend to be coordinated and insidious effort targeted at disrupting democratic processes in a country, said Dr Soon and Mr Goh.

They also suggested that laws be complemented by self-regulation on the part of technology companies, fact-checking efforts from the public, and strengthening critical literacy among citizens such as by embedding it into students’ core curriculum.