

Singapore

	2015	2016		
Internet Freedom Status	Partly Free	Partly Free	Population:	5.5 million
Obstacles to Access (0-25)	6	6	Internet Penetration 2015 (ITU):	82 percent
Limits on Content (0-35)	14	14	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	21	21	Political/Social Content Blocked:	No
TOTAL* (0-100)	41	41	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2016 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- The High Court ordered blogger Roy Ngerng to pay SGD 150,000 (US\$106,000) in damages for defaming the prime minister (see **Prosecutions and Detentions for Online Activities**).
- The founder of *The Real Singapore* website was sentenced to ten months in prison under the Sedition Act for exploiting racial and xenophobic feelings (see **Prosecutions and Detentions for Online Activities**).
- Teenager Amos Yee, previously jailed for online video posts, was arrested again for wounding the feelings of religious groups (see **Prosecutions and Detentions for Online Activities**).
- Independent current affairs website *The Middle Ground* was asked to register its staff with the regulator and forego foreign funding (see **Media, Diversity and Content Manipulation**).
- The High Court ruled that the government cannot use a new antiharassment law to protect itself from criticism (see **Legal Environment**).

Introduction

The internet freedom environment saw no overall change in 2016, as website regulation and prosecutions for online speech continued at the same rate.

General elections held on September 11, 2015, were won handsomely by the ruling People's Action Party (PAP). The previous election, in 2011, had seen Singapore's tiny opposition make significant advances. Disaffection against the government had been mirrored—and to some extent catalyzed—by dissent on the internet, which has been largely free from prior restraints. In 2015, the PAP's share of the popular vote jumped from 2011's 60 percent (the lowest since Singapore became an independent republic in 1965) to an unexpectedly high 70 per cent. Observers credited the rebound mainly to the PAP's success in addressing key grievances, especially over housing affordability, and to the wave of national sentiment generated by the death of founding Prime Minister Lee Kuan Yew in March 2015.¹

Changes in internet policy may have also contributed to the stronger PAP performance. While firmly committed to the internet as essential infrastructure for economic development, it has always been cautious of the technology's potential for enhancing democratic participation. Since 2012, it has launched a series of regulatory innovations and court actions to curb online dissent. The PAP also invested significantly in its own social media capacity. Whereas in 2011, internet opinion was dominated by antigovernment voices, the 2015 online terrain was much more evenly contested.

The internet remains Singapore's most important platform for alternative voices, as it is significantly freer than other media, and institutional or public spaces. However, the results of the 2015 general election show that the internet cannot be expected to usher in wider liberalization in the short term.

Obstacles to Access

As a wealthy and compact city-state, Singapore has highly developed information and communication technology (ICT) infrastructure. Its Intelligent Nation 2015 master plan for an ultra-high-speed, pervasive network achieved the target of 90 percent home broadband penetration. In addition, the national wireless network offers free public access. In late 2014, the government launched a high-level Smart Nation program that will include education and training to boost Singaporeans' skills in developing digital technologies and applications.

Availability and Ease of Access

Eighty-eight percent of resident households—and 98 percent of those with school-going children—had home internet access in 2014.² The International Telecommunication Union estimated individual internet penetration at 82 percent in 2015.³ In mid-2015, there were almost 50 percent more mobile phone subscriptions than people in the country.⁴ The fiber-based Next Generation Nationwide

1 Terence Lee and Kevin YL Tan (eds.), *Change in Voting: Singapore's 2015 General Election*. Singapore: Ethos Books, 2016.

2 Infocomm Development Authority of Singapore (iDA), https://www.ida.gov.sg/~/_media/Files/Infocomm%20Landscape/Facts%20and%20Figures/SurveyReport/2014/2014%20HH%20public%20report%20final.pdf.

3 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://bit.ly/1cblxxY>.

4 iDA, "Statistics on Telecommunications Services," <https://www.ida.gov.sg/Tech-Scene-News/Facts-and-Figures/Telecommunications/Statistics-on-Telecom-Services/Statistics-on-Telecom-Services-for-2015-Jan-Jun>.

Broadband Network (Next Gen NBN) reached 95 percent of homes and businesses by July 2013. The national wireless network, Wireless@SG, offers free public access. In December 2015, there were 10,000 Wireless@SG hot spots at more than 3,000 locations. The government aims to double the number of hot spots by 2018. Speeds will be increased from 2Mbps to 5Mbps by the end of 2016.⁵

In late 2015, the Infocomm Development Authority started trials for a heterogeneous network (Het-Net), a new wireless system that allows smartphone users to hop automatically across cellular and wifi networks for smoother mobile internet use.⁶

The government's current IT masterplan, called Smart Nation, aims to integrate technologies more seamlessly and improve Singaporeans' skills in creating, as well as using, new technologies. A Smart Nation Programme Office has been set up under the prime minister's office, in line with a "whole-of-Government, whole-of-nation approach."⁷

The digital divide cuts mainly along generational lines. While 99 percent of residents aged 15 to 24 reported in 2014 that they had used the internet in the past three months, the percentage was 31 percent for those aged 60 and older.⁸ The government's Digital Inclusion Fund aims to make internet connectivity more accessible and affordable to older and lower-income Singaporeans.⁹ Under its Silver Infocomm Initiative, it has set up hotspots and IT learning centers for senior citizens across the island.¹⁰

Restrictions on Connectivity

No known restrictions have been placed on ICT connectivity or access to social media or communication apps, either permanently or during specific events. The Singapore Internet Exchange (SGIX), a not-for-profit established by the Infocomm Development Authority of Singapore in 2009, provides an open, neutral and self-regulated central point for service providers to exchange traffic with one another directly instead of routing through international carriers, thus improving latency and increasing resiliency when there are cable outages on the international network.¹¹

Singapore has adopted a National Broadband Network (NBN) structure, with the network built and operated by an entity that supplies telecommunications services on a wholesale-only, open-access, and non-discriminatory basis to all telecommunications carriers and service providers.¹² To develop Singapore's all-fiber Next Generation NBN, a structurally separated network company has responsibility for the passive infrastructure, including the optical fiber. An operationally separate operating company is responsible for the active infrastructure, including routers, switches, and access network equipment. These are supposed to be separate from the retail service providers downstream, to avoid conflicts of interest. However, in 2013, the IDA approved the sale of the network company

5 Irene Tham, "Wireless@SG: 5Mbps speed by year end," *Straits Times*, April 12, 2016, <http://www.straitstimes.com/tech/wirelesssg-5mbps-speed-by-year-end>.

6 "HetNet trials at Jurong Lake District to start from Q3," August 22, 2015, <http://www.channelnewsasia.com/news/business/hetnet-trials-at-jurong/1800288.html>.

7 iDA, "Transcript of Prime Minister Lee Hsien Loong at Smart Nation Launch, 24 November 2014," November 24, 2015, <http://bit.ly/1v88IB2>.

8 iDA, "Infocomm Usage," <https://www.ida.gov.sg/~media/Files/Infocomm%20Landscape/Facts%20and%20Figures/SurveyReport/2014/2014%20HH%20public%20report%20final.pdf>.

9 iDa, "Home Access," <http://www.ida.gov.sg/Learning/Community-Development/Digital-Inclusion-Fund/Home-Access>.

10 iDa, "Silver Infocomm Initiative," <https://www.ida.gov.sg/Learning/Community-Development/Silver-Infocomm-Initiative>.

11 Singapore Internet Exchange, "About Us," <http://www.sgix.sg/about/>.

12 iDA, "Building Singapore's Next Generation Nationwide Broadband Network," <http://bit.ly/1LlvOnl>.

OpenNet, which is responsible for building and operating the passive infrastructure, to a unit of government-linked Singapore Telecom (SingTel). Due to other players' concerns that the acquisition was anticompetitive, regulators required that SingTel sell off 75 percent of its stake in that unit by April 2018.¹³

ICT Market

The dominant internet access providers are also the mobile telephony providers: SingTel, Starhub, and M1. SingTel, formerly a state telecom monopoly and now majority owned by the government's investment arm, has a controlling stake in Starhub. The market is open to independent entrants. MyRepublic launched a broadband service in 2014. In October 2015, it started 4G trials to prepare for its bid for a telco licence.¹⁴ ViewQwest, another new player in the broadband market, was launched in 2015.¹⁵

Regulatory Bodies

In January 2016, the government announced that its two main internet regulators would be restructured in the second half of the year. The Infocomm Development Authority of Singapore (IDA) has been responsible for internet infrastructure, while the Media Development Authority (MDA) oversaw content. They will be succeeded by the Infocommunications Media Development Authority (IMDA) and the Government Technology Organisation (GTO). IMDA will develop and regulate the converging infocommunications and media sectors.¹⁶ Like the bodies that preceded it, it will be a statutory body of the Ministry of Communications and Information (MCI), taking instruction from the cabinet.

In planning the all-fiber Next Gen NBN, regulators have promised a competitive industry structure that would avoid conflicts of interest and allow retail service providers that offer services to end users to purchase bandwidth connectivity at nondiscriminatory and nonexclusive prices.

Limits on Content

The government has kept a 1996 promise not to block or filter any political content. During the coverage period, there was no repeat of the May 2015 order to shut down a political website, the only such case to date. A licensing system introduced in 2013 has been used to limit the growth of independent online news start-ups by restricting their funding options. During the coverage period, one more site was added to the list of those required to register. Despite such measures, the internet remains significantly more open than print or broadcasting as a medium for news and political discourse, which flow online largely unhindered. Restraints in online discourse are mainly due to fear of post-publication punitive action—especially through strict laws on defamation, racial and religious insult, and contempt of court (see Violations of User Rights).

13 . Tan Weizhen. "IDA approves OpenNet sale to CityNet, but with conditions," *Today*, November 21, 2013, <http://www.todayonline.com/singapore/ida-approves-opennet-sale-citynet-conditions>.

14 Irene Tham, "MyRepublic starts 4G trials as part of bid for fourth telco licence," *Straits Times*, October 23, 2015, <http://www.straitstimes.com/tech/myrepublic-starts-4g-trials-as-part-of-bid-for-fourth-telco-licence>.

15 Shivaanan Selvasevaran, "ViewQwest sets sights on smart home market," Channel News Asia, November 19, 2015, <http://www.channelnewsasia.com/news/singapore/viewqwest-sets-sights-on/2275218.html>.

16 Irene Tham, "Merger of IDA, MDA spurred by changes in tech," *Straits Times*, January 27, 2016, <http://www.straitstimes.com/singapore/merger-of-ida-md-spurred-by-changes-in-tech>.

Blocking and Filtering

The Broadcasting Act has included explicit internet regulations since 1996. Internet content providers and internet service providers (ISPs) are licensed as a class and must comply with the act's Class License Conditions and the Internet Code of Practice. Under this regime, ISPs are required to take "all reasonable steps" to filter any content that the regulator deems "undesirable, harmful or obscene."¹⁷

As a matter of policy, the MDA blocks a list of only 100 websites for the purpose of signposting societal values. This floating list has never been made public, but no political site has been blocked. Other than a few overseas sites run by religious extremists, the list is known to comprise pornographic sites.¹⁸ Outside of this list, the Canada-based extramarital dating website, Ashley Madison, has been blocked since 2013, after it announced its plan to launch in Singapore.¹⁹ No other site was subsequently singled out for similarly targeted blocking. The use of regulation to signpost social values has been linked to the influence of religious conservatives (mainly evangelical Christians) asserting themselves more in public morality debates.²⁰

The Broadcasting Act empowers the MCI minister to prohibit disclosure of any directions to censor content.²¹ This—together with the fact that most ISPs and large online media companies are close to the government—results in a lack of transparency and public accountability surrounding online content regulation.

Content Removal

Since the Class License system was introduced in 1996, it has been used once to ban a political site. In May 2015, the MDA declared that *The Real Singapore* (TRS) website had violated the Internet Code of Practice, and that its Class License was therefore suspended. The regulator said that several of its articles had "sought to incite anti-foreigner sentiments in Singapore." Some articles were "deliberately fabricated" and "falsely attributed." The site was taken down soon after.²²

The information minister said that this was only the 27th intervention against online content since 1996. Previous cases apparently involved takedown notices for specific content, but these were not made public. However, in 2013, the minister informed parliament that most takedowns were for pornographic content or solicitation; others were related to gambling or drugs. He told parliament

17 Conditions of Class Licence, Section 2A (2), Broadcasting (Class Licence) Notification under the Broadcasting Act (Chapter 28) Section 9, last revised May 29, 2013, <http://www.mda.gov.sg/RegulationsAndLicensing/Licences/Documents/Internet%20Services%20and%20Content%20Provider%20Class%20Licence/Class%20Licence%20%28Post%20ONLS%29.pdf>.

18 "Internet," Media Development Authority Singapore, Regulations & Licensing, accessed July 9, 2014, <http://www.mda.gov.sg/RegulationsAndLicensing/ContentStandardsAndClassification/Pages/Internet.aspx>.

19 "MCI's response to PQ on the Ashley Madison website," Ministry of Communications and Information Press Room, November 11, 2013, http://www.mci.gov.sg/content/mci_corp/web/mci/pressroom/categories/parliament_qanda/mci-s-response-to-pq-on-the-ashley-madison-website.html.

20 Terence Chong, "Christian Evangelicals and Public Morality in Singapore," *ISEAS Perspective* 17 (2014): 1-11, accessed July 9, 2014, http://www.iseas.edu.sg/documents/publication/ISEAS_Perspective_2014_17-Christian_Evangelicals_and_Public_Morality_in_Singapore.pdf.

21 Broadcasting Act (Chapter 28) Section 3(5).

22 Belmont Lay, "Media Development Authority statement on The Real Singapore," *Mothership*, May 3, 2015, <http://mothership.sg/2015/05/media-development-authority-statement-on-the-real-singapore/>. MDA statement: <http://www.mda.gov.sg/AboutMDA/NewsReleasesSpeechesAndAnnouncements/Pages/NewsDetail.aspx?news=661>.

that the MDA had never directed websites to take down content “just because it is critical of the Government.”²³

A separate notice-and-takedown framework exists for high-impact online news sites—those receiving visits from a monthly average of 50,000 unique IP addresses from Singapore. Introduced in June 2013, it removes the identified sites from the class license and subjects them to individual licensing, under which they are required to comply with any takedown notice within 24 hours. The sites are required to put up a “performance bond” of SGD 50,000 (US\$35,600) as an incentive to exercise best efforts.²⁴ The bond is in line with the requirement for television niche broadcasters.²⁵

Altogether, eleven news sites have been licensed under the new framework. The first ten to be covered included nine run by Singapore Press Holdings or MediaCorp—which, as newspaper and broadcasting companies, are already subject to discretionary individual licensing and traditionally cooperate with the government (see Media, Diversity and Content Manipulation). The only one on the original list not belonging to national mainstream media is Yahoo Singapore’s news site. After it was licensed, Yahoo’s reporters were granted the official accreditation that they had sought for several years.

One start-up was added within the coverage period. The independent site *Mothership* became the first individually licensed site not belonging to a major corporation.²⁶ Like the original ten news sites, it appears to have been targeted purely on the basis of having crossed the regulatory threshold of 50,000 visitors a month. Although it occasionally carries irreverent commentary, *Mothership* is considered moderate and not antiestablishment.

Another independent site, *The Middle Ground*, was ordered to take down an article reporting on a street poll of 50 voters ahead of a May 2016 by-election. The Parliamentary Elections Act prohibits the publication of election surveys during the official campaign period. *The Middle Ground* said it was not convinced that its poll amounted to a survey, but it complied with the takedown order.²⁷

Several bloggers have publicly acknowledged removing critical content under threat of criminal prosecution or defamation suits (see Prosecutions and Detentions for Online Activities), while others are widely believed to do the same behind the scenes.

Media, Diversity, and Content Manipulation

The online landscape is significantly more diverse than offline media. YouTube, Facebook, Twitter, and international blog-hosting services are freely available, and most bloggers operate openly. All

23 Chan Luo Er, “MDA was right to shut down The Real Singapore: Yaacob Ibrahim,” Channel News Asia, August 22, 2015, <http://www.channelnewsasia.com/news/singapore/mda-was-right-to-shut/1837480.html>; “MCI’s response to PQs on Licensing Framework for online news sites,” Ministry of Communications and Information, July 8, 2013, http://www.mci.gov.sg/content/mci_corp/web/mci/pressroom/categories/parliament_qanda/mci_s_response_topqsonlicensingframeworkforonlinenewsites.html.

24 Broadcasting (Class Licence) Notification under the Broadcasting Act (Chapter 28) Section 9, revised May 29, 2013, G.N. No. S330/2013.

25 “Fact Sheet – Online news sites to be placed on a more consistent licensing framework as traditional news platforms,” Media Development Authority Singapore, May 28, 2013, <http://www.mda.gov.sg/AboutMDA/NewsReleasesSpeechesAndAnnouncements/Pages/NewsDetail.aspx?news=4>.

26 “Mothership.sg to come under online news licensing framework,” Channel News Asia, July 30, 2015, <http://www.channelnewsasia.com/news/singapore/mothership-sg-asked-to/2017168.html>.

27 “Our first take-down order from the MDA,” *The Middle Ground*, May 6, 2016, <http://themiddleground.sg/2016/05/06/first-take-order-md/>.

major opposition parties are active online. Several NGO sites contribute to debates within their respective spheres, such as TWC2 (promoting migrant worker rights) and Transitioning (opposing the PAP's immigration policies).²⁸ However, analysts observe a gradual "normalization" of online space, with the PAP's ideological dominance of the offline world increasingly reflected online.²⁹

The biggest online news players, in terms of resources and viewership, are the internet platforms of the mainstream newspaper and broadcast outlets of Singapore Press Holdings (SPH) and MediaCorp. MediaCorp is 80 percent government-owned, with SPH holding the remaining 20 percent. SPH is a listed company, but through the Newspaper and Printing Presses Act, the government can nominate individuals to its board of directors. Since the 1980s, every SPH chairman has been a former cabinet minister. The government is known to have a say in the appointment of chief executives and chief editors.³⁰ Their websites are subject to the notice-and-takedown framework, but the main avenue of control is the routine self-censorship that also afflicts their parent news organizations.

Most regulatory attention has focused on independent news and political commentary sites that are more impactful than individual blogs, but too small to come under the individual licensing framework (see Content Removal). These sites remain under the general class license framework but can be asked to register individually with the content regulator. During the coverage period, one more website, *The Middle Ground*, was made to register, joining two other prominent sites, *The Online Citizen* and *The Independent Singapore*.³¹ The registration process does not involve a performance bond, but requires the provision of details about publishers, editors, and funding sources.

These registered political sites are also required to sign an undertaking not to receive funds from foreign sources other than subscription revenue and what the regulator deems bona fide commercial advertising. In effect, this shuts out grants and loans from foreign foundations, which have been essential for most independent political sites in the region. In March 2016, the MDA said The Opinion Collaborative—the fundraising arm of *The Online Citizen*—breached these funding rules in April 2015 by accepting SGD 5,000 in advertising revenue from Monsoons Book Club, a non-commercial British entity.³² A Singaporean exile, Tan Wah Piow, is one of its directors.³³ The Opinion Collaborative said it would to contest the MDA order.³⁴

Until 2011, anti-PAP voices dominated online spaces outside of the mainstream media's platforms. Since the 2011 general election, however, those spaces have come to approximate offline public opinion—moderate as well as pro-PAP content has grown much more prominent.³⁵ The proliferation of social media may have encouraged a previously silent mainstream to air their views more readily.

28 . Transient Workers Count Too, <http://twc2.org.sg>; Transitioning, <http://www.transitioning.org>.

29 Tan Tarn How, "The normalisation of the political cyberspace since the 2011 GE," *Today*, August 26, 2015, <https://nus.edu/2eGv727>.

30 Cherian George, *Freedom From The Press: Journalism and State Power in Singapore*. Singapore: National University of Singapore, 2012.

31 Wong Pei Ting, "MDA seeks registration of website The Middle Ground," *Today*, July 29, 2015, <http://www.todayonline.com/singapore/mda-seeks-registration-website-middle-ground>.

32 "The Opinion Collaborative Ltd ordered to return revenue to foreign advertiser," Channel News Asia, March 5, 2016, <http://www.channelnewsasia.com/news/singapore/the-opinion-collaborative/2572626.html>.

33 Martino Tan, "MDA asked TOC to return foreign money, so we asked (both of) them what happened," *Mothership*, March 4, 2016, <http://mothership.sg/2016/03/mda-toc-foreign-funding/>.

34 "The Opinion Collaborative intends to contest MDA's order," Channel News Asia, March 9, 2016, <http://www.channelnewsasia.com/news/singapore/the-opinion-collaborative/2586894.html>.

35 Tan Tarn How, Tng Ying Hui and Andrew Yeo, "Whispers, not shouts: A re-reading of the social media space," *Straits Times*, December 4, 2015, <https://nus.edu/2fwli8k>.

Individual ministers and government agencies have also ramped up and professionalized their social media capacity. Major government campaigns regularly and openly commission bloggers and creative professionals who are not ideologically opposed to such relationships.

In addition, mildly critical commercial startup sites catering to middle-of-the-road Singaporeans—*The Middle Ground* and *Mothership*—now match or better the audience of *The Online Citizen*, the leading online champion of democracy and human rights.³⁶ Sites occupying *The Online Citizen's* niche in other countries have been able to rely on foreign foundation funding, which registered sites in Singapore are banned from receiving. *The Online Citizen* has struggled to remain viable, shedding all but one paid staff positions in early 2016.³⁷ The newer centrist websites are better able to attract investors and may be able to sustain themselves financially.

Also contributing to the post-2011 pushback against online dissent are websites and Facebook pages attacking the opposition, including Fabrications About The PAP, Fabrications Led by Opposition Parties, FiveStarsAndAMoon, and Silent No More. Analysts have described “guerilla-type activism” emerging from these sites, with supporters responding quickly to anti-establishment comments online.³⁸

There is no evidence of large scale deployment of cyber troops, or paid online commentators. However, in the 2015 general election, online rumors about an impending opposition landslide may have sufficiently spooked some swing voters to vote more conservatively.³⁹ The rumors were mainly in the form of bookies’ odds, which gave detailed predictions of opposition victories in several constituencies. Several versions were circulated widely via WhatsApp within the nine-day campaign period.

Since election laws ban opinion polling, these supposed predictions were the only quantitative indicators of likely outcomes available to voters. Although their impact on voters may have been less than other factors, the case illustrates how political operatives might be able to manipulate voter sentiment in an environment where quality information is limited by regulatory constraints.

Digital Activism

The internet is regularly used for popular mobilization by groups across the political spectrum. The success of these efforts is constrained less by online regulation than by offline restrictions on fundraising and public assembly.

Online media were instrumental in shining a light on the January 2016 case of 14-year-old schoolboy Benjamin Lim who killed himself after being picked up from his school by police and questioned over complaints about his behavior.⁴⁰ Concerns were raised, including by the president of the Law

36 Tan Tarn How, Tng Ying Hui and Andrew Yeo, “Battle for Eyeballs: Online Media in the 2015 Election,” September 11, 2015, <http://www.ipsccommons.sg/battle-for-eyeballs-online-media-in-the-2015-election/>.

37 Walter Sim, “The Online Citizen now a one-man show,” *Straits Times*, March 3, 2016, <http://www.straitstimes.com/politics/the-online-citizen-now-a-one-man-show>.

38 Tan Tarn How, “The normalisation of the political cyberspace since the 2011 GE;” Pearl Lee, “Supporters seek to amplify PAP voice online,” *Straits Times*, September 20, 2015, <http://www.straitstimes.com/politics/supporters-seek-to-amplify-pap-voice-online>.

39 Jeanette Tan, “7 illuminating conclusions two political analysts made of the GE2015 results,” *Mothership*, November 5, 2015, <http://mothership.sg/2015/11/7-illuminating-conclusions-two-political-analysts-made-of-the-ge2015-results/>.

40 Terry Xu, “Benjamin Lim’s case would have died down if not for social media, says family,” *The Online Citizen*, February 29, 2016, <http://www.theonlinecitizen.com/2016/02/benjamin-lims-case-would-have-died-down-if-not-for-social-media-says-family/>.

Society, about police procedures in dealing with minors. *The Online Citizen* published in full an open letter from Benjamin's father suggesting that the school and the police had treated the boy insensitively.

The case was discussed in Parliament, where Law and Home Affairs Minister K Shanmugam accused *The Online Citizen* of organizing "a planned, orchestrated campaign using falsehoods". He said the police had already promised a coroner's inquiry. "This is Singapore; there is no such thing as a cover-up," he added.⁴¹ He also said that the government would reexamine the law to ensure that debates about incidents did not prejudice public hearings.

An online fundraising drive was launched by supporters of blogger Alex Au to help him meet the financial burden of being convicted for scandalizing the judiciary (see Prosecutions and Detentions for Online Activities). The campaign, carried out through the Generosity fundraising platform, exceeded its target of US\$18,000.⁴²

Violations of User Rights

The two years preceding the September 2015 general election saw a spike in government actions against online dissent, and many of those cases saw developments within the coverage period. While citizens remain free from major human rights abuses and enjoy high levels of personal security in Singapore, the government places a premium on order and stability at the expense of civil liberties and political opposition. The authorities are believed to exercise broad legal powers to obtain personal data for surveillance purposes in national security investigations.

Legal Environment

The republic's constitution enshrines freedom of expression, but also allows parliament wide leeway to impose limits on that freedom.⁴³ As the ruling party has consistently controlled more than 90 percent of seats in the legislature, laws passed tend to be short on checks and balances. The Newspaper and Printing Presses Act and the Broadcasting Act, which also covers the internet, grant sweeping powers to ministers, as well as significant scope for the administrative branch to fill in the details through vaguely articulated subsidiary regulations, such as website licensing and registration rules (see Content Removal and Media, Diversity and Content Manipulation). Other laws that have been used against online communication, such as the Sedition Act and Political Donations Act, are open to broad interpretation by the authorities.

The Sedition Act, dating from colonial times, makes it an offense "to bring into hatred or contempt or to excite disaffection against the Government" or "to promote feelings of ill-will and hostility between different races or classes of the population of Singapore," among other things.⁴⁴ Punishments for first-time offenders could include a jail term of up to three years. Newer provisions in the penal code (Section 298) provide for jail terms of up to three years for offenders who act through any

41 "K Shanmugam slams 'falsehoods, politicisation' of Benjamin Lim case," Channel News Asia, March 1, 2016, <http://www.channelnewsasia.com/news/singapore/k-shanmugam-slams/2561458.html>.

42 "Fundraising for Yawningbread aka Alex Au's Case," via Generosity, <https://www.generosity.com/fundraising/fundraising-for-yawningbread-aka-alex-au-s-case>.

43 Constitution of the Republic of Singapore, Section 14.

44 Sedition Act (Chapter 290) Section 3.

medium with the “deliberate intention of wounding the religious or racial feelings of any person.”⁴⁵ Singapore’s first cases of imprisonment for online speech were under the Sedition Act in 2005, over postings insulting Muslims.⁴⁶ Police investigations into complaints of insult and offense appear to be a regular occurrence. In most known cases, police intervention at an early stage has been enough to elicit apologies that satisfy those who feel targeted by offending expression.

Defamation is criminalized in the penal code, but to date, no charges have been brought under this law to punish online speech.⁴⁷ Civil defamation law is fearsome enough. PAP leaders have been awarded damages in the range of SGD 100,000 to 300,000 each (US\$71,000 to US\$213,000) in defamation suits brought against opposition politicians and foreign media corporations.⁴⁸ Electronic media have been affected: In 2002, a libel suit was leveled at Bloomberg for an online column; it settled out of court and paid three leaders damages totaling SGD 595,000 (US\$422,000). The offense of scandalizing the judiciary is another law that has been used to punish criticism of the court that in most democracies would be considered to fall within the norms of political debate. In 2008, a blogger was sentenced to three months in prison for this offense.⁴⁹

A new Protection from Harassment Act came into force in 2014.⁵⁰ Under the law, a person who uses “threatening, abusive or insulting” expression likely to cause “harassment, alarm or distress” can be fined up to SGD 5,000 (US\$3,500). Victims can also apply to the court for a protection order, which could include prohibiting continued publication of the offending communication. The government also inserted into the law a section providing civil remedies for “false statements of fact” published about a person. The affected party can seek a court order requiring that the publication of the falsehood cease unless a notice is inserted setting the record straight.

Although the Act was presented in parliament as a means of protecting ordinary citizens, it was quickly wielded by the government as a new instrument against critics: the Ministry of Defence applied for a court order against an article published in alternative news site *The Online Citizen*. Originally granted by a district court, the ministry’s application was overturned by the High Court in December 2015. The court ruled that government departments could not be considered a “person” under the Act, and therefore could not apply for protection from harassment.⁵¹ The Ministry of Defence is appealing against the decision.

Prosecutions and Detentions for Online Activities

A married couple behind *The Real Singapore* (see Content Removal) were imprisoned under the Sedition Act in 2016. The couple live in Australia but were arrested on a visit to Singapore. They

45 Penal Code (Chapter 224), Section 298.

46 Jaclyn Ling-Chien Neo, “Seditious in Singapore! Free speech and the offence of promoting ill-will and hostility between different racial groups,” *Singapore Journal of Legal Studies* 2011: 351-372, <http://law.nus.edu.sg/sjls/articles/SJLS-Dec11-351.pdf>.

47 Penal Code (Chapter 224), Sections 499-500.

48 Michael Palmer, “Damages in Defamation: What is Considered and What is Awarded?” *Law Gazette*, May 2005, <http://www.lawgazette.com.sg/2005-5/May05-feature3.htm>.

49 Committee to Protect Journalists, “Blogger sentenced to three months in jail; newspaper faces possible contempt charge for criticizing judiciary,” *International Freedom of Expression Exchange*, September 22, 2008, http://www.ifex.org/singapore/2008/09/22/blogger_sentenced_to_three_months/.

50 Protection From Harassment Act, <http://statutes.agc.gov.sg/aol/download/0/0/pdf/binaryFile/pdfFile.pdf?CompId:5c68d19d-19ad-49d8-b1a9-5b8ca8a15459>.

51 Selina Lum, “Government cannot invoke harassment Act to make website remove statements on Mindef: High Court,” *Straits Times*, December 9, 2015, <http://www.straitstimes.com/singapore/courts-crime/government-cannot-invoke-harassment-act-to-make-website-remove-statements-on>.

were accused of using their site to exploit racial and xenophobic divisions in Singaporean society through posts attacking foreigners from the Philippines, India, and China. The prosecution said that the couple had invented sensational reports in order to attract readers and advertising revenue.⁵² In March 2016, Australian national Ai Takagi was sentenced to ten months' imprisonment. Her husband, Singaporean Yang Kaiheng, received an eight-month sentence in June 2016, outside the coverage period of this report.⁵³

In May 2016, a seventeen-year-old blogger, Amos Yee, was arrested on six counts of deliberately wounding religious feelings of Muslims and Christians under Section 298 of the penal code. It was the second time the teenager faced this criminal charge. In 2015, Yee served a four-week prison sentence. He had been found guilty of wounding Christians' feelings under Section 298 for an explosive-ridden video that likened the adulation of the late leader Lee Kuan Yew to Christians' worship of Jesus. He was also found guilty of obscenity under Section 292 of the penal code. Referencing a comment by the late British Prime Minister Margaret Thatcher that Lee was usually right, Yee had posted a manipulated image depicting the two politicians having sex. His appeal against these charges was dismissed by the High Court in October 2015.⁵⁴ Yee continued with his online commentary, including on religious themes. In court again near the end of this report's coverage period, the state prosecutor said Yee was "obviously escalating his offensive behavior in a bid to gain attention" and had "upped both the tempo and offensiveness of his posts."⁵⁵ He was released on bail, and his case was pending trial in mid-2016.

Other developments within the coverage period involved court decisions concerning earlier cases. In December 2015, the High Court ordered an activist blogger, Roy Ngerng, to pay damages of SGD 150,000 (US\$106,000) to Prime Minister Lee Hsien Loong for a defamatory blogpost. The court had ruled in favor of Lee in November 2014. In January 2016, Ngerng was ordered to pay an additional SGD 29,000 (US\$20,500) in costs.⁵⁶

Bloggers have tended to retract offending posts and apologize when lawsuits are threatened. Ngerng's case was thus the first time an individual blogger was taken to court for defamation by a government leader. His blog, *The Heart Truths*, had regularly accused the government of providing citizens with inadequate returns from the Central Provident Fund (CPF), a national pension scheme built on compulsory contributions from employees and employers. Lee's lawyers said that one blog essentially claimed that the prime minister was guilty of criminal misappropriation of Singaporeans' money. They rejected Ngerng's initial apology and his offer of SGD 5,000 (US\$3,500) in damages, pointing out that Ngerng emailed similar allegations to the media even after apologizing. Ngerng stood as a Reform Party candidate in the September 2015 general election.

Explaining how he set the damages in a 73-page decision, the Supreme Court judge noted that damages awarded to a prime minister for libel in the last 20 years have been much higher. However,

52 Elena Chong, "TRS ad revenue 'used to pay mortgage on couple's apartment,'" *Straits Times*, March 29, 2016, <http://www.straitstimes.com/singapore/courts-crime/trs-ad-revenue-used-to-pay-mortgage-on-couples-apartment>.

53 Pearl Lee, "TRS co-founder Yang Kaiheng jailed 8 months for sedition," June 28, 2016, <http://www.straitstimes.com/singapore/courts-crime/trs-co-founder-yang-kaiheng-jailed-8-months-for-sedition>.

54 Global Freedom of Expression, Columbia University, "Public Prosecutor v. Amos Yee Pang Sang," <https://globalfreedomofexpression.columbia.edu/cases/public-prosecutor-v-amos-yee-pang-sang/>.

55 Lianne Chia, "Teenage blogger Amos Yee faces 8 new charges," Channel News Asia, May 26, 2016, <http://www.channelnewsasia.com/news/singapore/teenage-blogger-amos-yee/2817976.html>.

56 Walter Sim, "Blogger Roy Ngerng ordered to pay PM Lee Hsien Loong \$150,000 for defamation," *Straits Times*, December 17, 2015, <http://www.straitstimes.com/singapore/courts-crime/blogger-roy-ngerng-ordered-to-pay-pm-lee-hsien-loong-150000-for-defamation>.

the influence and credibility of the defamer had to be taken into account. A substantial reduction in damages was warranted because Ngerng did not have a significant standing among Singaporeans.⁵⁷

In December 2015, the Court of Appeal upheld the conviction of blogger Alex Au, who had been fined SGD 8,000 (US\$ 5,700) in April 2015 for scandalizing the judiciary. His offending 2013 blog had questioned the Supreme Court's handling of a constitutional challenge to Section 377A of the penal code, which criminalizes sodomy.⁵⁸

Surveillance, Privacy, and Anonymity

Singapore has no constitutionally recognized right to privacy and law enforcement authorities have wide powers to conduct searches on computers without judicial authorization.⁵⁹ While many people try to communicate anonymously online in Singapore, their ability to conceal their identities from government is limited. Registration is required for some forms of digital interaction. Government-issued identity cards or passports must be produced when buying SIM cards, including prepaid cards, and buyers' details must be electronically recorded by vendors. Registration for the Wireless@SG public Wi-Fi network also requires ID.

Details about Singapore's surveillance capabilities and practices are unknown. However, according to the UK-based organization Privacy International, "it is widely acknowledged that Singapore has a well-established, centrally controlled technological surveillance system" including through internet monitoring. One analyst says that "few doubt that the state can get private data whenever it wants."⁶⁰ The government justifies its surveillance regime on security grounds. "Whether by compulsion or natural tendency, most Singaporeans appear to be relatively sympathetic to this rationale and do not protest the government's collection, monitoring, or even transfer abroad of data about them," says one recent study.⁶¹

Privacy International notes that law enforcement agencies are aided by sophisticated technological capabilities to monitor telephone and other digital communications. Surveillance is also facilitated by the fact that "the legal framework regulating interception of communication falls short of applicable international human rights standards, and judicial authorization is sidelined and democratic oversight inexistent".⁶²

Under the sweeping Computer Misuse and Cybersecurity Act, the minister for home affairs can authorize the collection of information from any computer, including in real time, when satisfied that it is necessary to address any threat to national security.⁶³ Court permission need not be sought. Fail-

57 Global Freedom of Expression, Columbia University, "Lee Hsien Loong v. Roy Ngerng Yi Ling," <https://globalfreedomofexpression.columbia.edu/cases/lee-hsien-loong-v-roy-ngerng-yi-ling/>.

58 Selina Lum, "Blogger Alex Au loses appeal against conviction for contempt of court," *Straits Times*, December 1, 2015, <http://www.straitstimes.com/singapore/courts-crime/blogger-alex-au-loses-appeal-against-conviction-for-contempt-of-court>.

59 Privacy International, "The Right to Privacy in Singapore," Universal Periodic Review Stakeholder Report, 24th Session, June 2015, https://www.privacyinternational.org/sites/default/files/Singapore_UPR_PI_submission_FINAL.pdf; M. Ravi, "At what cost of citizen's privacy, comes their freedom and security," *The Online Citizen*, May 12, 2016, <http://www.theonlinecitizen.com/2016/05/at-what-cost-of-citizens-privacy-comes-their-freedom-and-security/>.

60 Terence Lee, "Singapore an advanced surveillance state, but citizens don't mind," *Tech In Asia*, November 26, 2013, accessed July 10, 2014, <http://www.techinasia.com/singapore-advanced-surveillance-state-citizens-mind/>.

61 Columbia School of International and Public Affairs, "Singapore," in *Mapping Global Surveillance and Proposing Solutions to Respect Human Rights*, Spring 2015, <https://pdfs.semanticscholar.org/36a9/5f793d87f54b23fb36a8bedf43a765860440.pdf>.

62 Privacy International, "The Right to Privacy in Singapore."

63 Computer Misuse and Cybersecurity Act (Chapter 50A) Section 15A.

ure to comply with such orders is punishable with a fine of up to SGD 50,000 (US\$35,000), a prison term of up to 10 years, or both.

Under the Criminal Procedure Code, police officers investigating arrestable offenses may at any time access and search the data of any computer they suspect has been used in connection with the offense.⁶⁴ No warrant or special authorization is needed. Penalties for non-compliance can include a fine of up to SGD 5,000 (US\$3,500), six months in prison, or both. With authorization from the public prosecutor, police can also require individuals to hand over decryption codes, failing which they are liable to fines up to SGD 10,000 (US\$7,000), jail terms up to three months, or both.

In mid-2016, police seized devices belonging to lawyer Teo Soh Lung from her home without a warrant after questioning her in relation to a Facebook post made prior to a May by-election. The police claimed Lung's post violated restrictions on political advertising in the Parliamentary Elections Act, which bars campaigning and election advertising from the day before polling.⁶⁵

Website registration requirements, although imposed on only a small number of platforms, have raised concerns about unwarranted official intrusion into their operations (see Media Diversity and Content Manipulation). In 2013, the owner of one site, the *Breakfast Network*, declined to register because the MDA required the names of anyone involved in the "provision, management and/or operation of the website," including volunteers.

Responding to a parliamentary question, the government said in October 2013 that, as part of the evidence gathering process, law enforcement agencies made around 600 information requests a year to Google, Facebook, and Microsoft between 2010 and 2012. Most were for Computer Misuse and Cybersecurity Act offenses, while the rest were for crimes such as corruption, terrorist threats, gambling, and vice. Although all requests were for metadata, agencies can request content data if required for investigating offenses, the government said.⁶⁶ The Personal Data Protection Act exempts public agencies and organizations acting on their behalf.⁶⁷

From July 2015 to December 2015, Facebook reported receiving 214 requests for the details of 239 accounts from the Singapore government, and 198 requests for the data of 213 Facebook users. Facebook provided data in about three-quarters of cases.⁶⁸ From January to June 2015, Google received 1,408 requests to view 1,519 Google accounts.⁶⁹

According to details leaked by former U.S. National Security Agency contractor Edward Snowden,

64 Criminal Procedure Code (Chapter 68) Section 39.

65 Terry Xu, "Teo Soh Lung visibly shaken from police raid involving 7-8 officers without search warrant," *The Online Citizen*, June 1, 2016, <http://www.theonlinecitizen.com/2016/06/01/teo-soh-lung-visibly-shaken-from-police-house-raid-of-7-8-officers-without-search-warrant/>.

66 "Singapore Government's Requests to Web Services Companies for User Data," Singapore Parliament Reports, October 21, 2013, <http://bit.ly/1OZ07H7>.

67 "Personal Data Protection Act Overview," Personal Data Protection Commission Singapore, last modified February 28, 2014, <http://www.pdpc.gov.sg/personal-data-protection-act/overview>.

68 Facebook, "Singapore July 2015 to December 2015," in *Government Requests Report*, <https://govtrequests.facebook.com/country/Singapore/2015-H2/>.

69 Google Transparency Reports "Singapore, Requests for User Information," <https://www.google.com/transparencyreport/userdatarequests/SG/>.

SingTel has facilitated intelligence agencies' access to the traffic carried on the major undersea telecommunications cable.⁷⁰

Singapore has adopted a U.S. Defense Department concept, "Total Information Awareness," to gather electronic records en masse to look for digital footprints that might provide clues of impending security threats. The idea, which has proven controversial in the United States, has been incorporated into Singapore's Risk Assessment and Horizon Scanning program. According to one analyst, "Singapore has become a laboratory not only for testing how mass surveillance and big-data analysis might prevent terrorism, but for determining whether technology can be used to engineer a more harmonious society."⁷¹

Intimidation and Violence

There were no violent incidents targeting internet users in the past year. However the lack of protection for the expression of unpopular or dissenting views means that ICT users cannot be said to operate in an environment free of fear.

Technical Attacks

After several high-profile attacks on government and private-sector websites in recent years, as well as growing concern about cybercrime, more attention is being paid to cyber-security. A Cyber Security Agency (CSA) was established in April 2015 to mitigate attacks and protect critical sectors such as energy, water, and banking. A new Cybersecurity Bill will be introduced in parliament in 2017 to give the CSA greater powers to manage incidents.⁷² Cybersecurity expenditure will rise to at least 8 per cent of the government's IT budget.⁷³

70 Phillip Dorling, "Australian spies in global deal to tap undersea cables," *Sydney Morning Herald Technology*, August 29, 2013, <http://www.smh.com.au/technology/news/australian-spies-in-global-deal-to-tap-undersea-cables-20130828-2sr58.html>; *Malay Mail Online*, "Top-Secret expose: Singapore helping US spy on Malaysia," *Yahoo! News Singapore*, November 25, 2013, accessed July 9, 2014, <https://sg.news.yahoo.com/top-secret-expos-singapore-helping-us-spy-malaysia-052600023.html>.

71 Shane Harris, "The Social Laboratory," *Foreign Policy*, July 29, 2014, <http://foreignpolicy.com/2014/07/29/the-social-laboratory/>.

72 "Parliament: New Cybersecurity Bill to be tabled next year to strengthen Singapore's online defences," *Straits Times*, April 11, 2016, <http://www.straitstimes.com/singapore/parliament-new-cybersecurity-bill-to-be-tabled-next-year-to-strengthen-spores-online>.

73 "No one will be left behind in Smart Nation journey: MCI," *Channel News Asia*, January 21, 2016, <http://www.channelnewsasia.com/news/singapore/no-one-will-be-left/2444684.html>.