

# ENGAGING NEW MEDIA

Challenging Old Assumptions

A Consultation Paper by the  
Advisory Council on the Impact of  
New Media on Society (AIMS)

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# INTRODUCTION

1.1 Over the last few years, the rapid growth of new media has dramatically transformed the way we communicate, live and work. In the process, new and increasingly complex social, ethical, legal and regulatory issues have arisen that society and policy makers will have to grapple with. For example, problems such as protecting children from access to harmful and inappropriate content, Internet addiction and cyber bullying have become more pronounced. At the macro level, issues such as how Government can continue to play a role in managing social tensions and maintaining a balance between individual expression and communal values will need to be addressed.

1.2 To review these issues, the Advisory Council on the Impact of New Media on Society (AIMS) was established in April 2007. Chaired by Mr Cheong Yip Seng, formerly the Editor-in-Chief of the English and Malay Newspapers Division at Singapore Press Holdings, AIMS is made up of 13 professionals and academics from diverse backgrounds. Professor Tan Cheng Han, a Senior Counsel and the Dean of the Law Faculty at the National University of Singapore, is the Council's deputy chairman. Annex A provides the full list of AIMS members.

## Terms of reference

1.3 The terms of reference of AIMS are:

- (a) To study the far-reaching social, ethical, legal and regulatory implications of a rapidly-growing Interactive Digital Media sector (IDM); and
- (b) To make recommendations to the Government on how these issues should be managed while keeping pace with the development of IDM in Singapore.

## The process

1.4 To gain a better understanding of the concerns of various stakeholders in new media, AIMS has consulted media and telecommunications industry players, educators, bloggers, academics, non-governmental organisations and relevant government agencies, both in Singapore and overseas. A cross-section of Singapore society, from different backgrounds, was also consulted. Focus group dialogues were conducted in the first quarter of 2008 to understand the new media habits of Singaporeans. These qualitative studies have given valuable insights into the importance of new media in the lives of Singaporeans. The focus group sessions were conducted by a research firm

we commissioned. AIMS also paid close attention to how the new media played a part in Malaysia's general election in March 2008 as it provided an interesting and timely case study.

1.5 To get a sense of how other countries are grappling with new media issues, AIMS travelled extensively, to the US, Australia, the United Kingdom, Canada, China, Japan, and South Korea. (Please see [Annex B](#) for the list of organisations visited.)

1.6 For this first AIMS report, we decided to deal with four time-sensitive issues: e-engagement (or how the Government can use new media to better interact with the public), the regulation of online political content, the protection of minors, and intermediary immunity for online defamation.

1.7 Some of our recommendations in this paper incorporate ideas and best practices developed in other countries. While we have learnt from these foreign agencies, not all of their practices can be applied in the same fashion here. These best practices must be viewed in the context of differing cultures, community sensitivities and political systems. Singapore's unique circumstances have to be taken into account. In some areas, we have to chart our own path as there is no model to learn from.

## Guiding principles

1.8 Our work was guided by the following four principles:

### **(a) Government regulation should be used as a last resort**

1.9 One of the long-standing debates about the Internet is whether it should and can be regulated. Given the borderless nature of the Internet, it is difficult to enforce laws regulating the Internet across different jurisdictions.

1.10 Hence, one principle is to avoid regulating what is arguably "unregulable". Laws are important, but they should be used only as a last resort. As the maxim goes, "legislate in haste, repent at leisure". Using laws as a first measure to deal with online problems is unwise as the Internet and its users are continuously evolving and can creatively route around laws and regulations, especially if they are not well thought-through.

### **(b) "Free-for-all" is not feasible**

1.11 However, placing less emphasis on regulation does not mean that there should be no regulation. The key issue is what kind of regulation can allow us to harness the benefits of the Internet while minimising the potential for harm. Many dangers lurk in cyberspace and there should be regulations that society can call upon to address such dangers. In all the countries we visited, the consensus is that some regulation of the Internet is necessary, even though enforcement is difficult. Some countries regulate more than others. The question then is how the regulation should be effected.

1.12 In Singapore's multi-racial and multi-religious society, it is paramount that racial and religious harmony be maintained. Few, if any, dispute that any attempt to disturb harmony in society with racist or hate speech online or offline must be dealt with swiftly. Even within the more culturally and ethnically homogeneous countries in Europe, denial that the Holocaust occurred is a crime in many EU states.<sup>1</sup> In all the countries we studied, persons responsible for harmful online material like child pornography, sexual predatory practices and sexual grooming face the full force of the law. Where the risk of harm is high, there should be legislation. Conversely, where the risk of harm is low or moderate, the imposition of legal controls should be avoided.

**(c) Shifting the focus from regulation towards engagement**

1.13 All sorts of opinions are espoused via the Internet, whether moderate or extreme, reasoned or irrational. Traditionally, the Government's regulatory efforts have been focused on containing extremist and harmful content. Moving forward, the emphasis should be on leveraging on the opportunities that the Internet provides for enhanced communication and engagement between the public and Government.

1.14 There are many groups of people who are utilising the Internet to advance political and civic discussion in a measured and reasoned manner. They want to be heard and are willing to contribute time to thinking about and proposing solutions. This should be encouraged. But it should also be noted that there is a difference between being heard and being watched. Netizens want to be heard, not watched.

**(d) Community participation is key**

1.15 The sheer amount of content available on the Internet makes it impossible for any one agency to monitor and regulate it efficiently. The wider community has a role to play in fostering a conducive online environment. A relationship built on trust among all parties is more likely to last than one built on a list of do's and don'ts. One good example was the former Parents Advisory Group for the Internet (PAGi), a volunteer group of parents that served as a support network for parents to share their ideas and concerns on guiding their children to use the Internet positively.<sup>2</sup> Similar volunteer groups should be encouraged and supported.

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<sup>1</sup> EU states with laws against holocaust denial include Austria, Belgium, Czech Republic, France, Germany, Lithuania, Poland, Romania, and Slovakia.

<sup>2</sup> The Parents Advisory Group for the Internet (PAGi) was a volunteer group set up in November 1999. Consisting of parent volunteers, PAGi was committed to creating a safer Internet environment for children. PAGi served as a support network for parents to share ideas on how they could guide their children's Internet use. PAGi had conducted numerous outreach programmes to educate parents. In 2006, PAGi was combined with other MDA's committees to form the Community Advisory Committee under the former National Internet Advisory Committee.

## Keeping an open mind

1.16 Harnessing the best of the technology available will require all parties to keep an open mind. As the new media challenges old assumptions, we should all be open to discarding old attitudes and embracing new ones. This applies to both the government and the citizens. Without a mindset shift, we will not be able to reap the full benefits of the new media.

## Views and feedback

1.17 The Council is aware that these recommendations will not satisfy everyone. There is always room for improvement and areas to study more closely. The Internet is a never-ending worldwide conversation. We see the recommendations in this report as part of an ongoing conversation that started when the Internet became part of our lives. To aid us in our efforts, we welcome feedback from the public to help us improve on our recommendations.

1.18 Feedback can be sent via our website (<http://www.aims.org.sg>) or via email to [yvonnepang@aims.org.sg](mailto:yvonnepang@aims.org.sg).

# EXECUTIVE SUMMARY

2.1 New media has changed the way we communicate, work and live. The extensive use of broadband Internet and mobile phones in Singapore reflects the positive attitude that Singaporeans have towards new media. However, it is not without risks. Along with its many benefits come new social, legal, regulatory and ethical concerns.

2.2 The Advisory Council on the Impact of New Media on Society (AIMS) was formed by the Ministry of Information, Communications and the Arts (MICA) in April 2007 to focus on these concerns. The Council was tasked to study the impact the rapidly developing interactive digital media sector has on our society and to make recommendations to the Government on how best to deal with it.

2.3 Over the past year, AIMS consulted media and telecommunication industry players, educators, bloggers, academics, non-governmental organisations and relevant government agencies in Singapore. Focus group dialogues with over 100 Singaporeans, from a broad cross-section of the public, were also conducted to understand the new media consumption habits of Singaporeans. Insights into how other countries were grappling with the new media were also gleaned from study trips to countries such as Australia, Canada, China, Japan, South Korea, the United Kingdom and the United States.

2.4 For this first consultation paper, AIMS has decided to focus on four time-sensitive areas. They are: (a) e-engagement, (b) regulation of online political content, (c) protection of minors and (d) intermediary immunity for online defamation.

## (I) E-engagement

2.5 Recent developments in the new media landscape have transformed how individuals communicate with one another. At the same time, new media is also changing the relationship between the state and its citizens.

### **The social web**

2.6 Web 2.0 promotes collaboration, interaction and networking between individuals online. This in turn has a transformative effect on individuals. Many are no longer content with passive consumption of content. The Internet has evolved to become a medium where people interact and share content with friends, families or like-minded people in a conversational and participatory manner.

## **Mass democratisation of information**

2.7 New media technology enables people to search and find new sources of information, news and views beyond Singapore's shores. The Internet has become a significant platform for people who seek alternative views. Studies have shown that while people still rely largely on traditional media for news and views, they head online for diversity of opinions. People are exposed to new ways of thinking, new methods of speaking and new modes of interacting. With the Internet at their fingertips, individuals can challenge, rightly or wrongly, any "official" interpretation of events.

## **New media as public forum**

2.8 Groups of citizens are heading online to discuss, comment and reflect upon issues of public interest. There is a plethora of conversations being conducted online and anyone can join in. Whilst many participants are well-informed and thoughtful, there is no "quality control" in the new media. All voices have equal opportunity to be seen and heard.

2.9 These trends call for a need to re-examine how the Singapore Government engages with its citizens. The Government has adopted a cautious approach to engaging the public through new media, preferring the traditional media. However, as the new media becomes increasingly influential, there is a need to reconsider this approach.

## **Engaging online**

2.10 There are already a range of channels which citizens can use to reach policy makers and other key decision makers. From face-to-face dialogues to weekly meetings with Members of Parliament and increasingly via cyberspace, citizens have many avenues to contact Government leaders.

2.11 Indeed, the Government has a significant presence online. Its e-government facilities rank among the best in the world. Government agencies regularly publish consultation papers online. Through a slew of tools such as e-mail, blogs and forums, it provides many opportunities for Singaporeans to have their say online.

2.12 However, is this enough? The new media landscape has thrown up many challenges for governance. At the same time, the online space provides a unique opportunity to develop a different kind of engagement and one that, if done well, will be beneficial to society as a whole.

## **E-engagement – a sustained form of interaction**

2.13 AIMS defines engagement as a sustained form of interaction between Government and citizens on issues of public policy. It is akin to a conversation taking place among many people where there is a constant flow of information and views. All views are brought to the table to be listened to and discussed.



2.14 This is different from current modes of consultation. As currently implemented, consultation is largely at the instance and initiation of the Government. The Government decides on what it wants discussed, and typically invites responses to a consultation paper. Citizens that participate respond directly to the Government. In contrast, engagement envisages a more “bottom-up” process where there is a plurality of conversations – many initiated by interested citizens – and involving a large number of participants.

2.15 New media technology enables the development of this interactive and iterative form of engagement.

2.16 However, e-engagement, thus defined, is not the norm. There are structural, cultural and institutional barriers. For one, policy makers, well entrenched in the traditional processes of decision-making, may be loathe to relinquish some of their authority and share the power to formulate the issues and topics for discussion with the general public. Experts may doubt the ability of citizens to grapple with complex issues and provide useful inputs. On the other hand, citizens may be sceptical that policy makers truly wish to hear their views.

## Recommendations

- **Embark on e-engagement**

2.17 Despite these reservations, AIMS recommends that the Government push further ahead with e-engagement for several reasons.

2.18 From focus group discussions with Singaporeans, we found that many were not aware of the Government’s online consultation efforts. They were also sceptical of the Government’s intention to gather feedback.

2.19 Furthermore, to not engage online is to risk alienating groups of individuals who have grown up around the Internet, computers and digital devices. To many of these “digital natives”,<sup>3</sup> using the Internet to communicate is second nature. If they continue to gather news and views online while the Government stays at an arm’s length from new media, there is a risk that these citizens will feel increasingly disenfranchised, disengaged, and alienated.

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<sup>3</sup> The concept of the “digital native” and the “digital immigrant” was proposed by Marc Prensky in 2001. Digital natives describes the generation of people born into the digital world and are “‘native speakers’ of the digital language of computers, video games and the Internet.”. Digital immigrants are those born in an age before computers and have adapted to the new environment. Prensky suggests that despite being adaptable, digital immigrants will always retain a “digital immigrant accent” and instinctively react in the traditional manner they were originally socialised to react.  
Prensky, M. (2001). Digital Natives, Digital Immigrants. *On the Horizon*, 9(5), 1-6.

- **Further study is needed to ensure successful e-engagement**

2.20 Experience elsewhere shows that e-engagement has risks if not properly thought through and implemented. Confusion and division can result. It could cause more harm than good. Therefore, AIMS proposes that the Government carefully studies how best to exploit new media to engage its citizens. To do so, the Government could continue to invest in research and learn from countries which have started the process of e-engagement. It should do so expeditiously because the digital world moves at great speed. The experience of other jurisdictions, even if limited or not entirely transferable to Singapore, is worth studying.

2.21 These points are worth bearing in mind:

- i. An evolutionary, rather than a revolutionary, approach should be taken.
- ii. Regular and open channels should exist for netizens and Government to interact.
- iii. Community is important as it plays a vital role in e-engagement.

- **Next steps**

2.22 Going forward, there are several concrete steps that can be taken towards this end:

- i. Evaluate the capacity of the Government to communicate effectively online. Dedicated manpower resources will be required.
- ii. Rethink some of its current citizen engagement processes. The Government should examine what it means to listen and adjust its processes with this desired outcome in mind.
- iii. Engage voices outside of current Government platforms. For instance, it might be useful to join in the conversation that is taking place in the blogosphere, instead of hoping that the conversation gravitates to existing Government-operated sites like REACH (Reaching Everyone for Active Citizenry@ Home).
- iv. Set up a panel of young digital natives to serve as a consultative body. The young are often ahead of the curve and up-to-date on the latest developments and trends in the digital world.

## (II) Online political content

2.23 New media technology has radically changed the way political contests are fought the world over. In the case of the March 2008 General Election in Malaysia, the result was quite remarkable. In the case of the U.S. Presidential Election that will take place in November 2008, the importance of new media is already apparent. Clearly, the new media offers opportunities for the dissemination of political content and views which is readily embraced by digital natives. It is therefore timely to review existing regulations governing the online dissemination of political content. Current regulations have been criticised as being too broad and vague. While such laws might have been effective in curbing the excesses of irresponsible speech, they may also unduly limit the use of what can be a valuable, and probably indispensable, channel of communication.

2.24 At the same time, rapid developments in technology since Section 33 of the Films Act was enacted 10 years ago have rendered it irrelevant or unenforceable. Meanwhile, Singapore's socio-political landscape has changed and Singaporeans increasingly want greater political expression.

2.25 The overarching intent of our recommendations is to liberalise existing regulations to encourage active, balanced online political discussion while minimising the adverse effects that such changes could bring.

## Recommendations

- **Liberalise Section 33 of the Films Act**

2.26 There is a need to liberalise Section 33 of the Films Act that prohibits the making, distributing and exhibiting of party political films. The key reasons are:

- i. The ban on party political films is too wide-ranging and stifling as the definition of a party political film could cover any film that touches on politics or government policies. As a result, films that clearly contribute to well-informed, rational and insightful debate cannot, in theory, be made and exhibited.
- ii. Technology has out-paced the law and has made it unenforceable. Section 33 can be bypassed using YouTube or other online video-sharing services that cannot be blocked or otherwise regulated without serious damage to Singapore's interests.
- iii. Other legislation is in place to deal with potential threats to our society, like the exploitation of race and religion for political purposes.
- iv. Since the introduction of Section 33, Singaporeans have been exposed to a wider spectrum of content online, thanks to extensive

use of broadband technology. The present legislation is simply too restrictive.

- v. In recent years, new media technology has proven to be an important platform for political purposes. There is no reason why it cannot be responsibly used by political parties and the public at large.

2.27 AIMS has looked at how other countries deal with such issues. Japan and South Korea regulate the use of new media technology for political purposes, though not in the same way as in Singapore. Other countries have no restrictions at all. Singapore cannot blindly adopt what is done elsewhere especially when there is no single “best practice” to follow. We must find solutions that suit our own circumstances. What we should achieve is maximum space for political discourse, but be sensitive at the same time to the need to keep out harmful material online. We believe there are three main ways to liberalise this law. One would be to narrow the scope of the law. Another is to repeal Section 33 altogether. The last option is a combination of the first two options.

#### Option 1 – Narrowing scope of law

2.28 As an alternative to totally doing away with Section 33, it may be possible to more narrowly define its scope. This option needs to be considered because the negative effects of politically-motivated, misleading films cannot be dismissed.

2.29 It is, in theory, possible to prohibit political films that are clearly misleading. These could be films that dramatise events, edit footages or splice images together to distort facts and mislead the viewer. We could therefore re-word the definition in the Act to keep out such films, while expanding the space for political discourse. However, the key challenge is the difficulty in defining what distinguishes the misleading film from those that should be considered to be valuable and in the main, harmless to society as a whole.

2.30 One approach might be to establish an independent advisory panel which should be made up of citizens of high standing, who are non-partisan, and whose views carry weight with the public. The panel’s work should be transparent and its decisions should be made public in order to inspire confidence in its judgments. Its work will however be made even more difficult by technology. In the digital age, films that are denied classification or prevented from being distributed will simply be distributed via YouTube or other video-sharing services. Furthermore, if there is public dissension from the views or decisions of the panel, the entire system may be called into question.

#### Option 2 – Repeal Section 33

2.31 Because any retention of Section 33 may lead to the difficulties described above, the argument for an outright repeal is strong. However, if

Section 33 is repealed in its entirety, various risks should be managed. AIMS has considered the following ideas which are discussed in detail in Chapter 2:

- (a) Classification rating for political films;
- (b) Notification and right of reply; and
- (c) Restrict the distribution and exhibition of party political films under the Parliamentary Elections Act.

2.32 If Section 33 is repealed, AIMS proposes that the risks that follow be managed in a more targeted manner by restricting the distribution and exhibition of party political films during elections period under the Parliamentary Elections Act. The proposal is to impose a blackout period for party political films issued by political parties, candidates and their agents as well as individuals during the election campaign period, beginning from the issue of the writ of election to the end of the polling day. During this blackout period, political parties, candidates and their agents as well as individuals are not allowed to distribute or exhibit new<sup>4</sup> party political films as defined under the present Films Act.

2.33 This is again open to criticism. The incumbent political party may be said to have prior knowledge of when a General Election would be called, and may release party political films just before elections are called. In any event, the ability of films to cast an effect on elections may persist long after a film is first shown. Nevertheless, between a “free-for-all” regime, where there are no controls whatsoever, and a “not-at-all” regime, where all online election campaigning is disallowed, we think that this option is a possible compromise.

### Option 3 – Repeal Section 33 in phases

2.34 No expert can predict with any certainty the consequences and impact of an immediate repeal of Section 33 of the Films Act. A “safer” option is therefore to work towards the repeal of Section 33 in phases by first narrowing its scope with the intention that the final destination would be to repeal Section 33 entirely. Although we had expressed reservations on the enormous difficulties that an independent advisory panel will face, a phased option will allow an objective evaluation of how it would actually work in practice. The experience gained from the deliberations of the independent advisory panel could be invaluable. A carefully constituted panel should be given an opportunity to establish its credibility through sound and transparent judgment calls. The court of public opinion may as a result pronounce a favourable judgment of trust in the panel's credibility. This phased option will also allow all stakeholders to monitor and analyse the impact of misleading films on political discourse as Singapore's society evolves and digital technology advances. Section 33 can be repealed when the negative risks of misleading films are assessed to have been minimised.

2.35 Which of these three options is best? AIMS recognises that a very fine balance has to be struck, between the need to liberalise and the need to address the potentially negative impact of misleading films. In the spirit of

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<sup>4</sup> Party political films released after the issue of the writ of election.

sound consultative practice, AIMS seeks the views of the public in the hope that these ideas can be further improved upon, or inspire fresh ones. AIMS will give careful consideration to all ideas before making its final recommendations to the Government.

- **Extend positive list for Internet election advertising**

2.36 Under present regulations,<sup>5</sup> only political parties, their candidates and their election agents may carry out prescribed election advertising activities using new media during the election period. There is a “positive list” of permissible election advertising on the Internet. They are allowed to post on their websites, photographs or representations of their candidates, party histories, biographies of candidates and their manifestoes. Political parties are also allowed to host moderated chat rooms and discussion forums on their websites. The use of e-mail to promote or oppose a party or candidate is also allowed, subject to certain conditions.

2.37 We recommend that the Parliamentary Elections Act should be changed to allow more digital content by expanding the positive list for Internet election advertising. The present list is too restrictive, and denies political contestants greater use of digital technology, which value has been well demonstrated. The extended list should include videos or recordings of live events, such as election rallies, party press conferences and constituency tours. Broadcasts of party manifestoes and stories already aired over radio and TV should also be allowed. So should the use of Web 2.0 technologies, such as blogs and social networks.

2.38 Allowing use of Web 2.0 tools ensures that regulations keep pace with changing technology. With this amendment, all election candidates and their political parties and agents can use podcasts, vodcasts, blogs and other new media tools to promote themselves, their agendas and election manifestoes.

- **Remove the registration requirement for individuals and bodies of persons under the Class License Scheme**

2.39 As part of the liberalisation exercise, AIMS further recommends the removal of the registration requirement for individuals and bodies of persons that provide any programme for the propagation, promotion or discussion of political or religious issues relating to Singapore through the Internet websites. However, the registration requirement for websites belonging to political parties should be retained to ensure accountability.

2.40 With the removal of this registration requirement, which has often been criticised for restricting free speech, all individuals and groups can then enjoy more online space. It will also catalyse and dovetail with the Government’s e-engagement efforts.

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<sup>5</sup> Singapore Parliamentary Elections (Election Advertising) Regulations (Chapter 218), Regulation 3.

2.41 In conclusion, regular revision of the rules will be needed from time to time as social conditions change. It is probably impossible to completely eliminate the risk of destructive online content. The best defence against distortive material is trust – trust that is hard earned and demonstrated. Furthermore, the continued existence of credible sources of “mainstream media” will help to ensure balance and informed discussions. It is also in the best interest of those who use new media to press their case to acquire the communications skills to do so.

2.42 Singapore is best served by political discourse that is well-informed, serious and factual. What we seek to do is to allow voters to consider the issues rationally, and not be unduly swayed by films or videos that mislead or trivialise important issues.

### (III) Protection of minors

2.43 Protection of minors is a universal concern, and different countries have different ways of dealing with it. Advances in new media technology and the evolving way children are using and adapting to this technology make this a complex issue, rendering short term solutions such as filtering ineffective in the long run. The different needs of children of various ages also means that a “one-size” fits all solution is not feasible. Minors are exposed to a myriad of risks such as access to illegal and inappropriate material, online sexual predators, cyberbullying and addiction.

2.44 Many countries use filters provided by Internet Service Providers (ISP) and/or at the user end to filter out unsuitable content. Filtering is usually complemented with a hotline to report objectionable material. Age verification systems are also used. Most countries also have laws to deal with potential dangers like online sexual predators.

2.45 While the above are useful defences, education is the best long-term solution. Children should be taught to understand new media and the real risks that it poses. The aim is to help children build resilience against harmful influences. Parents and educators, being “digital immigrants”, should also learn how to teach children to use the new media safely.

#### **Current situation**

2.46 In Singapore, there have been many cyber safety programmes. All three local Internet Service Providers (ISPs) provide a Family Access Network (FAN) service that delivers ISP-based filtering to their subscribers at the cost of S\$2 to S\$3 a month. However, adoption rates are low. There are fewer than 15,000 subscribers. There is also a deny-access list of about 100 websites which we understand to comprise pornographic, and racially and religious extremist websites. Singapore also recently amended the Penal Code to criminalise sexual grooming of a minor.

2.47 The MDA and the Ministry of Education (MOE) have developed public education programmes and materials for various target audiences. Community groups like TOUCH Community Services and the former voluntary organisation PAGi are also involved in helping and educating the community. However, these efforts are often not sustained or coordinated with other agencies. There are gaps to be filled.

## Recommendations

2.48 AIMS proposes a holistic and coordinated approach. More resources will be needed to make this a long-term and sustainable solution. It should deal with the following areas:

- **Focus on education**

2.49 Education, though costly and incapable of delivering “instant” results, is the best tool for the development of a long-term framework and lays the foundation for a more informed and self-sufficient population.

- **Increase utilisation of filtering resources**

2.50 AIMS proposes that the present optional Family Access Network service provided by all ISPs be made more accessible to Singaporean households. This can be achieved by making the service free to households that wish to have it. The Government can provide subsidies or grants to enable this.

- **Develop research capabilities**

2.51 There is a dearth of academic research on the protection of minors here as compared to other countries. Research in Australia and the UK has significantly contributed to the development of innovative programmes and measures in these countries. While we can learn from them, local research is needed to find solutions tailored to our needs.

- **Collaborate with overseas counterparts**

2.52 AIMS recommends greater collaboration with overseas organisations who are facing similar challenges. Protection of minors is a universal problem and it would be mutually beneficial to share research, ideas and resources. Many websites which host objectionable content are based overseas where Singapore law has no jurisdiction. Collaboration with foreign counterparts could help address this issue. Many overseas organisations have expressed great interest in cooperating with their counterparts in Singapore.



- **Encourage a spirit of volunteerism**

2.53 Cyber safety is more effectively tackled with community participation. A spirit of volunteerism should be fostered by encouraging more like-minded community groups to be established.

2.54 To do all these, AIMS recommends the following:

- **Establish an annual fund for the protection of minors**

2.55 AIMS recommends that the Government provide an annual national budget to finance all the activities listed above. Law and order is a high-priority and costly undertaking in Singapore. Cyber safety should not be of any lower priority. We propose that the annual budget be co-funded by the Government as well as the private sector, with the State providing the bulk of the resources. Co-funding signals the importance of making this a community effort. Industry should give its support because it benefits from a buoyant interactive digital media sector. A safer cyberspace is in the greater interest of the industry.

- **Establish a dedicated coordinating agency for the protection of minors**

2.56 AIMS recommends that a dedicated agency be set up with the following key functions:

- i. Develop and implement a national strategy for cyber safety and cyber wellness in Singapore;
- ii. Coordinate activities and resources across the various Government agencies, industry players and public organisations; and
- iii. Administer the national fund.

2.57 The agency should consist of permanent staff and representatives from various stakeholders, including the public sector, academia, industry, community groups, parents and educators.

2.58 To keep up-to-date, the coordinating agency could tap the expertise of youths.

- **Lift ban on 100 websites**

2.59 AIMS proposes that once the holistic approach suggested above is put in place, the symbolic ban on 100 websites should be lifted. Those who are Net-savvy can already bypass the ban anyway. The existence of the ban may give parents a false sense of security when the reality is that the 100 websites are merely symbolic. Furthermore, the symbolic value of these 100 websites diminishes with the continued proliferation of websites with undesirable

content, and the increasing use of alternative methodologies like file-sharing networks instead of simply “websites”.

## **(IV) Intermediary immunity for online defamation**

2.60 Internet communications potentially involve a diversity of other intermediaries. Given the volume of material on the Internet, it is impractical for Internet intermediaries to exercise much control over Internet content. It is potentially a medium of virtually limitless international defamation. Claimants are more likely to bring actions for defamation against borderline defendants for Internet defamation because those who are more directly involved in publishing the material may be difficult to locate or may be residing in a foreign jurisdiction.

2.61 In our discussions with bloggers and industry players in Singapore, it was pointed out that clearer guidelines on their liability regarding online material are needed. As the position on intermediary liability is currently ambiguous and uncertain, new media businesses tend to err on the side of caution. This is not conducive to their growth and consumers are deprived of worthwhile online content.

### **Singapore legal position**

2.62 Section 10 of the Singapore Electronic Transactions Act confers immunity from civil and criminal liability to network service providers in respect of third-party material to which they merely provide access. The phrase “network service providers” does not apply to content hosts.

2.63 There is no reported decision of a Singapore court applying the law of defamation to Internet intermediaries. It is therefore uncertain whether the Singapore courts will follow foreign judicial precedents from the US, England or Australia on this subject. This uncertainty is not satisfactory. As regards liability for criminal defamation, a content host may be liable for defamatory remarks posted by a third party if he has knowledge of the defamatory remarks and that they are harmful to reputation.

2.64 There are other weaknesses in the current common law on intermediary liability. Most intermediaries have little incentive to continue carrying, hosting or linking the allegedly defamatory material, and may in the face of a complaint, err on the side of caution and choose the safer path of just removing the material. This may lead to abuse by persons who wish to have truthful but unfavourable published material taken down. Furthermore, an intermediary that takes steps to moderate third-party material is subject to a higher level of liability than an intermediary that does not attempt to moderate or monitor material.

2.65 The current law therefore encourages intermediaries to turn a blind eye to material being carried, hosted or linked and this is undesirable in the context of encouraging credible, responsible and balanced content on the new

media. We should improve the environment for credible and responsible new media players to develop and flourish.

## Recommendations

- **Enact legislation to confer limited immunity upon online content intermediaries**

2.66 AIMS recommends that the relevant authorities consider enacting legislation to confer limited immunity upon online content intermediaries such as Internet content hosts and aggregators in respect of civil and criminal liability for defamation with regards to third party content where such intermediaries have acted in good faith.

2.67 In formulating the legislative provision, the relevant authorities should be mindful that it should not be a disincentive to responsible and desired conduct such as moderation by content hosts and aggregators.

2.68 The legislative provision should also not deprive a content host of immunity merely because he had constructive or imputed knowledge of the third-party defamatory material, provided he has acted in good faith.

- **Immunity should be subject to the obligation of the intermediaries to take down defamatory content**

2.69 In order to balance the rights of individuals to seek redress against false allegations, this immunity should be subject to the obligation of the intermediaries to take down defamatory content on receiving a credible and authenticated request from the person allegedly defamed. The authorities may wish to consider the introduction of a “put-back regime”<sup>6</sup> based on a counter-notification to protect interests of originators and to prevent abuse of the take-down regime as a means of censoring speech.

2.70 Other considerations, which the Council would recommend that the relevant authorities consider, are that there should be no derogation/dilution of the existing immunity granted to “network service providers” under section 10 of the Electronic Transactions Act and that the proposed regime should not impose any additional liability to the intermediaries beyond the existing law.

2.71 All the recommendations above will be discussed in greater detail in the following chapters.

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<sup>6</sup> A “put-back regime” involves the intermediary putting back the allegedly defamatory content after receiving a counter-notification, and upon the satisfaction of certain conditions.

# CHAPTER 1: E-ENGAGEMENT

3.1 In 2007, HSBC bank wanted to scrap its interest-free overdraft facility that it offered for British students leaving university. Many students depend on this lifeline to tide them over a few crucial months between graduation and finding a stable job. Instead of passively swallowing the bitter pill, the students hit back. The British National Union of Students (BNUS) rallied members to protest the decision. Such a protest, in itself, is not peculiar but what was interesting was that the protest was organised entirely online and mainly through the social networking site Facebook.

3.2 A Facebook group was set up by the BNUS to bring together those affected or who would be affected by the change. The goal was to get in touch with as many of those affected, inform them of the latest developments and get them to support the protest. Within weeks, the group swelled to more than 4,000 members. The BNUS negotiated with the bank, arguing that many students had opened accounts with HSBC because of this interest-free overdraft facility. After several meetings, the bank eventually back-tracked on its decision. The Vice President of the BNUS Wes Streeting said that “there can be no doubt that using Facebook made the world of difference to our campaign.”<sup>7</sup>

3.3 The HSBC example is just one of thousands illustrating how new media can empower peoples’ lives. Today, people are creating, distributing and re-distributing content. They use the Internet and social networking sites to learn about the latest food sensation, to complain about a company, to communicate with their friends or to discuss politics and the economy with random strangers.

3.4 It is not an exaggeration to say that new media is revolutionising how individuals communicate with one another. It is changing the relationship between the state and citizens. Citizens are demanding more; they are no longer content with having periodic interactions with policy makers and the government through the ballot box. Instead, with the use of technology, citizens seek to make their opinions on public issues heard, whether or not the government cares to hear them. Governments around the world are coming to grips with this change and many are rethinking the way they reach out to their constituents.

3.5 These trends call for a need to re-examine how the Singapore Government engages its citizens who use the new media extensively. While the Singapore Government has done exceptionally well in building a world-class e-government, thus far, it has adopted a cautious approach to engaging the public through new media and prefers to speak to citizens through the

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<sup>7</sup> Coughlan, S. (2007, August 30). Bank's U-turn on student charges. *BBC News*. Retrieved from [http://news.bbc.co.uk/2/hi/uk\\_news/education/6970570.stm](http://news.bbc.co.uk/2/hi/uk_news/education/6970570.stm)

“traditional” media. However, as the new media becomes increasingly mainstream, there is a need to reconsider this approach.

## Trends in new media

### The social web

3.6 A significant trend that has emerged recently is the evolution of new media into a platform that encourages not only mass participation but also collaboration, interaction and even networking. Some observers have termed this development Web 2.0 or the Social Web.

3.7 The term Web 2.0 was first coined in 2004 and popularised by media guru Tim O'Reilly to describe what he calls the second phase of the Internet.<sup>8</sup> Mr O'Reilly sees the Web as being a platform on which people create software that leverages on the Web's mass participatory nature. The Web is no longer just a tool to retrieve information but one which allows people to create, share and distribute content. Blogs, YouTube, podcasting and social networking sites are just some of the platforms commonly associated with Web 2.0.

3.8 Blogging, in particular, is one Web 2.0 phenomenon that has mushroomed in popularity in the past few years. The attraction to blogging is simple; blogging sites make publishing on the Internet simple and hassle-free. Technorati tracks about 112 million blogs online and the number is growing by 175,000 a day, or by about 2 blogs a second.<sup>9</sup> More than 99 per cent of blogs tracked by Technorati do not get a single visitor.<sup>10</sup> There are a variety of blogs, from accounts of personal lives to blogs by professionals who focus on a specific area and have a specialised interest. Some popular blogs eventually take on a commercial outlook with advertising or subscription revenue.<sup>11</sup> These are often indistinguishable from news websites.<sup>12</sup>

3.9 Blogs have become increasingly mainstream since 2004. They have become important for the way they influence opinions and shape news stories run by the traditional media. Recognising this, politicians and governments are using them as another way to reach out to voters and constituents. A study done by the IBM's Centre of Business for Government showed that there were some 200 blogs currently maintained by various U.S. government agencies, leaders and elected representatives.<sup>13</sup>

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<sup>8</sup> O'Reilly, T. (2005, September 30). What is Web 2.0. Retrieved Mar 20, 2008, from <http://www.oreilly.com/pub/a/oreilly/tim/news/2005/09/30/what-is-web-20.html?page=1>

<sup>9</sup> Technorati. Retrieved Aug 14, 2008, from <http://technorati.com/about/>

<sup>10</sup> Reardon, P. (2007, November 15). Do you know who's been reading your blog. *Chicago Tribune*.

<sup>11</sup> Techcrunch (<http://www.techcrunch.com>) is a good example of a blog which has gone commercial. It charges US\$ 12,000 for advertising on its site. Big names such as Microsoft and Adobe count among their advertisers.

<sup>12</sup> An example of this is the Huffingtonpost (<http://www.huffingtonpost.com>).

<sup>13</sup> Wuld, D., C. (2007). The blogging revolution: Government in the age of Web 2.0. IBM Center for the Business of Government.

3.10 The official U.S. Department of Defence website has a section dedicated to bloggers called The Bloggers Roundtable. It provides “source material for stories in the blogosphere concerning the Department of Defence (DoD) by bloggers and online journalists.” This includes transcripts, biographies, related fact sheets and video clips.<sup>14</sup> Another U.S. government agency, the State Department, runs an official blog, “DipNote”, that seeks to inform people about U.S. foreign policy.<sup>15</sup>

3.11 Blogging in Singapore became popular around 2004 and interest in the activity has grown. Some of the more prominent blogs include “Mr Brown”,<sup>16</sup> “XiaXue”,<sup>17</sup> “Mr Miyagi”,<sup>18</sup> “Yawning Bread”<sup>19</sup> and “theonlinecitizen”.<sup>20</sup> Popular blog aggregators such as “tomorrow.sg”<sup>21</sup> and “Ping”,<sup>22</sup> which direct traffic to individual blogs, drive the popularity of blogs up as they highlight the “best of” the blogosphere. The actual number of blogs authored by Singaporeans is difficult to pin down, given that most blog hosting sites are based overseas. Many blog sites do not release information pertaining to the geographical origin of their users.

3.12 However, going by a few indicators, the number of Singaporeans blogging is substantial. In one blogging community, Live Journal, Singapore is listed as the seventh largest community with about 73,000 accounts.<sup>23</sup> The Infocommunications Development Authority (IDA)’s 2007 survey of Singaporeans on the usage of Internet here showed that the younger generation were the most active consumers of blogs. Just 7% of all respondents aged 15 and above read as well as create blogs.<sup>24</sup> But 16% of those aged 15 to 24 said they have their own blogs and read those created by others.

3.13 Politicians and Government leaders here have also got onto the “blogwagon”. The most prominent is perhaps Foreign Minister George Yeo, who muses about life as an MP in Singapore as well as his work as a foreign minister.<sup>25</sup> Similarly, the post-independence generation of PAP MPs, the P65

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<sup>14</sup> Bloggers Roundtable. Retrieved Mar 18, 2008, from <http://www.defenselink.mil/Blogger/Index.aspx>

<sup>15</sup> Dipnote, US Department of State blog. Retrieved Mar 18, 2008, <http://blogs.state.gov/index.php/>

<sup>16</sup> Mr Brown. Retrieved Jan 11, 2008, from <http://www.mrbrown.com>

<sup>17</sup> Xiaxue. Retrieved Jan 11, 2008, from <http://www.xiaxue.blogspot.com>

<sup>18</sup> Mr Miyagi. Retrieved Jan 11, 2008, from <http://miyagi.sg>

<sup>19</sup> Yawning Bread. Retrieved Jan 11, 2008, from <http://www.yawningbread.org>

<sup>20</sup> The Online Citizen. Retrieved Jan 11, 2008, from <http://www.theonlinecitizen.com>

<sup>21</sup> Tomorrow.sg. Retrieved Jan 11, 2008, from <http://www.tomorrow.sg>

<sup>22</sup> Ping.sg. Retrieved May 16, 2008, from <http://www.ping.sg>

<sup>23</sup> Live Journal’s community statistics. Retrieved Apr 18, 2008, from <http://www.livejournal.com/stats.bml>

<sup>24</sup> Infocomm Development Authority (IDA), Singapore. (2008). Annual survey on infocomm usage in households and by individuals for 2007. Retrieved from [http://www.ida.gov.sg/doc/Publications/Publications\\_Level2/20061205092557/ASInfocommUsageHouseholds07.pdf](http://www.ida.gov.sg/doc/Publications/Publications_Level2/20061205092557/ASInfocommUsageHouseholds07.pdf)

<sup>25</sup> Foreign Minister George Yeo guest blogs at <http://www.beyondsg.typepad.com> and <http://www.ephraim.blogspot.com>

group, blogs about their work as MPs and post their Parliament speeches online. Nominated Member of Parliament Siew Kum Hong blogs as well.

3.14 Likewise, some opposition party members are also active online. The Singapore Democratic Party is probably the most advanced user of new media, employing videos, podcasts and a blog-style format for their website.<sup>26</sup>

3.15 Individuals are no longer restricted to simple consumption of content as in the era of mass broadcasting. New media tools have given them access to the tools of production as well. Technology enables these “consumers” to become “pro-sumers” – they consume as well as produce content. As individuals, they can reach other like-minded individuals through the Internet. New media researcher Tan Tarn How, from the Institute of Policy Studies, calls this the “You are not alone” syndrome. These individuals, coming together as a group, have become more demanding, creating both challenges and opportunities for companies.

### **Mass democratisation of information**

3.16 A second important trend is mass democratisation of information and content. People are no longer limited to content from traditional media like television, print media or radio. New media technology enables people to search and find new sources of information, news and views beyond Singapore’s shores.

3.17 Where once the state could act as the gatekeeper and regulate the flow of information through laws regulating mainstream mass media, this is no longer possible. A diversity of lifestyles, views and cultures are being streamed directly into desktops, PDAs, mobile phones, and laptops with little interference from the state.

3.18 In less tangible ways, mass democratisation of content also means that people are exposed to new ways of thinking, new methods of speaking and new modes of interacting. With the Internet at their fingertips, individuals can challenge the state’s interpretation of events by tapping alternative sources of information. This is already happening in Singapore. Bloggers often challenge what ministers and MPs say by offering their own take on current events, as seen in the Mas Selamat Kastari escape and the debate over whether section 377A of the Penal Code, which criminalises male homosexual acts, should be repealed. It will be increasingly difficult for the state to maintain any “gatekeeper” role in respect of information. Those using new media can effectively challenge the state’s narrative and thousands, if not millions, will have access to their views.

### **New media as public forum**

3.19 A third trend is the people’s use of interactive media to discuss and act upon issues of public interest in a manner not previously possible. Groups of

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<sup>26</sup> Singapore Democratic Party Website. Retrieved Jan 11, 2008, from <http://www.yoursdp.org/>

citizens are coming together to discuss, comment and reflect upon the issues of the day, whether it is as simple as broken road lights or as important as national policies. There is an active conversation being conducted online.

3.20 At the same time, the Internet is becoming the choice platform for people who seek alternative news and views. Studies both here and overseas show that while people still rely largely on traditional media for news and information, they head online to seek diverse opinions.<sup>27</sup> The perceived credibility of online sources is growing. A survey conducted by MSN Asia-Pacific showed that out of 1,000 respondents, 51 per cent trust blog content as much as they trust the content in traditional media. Some 28 per cent found blogs to be the quickest way to learn what is happening in the world.<sup>28</sup>

3.21 More importantly, the new media is empowering citizens to act on what they say. One good example took place in Canada in December 2007. Canadian law professor Michael Geist founded a Facebook group, Fair Copyright for Canada, to educate Canadians on a planned move by the Canadian government to reform copyright law. He sent out a few hundred invitations to friends on his Facebook network, hoping to generate some interest in the subject.<sup>29</sup> He did not expect an overwhelming response. He wrote:

*“Within hours the group started to grow, first 50 members, then 100, and then 1000. One week later there were 10,000 members. Two weeks later there were over 25,000 members with a new member joining the group every 30 seconds. The big numbers tell only part of the story. The group is home to over 500 wall posts, links to 150 articles of interest, over 50 discussion threads, dozens of photos and nine videos... While Facebook was not the only source of action, the momentum was unquestionably built on thousands of Canadians, who were determined to have their voices heard.”*

3.22 At last count, there were over 60,000 subscribers to the Facebook group. More significantly, this movement spurred offline action. A group of 50 people knocked on the doors of a Canadian minister to tell him what they thought of copyright. Ten days after the group was formed and after a flurry of activity, the Canadian minister delayed the introduction of the reform bill.

3.23 Online citizens are not only using the platform to gather information and discuss politics but to also mobilise and organise themselves on public

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<sup>27</sup> An AIMS-commissioned new media consumption study found that Singaporeans are using new media for a wider range of purposes than traditional media and prefer searching for information online rather than through traditional media. The study also suggests that the younger and more educated the user, the more likely they are to be reliant on new media for information, news and entertainment. The summarised findings are appended in Annex C.

<sup>28</sup> Paulo, D., A. (2006, November 30). Netizens place great trust in blogs: Online survey. *Channel News Asia*. Retrieved from

<http://www.channelnewsasia.com/stories/singaporelocalnews/view/244382/1/.html>

<sup>29</sup> Geist, M. (2007, December 18). Power of Facebook affects law. *BBC News*. Retrieved from <http://news.bbc.co.uk/2/hi/technology/7149588.stm>



issues. During the recent Sichuan earthquake, the Internet was a key platform for disseminating information, focusing the public on critical issues, directing rescue work, mobilising resources, gathering donations and influencing public opinion. Donations also poured in through the Internet from the world over.

3.24 The recent Malaysian election in March 2008 showcased the influence of the new media in a country where the Internet penetration is significantly lower than in Singapore. The ruling Barisan Nasional (BN) coalition lost its two-thirds majority in Parliament as well as control of 5 of the 12 states. After the election, Malaysian Prime Minister Abdullah Badawi admitted that one reason for the result was losing the online battle. BN, he said, had not paid enough attention to what was going on in the blogosphere. Several bloggers campaigned online for election and were elected. The influence of the new media went beyond the Net savvy as content was reproduced in traditional media, video CDs and mobile phone messaging. Analysts say that the results were attributable to widespread discontent. Nonetheless, new media acted as an important catalyst.<sup>30</sup>

## Why engage online?

3.25 One question that can be legitimately asked is: Why engage online? There are already a range of channels that citizens can use to reach policy makers and other key decision makers. Elected MPs hold weekly meet-the-people sessions. They regularly visit their constituents. MPs forward these concerns to the ministers in informal and formal ways, for example in Parliament. E-mail addresses of all the MPs are also available on the Parliament's website.<sup>31</sup>

3.26 In addition, Government agencies are accessible. Most Government agency websites provide e-mail addresses. Government has also instituted a "No Wrong Door Policy," whereby enquiries addressed to the "wrong" agency are internally diverted to the appropriate agency for action. Email addresses of most civil servants are provided online.<sup>32</sup>

3.27 The Government is present online as well. E-services allow people to transact business with the Government without hassle, whether it is to apply for a licence or pay a bill.

3.28 The Government also has a dedicated agency called REACH (Reaching Everyone for Active Citizenry @ Home) that deals specifically with gathering input and feedback from the public. It has three main roles: gathering and gauging ground sentiments; reaching out and engaging citizens; promoting active citizenry through citizen participation and involvement.<sup>33</sup> It

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<sup>30</sup> Au Yong, J. (2008, April 12). The Next Frontier. *The Straits Times*.

<sup>31</sup> Singapore Parliament. Retrieved Oct 17, 2007, from <http://www.parliament.gov.sg>

<sup>32</sup> Singapore Government Directory. Retrieved Jan 19, 2008, from <http://www.sgdi.gov.sg>

<sup>33</sup> REACH's roles. Retrieved Feb 20, 2008, from <http://app.reach.gov.sg/reach/AboutUs/REACHsRoles/tabid/61/Default.aspx>

regularly conducts feedback, dialogue and tea sessions with ordinary Singaporeans to find out what they think of the Government and its policies.

3.29 In addition, e-consultation is practised regularly by many government agencies. For instance, the Monetary Authority of Singapore issues consultation papers for industry players and the public on proposed legislation. So does the Ministry of Finance on proposed changes to tax legislation.<sup>34</sup> So too does the Media Development Authority. Consultation papers issued by virtually all government agencies can be found centrally in REACH.

3.30 The Government has also moved to utilise the Web and to obtain feedback on certain policy issues of national concern. The Inter-Ministerial Committee on Sustainable Development recently launched a website to gather feedback from Netizens on how Singapore can develop its economy in a sustainable way.<sup>35</sup> It invites citizens to give feedback on several areas of sustainable living.

3.31 Several government agencies have adopted various forms of social media to tap on the Web 2.0 wave of activism. The National Heritage Board has a blog about Singapore society and history at [www.yesterday.sg](http://www.yesterday.sg); youths have a dedicated space to express themselves online at the Ministry of Community Development, Youth and Sports' (MCYS) [www.youth.sg](http://www.youth.sg) website. There are more plans to roll out such interactive media under the government-wide Integrated Government 2010 plan. The iGov2010 plan, among other things, seeks to increase citizens' "mind share" in government.<sup>36</sup>

3.32 Through these initiatives, it is clear that the online platform is recognised as playing an important part in this consultation process. However, in the light of an evolving new media, is this enough?

## Recommendation: Embarking on e-engagement

3.33 Our research shows that there are varying definitions of what "e-engagement" is. Some overseas government agencies say it is consultation done over the e-platform. Others believe that the act of setting up a website or text messaging one's views on a policy change to the government is classified as e-engagement. But we believe that e-engagement is much more than that.

3.34 AIMS defines e-engagement as a sustained form of interaction between Government and citizens on issues of public policy. A simple way of thinking about it is to imagine a conversation taking place between two people where there is a constant flow of information and views being exchanged. This conversation may grow to include more than just two people. All views are brought to the table to be listened to and discussed. Translated to policy

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<sup>34</sup> Ministry of Finance, Consultation Papers. Retrieved May 10, 2008, from [http://www.mof.gov.sg/consultation\\_archives/index.html](http://www.mof.gov.sg/consultation_archives/index.html)

<sup>35</sup> Inter-Ministerial Committee on Sustainable Development (2008, July 26). Retrieved July 31, 2008, from <http://app.mewr.gov.sg/web/Contents/ContentsSSS.aspx?ContId=1034>

<sup>36</sup> Integrated Government 2010. Retrieved Mar 29, 2008, from, <http://www.igov.gov.sg>

making, this means citizens participating in this conversation will not only be talking to the Government but to one another and the Government as well.

3.35 This is different from current modes of consultation. As currently implemented, consultation is largely at the instance and initiation of the Government. The Government decides on what it wants discussed, and typically invites responses to a consultation paper. Citizens that participate respond directly to the Government. In contrast, engagement envisages a more “bottom-up” process where there is a plurality of conversations – many initiated by interested citizens – and involving a large number of participants.

3.36 It is this form of engagement that AIMS recommends the Government take up. The challenges of governance in the future, in a complex new media environment, calls for greater interaction with citizens on the online platform. This does not mean, however, that offline citizen feedback and consultation practices do not matter. They are still important but what is also needed is a deeper engagement process.

3.37 To provide a clearer idea of how engagement is different from consultation, a review of citizen e-participation literature may be helpful.

## E-participation

3.38 Research shows that a country’s e-participation level exists along a continuum. The Organisation for Economic Cooperation and Development (OECD) has suggested a three-stage model.<sup>37</sup>

3.39 The “information” stage is the first stage. It involves a top-down flow of information through a one-way communication channel. However, the resultant effect does not translate to more participation from the citizens. Rather, the “information” stage simply shifts the model of communicating via traditional media onto the online space. Informational government websites and e-government services, which allow citizens to file taxes and apply for various facilities online, are examples of such “information” practices. This first step, though limiting, is an improvement from a completely offline government.

3.40 The second stage involves “consultation”, where there is two-way communication between the government and the people. At this stage, governments provide the people with information on selected pre-defined issues and then invite their citizens to comment.

3.41 The final stage is “active participation”. Citizens are actively involved in decision making and though the government retains the final decision making power, the processes are more transparent, eliciting the trust of its citizens. Such a form of engagement can be thought of as a conversation or a dialogue

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<sup>37</sup> Bristol City Council. (2005). e-Methods for public engagement. Retrieved from [http://146.176.2.70/ITC/Documents/eMethods\\_guide2005.pdf](http://146.176.2.70/ITC/Documents/eMethods_guide2005.pdf)

involving two or more parties who are willing to listen to each other. Canada<sup>38</sup> and South Korea<sup>39</sup> are examples of countries which have agencies actively nurturing this form of engagement. But this type of engagement is still in the experimental stage.

## Barriers to e-engagement

3.42 E-engagement is still not widespread. There are structural, cultural and institutional barriers. For one, unenlightened policy makers, well entrenched in the traditional processes of decision-making may be loathe to relinquish some of their authority and share the power to frame issues with the public. Experts may doubt the ability of citizens to grapple with complex issues and provide useful inputs. On the other side of the coin, there is public scepticism as to the willingness of policy makers to take them seriously and listen to what they have to say.

3.43 Moreover, given the characteristics of the Internet, the government's ambivalent attitude towards the Internet is understandable. First, there is the problem of anonymity. There is no accounting for the people behind anonymous comments. Do they have an axe to grind? Are they citizens or permanent residents, or foreigners? Furthermore, the Internet allows for virulent, cynical and critical comments that may be anonymous, unsubstantiated or based on hearsay.

3.44 The "long-tail" nature of the Internet also means that it is difficult to decide where and who to engage with. The long-tail theory states that while a few products are immensely popular, many niche products survive online because there is a small group of people who are actively seeking such products. While a few blogs and news sites command thousands of eyeballs, thousands of other eyeballs are scattered among hundreds of websites. Media fragmentation is taking place and making it challenging for governments to communicate effectively with the masses in the same way as was possible with traditional media.

3.45 One other disincentive is the still overwhelming reach of traditional media. Communicating with the citizens through the traditional media gives government better returns.

3.46 Many of these issues are faced by governments around the world. It is not surprising that governments are uneasy about engaging online. With the traditional media, governments have greater control and can frame the agenda. The online platform was designed to be open, unpredictable,

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<sup>38</sup> In particular, New Brunswick has recently completed their report on a year long Public Engagement Initiative. AIMS met with project leader Don Lenihan. Lenihan, D. (2008). It's more than Talk: Listen, Learn and Act. A New Model for Public Engagement. New Brunswick, Canada: Province of New Brunswick

<sup>39</sup> A commonly cited e-engagement website is South Korea's e-people site. Retrieved Feb 8, 2008, from <http://www.epeople.go.kr>

borderless and anonymous.<sup>40</sup> This is very different from what governments are used to.

## Reasons for e-engagement

3.47 Despite these reservations, there are several reasons why the Government should push ahead with e-engagement.

3.48 Focus group discussions with Singaporeans about their new media consumption habits show that there is a low level of awareness of the Government's online initiatives. Many of those interviewed say they do not even know about the Government's REACH web portal. In fact, many of them heard of REACH only when they were introduced to it in the group discussions. After being told what it was, they still expressed scepticism about the platform. Said one, "Most of the time, they just take the feedback and do nothing about it, nobody knows the result of the feedback on a policy." There seemed to be a belief among respondents that the feedback they give goes into a black hole.

3.49 Discussions with Government agencies also reveal that people are still more reliant on more traditional means of feedback. Compared to phone calls and over-the-counter feedback sessions, e-mails and online feedback forms constituted a small minority of replies. A reason cited by a quality service manager, who deals with both online and offline feedback in a government agency, is that "there was a person who would speak to you about your queries. People prefer hearing a human voice instead of an automated response or a faceless e-mail response."

3.50 Engaging citizens using the online space can, over time, help overcome this problem. As indicated, e-engagement is a sustained conversation between government and citizens. Unlike feedback or consultation, information and views flow back and forth in e-engagement, like a real human conversation. For engagement to be sustained there should be a medium which allows for constant interaction between parties. Feedback sessions only last for a few hours each time, while a website, blog or a forum remains operational or accessible throughout the day.

3.51 Furthermore, to not engage online is to risk alienating groups of individuals who have grown up around the Internet, computers and digital devices. To many of these digital natives, using the Internet to communicate is second nature. In our focus group discussions, it was not uncommon to hear individuals, both young and old, say they spend 40 or more hours a week on the Internet. A secondary school student said that he was on the Internet that much of the time because "it is comforting being connected." Another white-collar adult worker revealed that he was hooked to the Net and felt uneasy when he was not connected while on holiday. Currently, the Government takes a cautious approach to engaging voices online. A simple

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<sup>40</sup> Zittrain, J. (2008). *The future of the Internet: And how to stop it*. p.28-31. London: Yale University Press.

example of this is the Government's different responses to letters to newspapers online and offline. It will reply to letters in print, but not online. If this continues, there is a risk of disenfranchising this generation of digital citizens, many of who produce and consume news and views online.

3.52 In Singapore, political discussion on the Internet is driven by educated, Net-savvy individuals who use blogs, forums and other new media tools to voice their opinions on issues. They are a minority. The majority tend to shy away from discussion of politics for a variety of reasons, including lack of knowledge and a fear of repercussions, as revealed by our focus group discussions.<sup>41</sup>

3.53 Bloggers interviewed for the study said that there were several reasons why they decided to blog about politics.

- (a) They felt that there was a lack of alternative voices in the mainstream media.
- (b) They do not feel the need to self-censor and are more candid in their opinions.
- (c) There is also community to be found in blogging. Through tag-boards, comments and links, they feel as if they belong to a wider community who are reading and feeding off each other's opinions.
- (d) They want to act as a check on the Government.

3.54 However, these political bloggers acknowledge that their blogs are probably not read by the mainstream and that they only attract people who are like them – educated and Net-savvy. Said one political blogger, "From (readers') comments, we get a feel of who our readers are, and they are still largely limited to those who are middle class and above." Another said, "An uncle at the coffee shop will have a very different opinion as someone reading our articles". They are aware that their blogs may not be reaching out to the wider public beyond the small but educated group that is reading them. Nevertheless, bloggers feel that the Internet is a good place to express opinions, especially critical ones.

3.55 On the other hand, many people are not interested in discussing politics online. The reasons they gave are varied. The most commonly cited one was that politics is "sensitive." A few expressed hesitation to publish their thoughts online because there was a fear that the Government might frown upon them. Said one, who is a civil servant, "Your bonus is directly affected by what you say about the Government". An executive, married with children, said, "I'm falling into the trap where I really don't speak up for myself anymore, because I'm a bit too comfortable. We don't have anything to gain, we have everything to lose." Other reasons for their reluctance include lack of knowledge; lack of interest; and belief that their views do not matter.

3.56 Some of those who do not blog, or do not blog about political issues have formed the opinion that the Internet does not guarantee freedom of

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See summarised findings of focus group discussions appended at Annex C.

expression. One respondent believed that bloggers can always be traced through the IP address of the computer that they use. Many said they preferred to talk about politics in personal and private settings, such as in coffee shops, around the dinner table, and among friends and family.

3.57 Another finding was that in general, people tend to head online for views and commentary, relying somewhat on foreign sources. However, they still paid much attention to news reports in the traditional media, and consider them accurate and credible.

3.58 Three observations can be made. First, there is a group of citizens, small in number though they may be, who are active and vocal on the blogs. They see themselves as being the alternative voice and are not afraid to be critical of the Government. They think they are being read by the Government but instead of being fearful, they relish the chance of being heard by policy makers. While they want to be heard, they do not want to be watched. This corresponds to what we are seeing in other countries, where there is a rising number of citizens becoming more demanding and vocal in their opinions. At the same time, the people who read them are, likewise, educated and Net-savvy. While most people still read the newspapers and watch television now, there can be no doubt that there will be more of such Net-savvy individuals who head online for both news and views in the future.

3.59 Second, online political debate is currently dominated by people who see themselves as the alternative, or, some may say, the more critical voices. While there is nothing wrong with being critical, some of these criticisms may not represent the majority opinion or perhaps even the opinion of any significant portion of the population. The silent majority, by being absent from the conversation, deprive the vocal minority from hearing their views. For an informed, balanced discussion on issues affecting citizens, it is necessary that there be a true plurality of voices. It is worth encouraging them to participate.

3.60 Third, there seems to be public scepticism of the value of their contribution.

3.61 We should briefly review the benefits of using the online platform. On a pragmatic level, this includes:

**(a) Being able to reach a wider audience**

Traditional forms of consultation and citizen engagement such as dialogues and feedback sessions can only be conducted at a specified time and place. With the online platform, engagement can be carried out 24 hours a day, 7 days a week. The online platform also means that no one needs to be physically present to give his view to the Minister or MP. Overseas citizens and other overseas stakeholders such as overseas investors can also participate through the new media.



## **(b) Leveraging on Singapore's strong e-government presence**

This makes the move to e-engagement less onerous as the Government already has expertise in IT and Web development software. The physical and IT infrastructure is in place.

3.62 More importantly, engaging citizens online can establish a closer bond between citizens and the government. Professor Stephen Coleman, University of Leeds Professor of Political Communication and Director of Research (Institute of Communication Studies) and an expert in the area of e-engagement, believes that the new media can put the "representative" back into "representative democracy".<sup>42</sup> In both new and established representative democracies overseas, citizens are becoming more disillusioned with the political process as many feel increasingly disconnected from their elected representatives. This has been identified in other countries such as the UK and the US.

3.63 New media and ICT (Infocomm technology) tools can bridge this gap between MPs and their constituents. Prof Coleman believes that new media can facilitate a "close, conversational relationship" between government and citizens. This goes beyond being able to communicate directly with leaders through e-mail or watch webcasts of town hall meetings. The rise of interactive tools has created a class of citizens who are not satisfied with being spectators but eager to be participants. Politicians need to acknowledge this, or "the danger will be the emergence of a subterranean sphere of discourse from which they are excluded," writes Prof Coleman.<sup>43</sup> "Public communication could migrate, leaving the 'leaders' behind".<sup>44</sup>

3.64 Therefore, AIMS recommends that the Government carefully studies how best to exploit this platform to engage its citizens so that it does not risk losing the benefits of new media technology. It should do so expeditiously. It should look at the experiences of other jurisdictions, limited though they may be. Canada's New Brunswick Initiative in Public Engagement is one such example AIMS has found useful to study.

3.65 Not to do so carries this risk, according to Professor Coleman, "The alternative to engaging the public will not be an unengaged public, but a public with its own agenda and an understandable hostility to decision-making processes which appear to ignore them."<sup>45</sup>

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<sup>42</sup> Coleman, S. (2005). *Direct representation: towards a conversational democracy*. p.10. London: Institute of Public Policy Research.

<sup>43</sup> Coleman, S. (2005). *Direct representation: towards a conversational democracy*. p.15. London: Institute of Public Policy Research.

<sup>44</sup> *ibid*

<sup>45</sup> Coleman, S., & Goetz, J. (2001). *Bowling Together: Online Public Engagement in Policy Deliberation*. p.12. London: Hansard Society.



## Risk assessment

3.66 To further understand the risks and pitfalls associated with e-engagement or the lack thereof, AIMS did a risk assessment of the following scenarios: (a) no e-engagement and (b) e-engaging online. The risks listed are not exhaustive or complete but are some of the scenarios that could happen if the Government does take the path of e-engagement.

No e-engagement	Risks
<ul style="list-style-type: none"> <li>• Status quo remains.</li> <li>• Continue to favour traditional media over the new media.</li> <li>• No real dialogue between state and digital citizen.</li> <li>• Citizens have limited power to initiate conversations with the Government.</li> <li>• Online citizen-to-citizen dialogue continues without input from the state.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>An alienated public which continues to engage in their own conversation.</b> <ul style="list-style-type: none"> <li>▪ This may lead to a public “with its own agenda and an understandable hostility to decision making processes that seem to ignore them”.<sup>46</sup></li> <li>▪ Breakdown of trust between citizens and Government.</li> </ul> </li> <li>• <b>An increasingly demanding, vocal public that wants debate and to be part of decision making process.</b> <ul style="list-style-type: none"> <li>▪ Debates between groups in society not handled – no facilitator to do so.</li> <li>▪ Splintering of society.</li> </ul> </li> <li>• <b>Fragmentation of media which may lead to increasing difficulty in getting public service messages out.</b> <ul style="list-style-type: none"> <li>▪ There might be a risk that if the Government continues to not engage voices online, they will not be able to connect with a generation of young people bred on new media information, news and views.</li> </ul> </li> </ul>

<sup>46</sup> Coleman, S., & Goetz, J. (2001). Bowling Together: Online Public Engagement in Policy Deliberation. p.12. London: Hansard Society.

Engage online	Risks
<ul style="list-style-type: none"> <li>• Develop e-engagement strategy.</li> <li>• Engage digital citizens by bringing them into decision-making process.</li> <li>• Move away from a one-way communication model towards a two-way model where there is dynamic dialogue.</li> <li>• Acknowledge that citizens can play a part in reaching a consensus and in making a social decision.</li> <li>• Allow for constant interaction instead of ad-hoc, episodic engagement.</li> <li>• Implement good suggestions and acknowledge citizens for their efforts.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Problem of anonymity</b> <ul style="list-style-type: none"> <li>▪ Anonymity may result in irresponsible comments and behaviour on the part of the commentators.</li> <li>▪ Tyranny of the minority: A minority of users may hijack the Net conversation for their own agenda. It is difficult to tell and measure public opinion when actual identities are not revealed and actual numbers of people are not verified.</li> </ul> </li> <li>• <b>Raising public expectations:</b> <ul style="list-style-type: none"> <li>▪ Citizens may grow to expect a response to every view or comment expressed online. As it is logistically impossible to do so, it might lead to a disillusioned public who may not accept or understand why their views were not responded to or taken on-board.</li> </ul> </li> <li>• <b>Viral nature of the Internet</b> <ul style="list-style-type: none"> <li>▪ Inflammatory or defamatory comments posted online in the course of engagement with the Government can spread very quickly and cause irreparable damage.</li> </ul> </li> <li>• <b>Financial costs</b> <ul style="list-style-type: none"> <li>▪ There is financial outlay required in both the physical infrastructure and the development of manpower resources and new media savvy communications skills.</li> </ul> </li> </ul>

3.67 The goal should be for the Government to do e-engagement well. Unfortunately, many governments around the world are still experimenting with e-engagement and there is no one perfect model to emulate. However, there are several principles to help establish a “good” form of engagement. Based on feedback from citizens, experts and government officials as well as research done, these are:

**(a) An evolutionary, rather than a revolutionary, approach should be taken**

3.68 E-engagement will take years to develop. Both the Government and citizens will have to adapt to the new form of communication and interaction. Although the Singapore Government has a reputation of being able to move fast where it matters, it will still need to carefully consider a wide range of constituencies in the context of a multi-racial and multi-religious society. The Government must be prepared to accept that there will be some resistance to e-engagement efforts and that there will be setbacks. Government should continue adopting its successful strategy of an early start ahead of other countries and learn valuable lessons in the process.

**(b) Regular and open channels should exist for netizens and Government to interact**

3.69 E-engagement should complement physical meetings with those the Government interact with. As outlined earlier, the traditional forms of consultation are just as necessary.

**(c) Community is important**

3.70 The Government is not the only stakeholder in this initiative. The community at large, especially the online community, has a vital role to play if this is to be a success. Using the online platform to responsibly engage with the Government will help mitigate some of the risks outlined above. Participating fully in the discussions in a fruitful manner as well as being open and receptive to deliberations will be essential if trust is to be built on both sides.

## Conclusion

3.71 Going forward, there are several concrete steps that can be taken to establish e-engagement.

**(a) Evaluate the capacity of the Government to communicate effectively online**

3.72 One step must certainly be to evaluate the capacity of the Government to communicate effectively online. Being able to write press statements and speeches is one thing but to be able to moderate, facilitate and respond to online discussions including hostile or defamatory interventions is a different

skill altogether. Investment in training key personnel in parts of the Government to engage online will be necessary. Specialist manpower resources may have to be dedicated to e-engagement.

**(b) Rethink some of its current citizen engagement processes**

3.73 The second important area to consider is whether the Government is prepared to rethink some of its processes. For instance, one oft-cited criticism of the current system is that people seem to think that feedback or ideas submitted to the Government goes into a “black hole”. Can the process be made more transparent so that participants and contributors are encouraged? How can the Government implement and be seen to be implementing ideas derived from citizen feedback? Again, this might mean further commitment of resources. The Government should properly examine what it means to listen and adjust its processes with this desired outcome in mind.

**(c) Engage voices outside of current Government platforms**

3.74 Thirdly, it should consider whether it might be worthwhile to engage voices outside of current Government platforms. For instance, might it also be useful to join in the conversation already taking place online, instead of hoping that the conversations will gravitate to platforms like REACH? It is not necessary to interact or ensure that all blogs or forums posts about the Government are responded to. A short comment, left on a blog that raises pertinent and relevant issues, might well be useful as a signal to show that the Government is listening and wants to be part of the conversation as well.

**(d) Set up a panel of young digital natives to serve as a consultative body**

3.75 Lastly, AIMS recommends the setting up of a youth panel to serve as a consultative body for the Government. This group can act as feelers for the Government in areas such as the latest trends and issues in new media, and cyber safety matters. As new media is constantly evolving, it would be difficult to keep abreast of the latest trends and fads. To this end, the digital native is better placed to give updates and advice on the latest computing or online trends, social networking sites, threats to youth and even viral videos. It might be useful for such a group to help policy makers identify key trends that a “not-so-digital” policy maker might miss out on.

3.76 The challenges of governing in a digital age are unavoidable. There are risks, but also benefits. The chances of success are better with a supportive community. Finally, the outcome Singapore should aim for is a culture where participating in respectful, well-organised deliberation processes is a rewarding experience. People should be made more informed and to feel able to make a contribution. Indeed, for some, this might well be transformative.

# CHAPTER 2: ONLINE POLITICAL CONTENT

4.1 New media technology has radically changed the way political contests are fought the world over. In the case of the March 2008 General Election in Malaysia, the result was quite remarkable. In the case of the U.S. Presidential Election that will take place in November 2008, the importance of new media is already apparent. Clearly, the new media offers opportunities for the dissemination of political content and views which is readily embraced by digital natives. It is therefore timely to review existing regulations governing the online dissemination of political content. Current regulations have been criticised as being too broad and vague and to a certain extent, have discouraged expression of views and opinions on the Internet. While such regulations might have been effective in curbing the excesses of irresponsible speech, they may also unduly limit the use of what can be a valuable, and probably indispensable, channel of communication.

4.2 At the same time, rapid developments in technology have also rendered some regulations either irrelevant or extremely difficult to enforce. With the developments in Singapore's socio-political landscape and the Internet, as well as citizens' increasing aspirations for greater political expression, it is timely to review and update our regulations to ensure that they remain relevant in today's context.

## Background

4.3 Under the current legal framework in Singapore, online political content is mainly regulated through the class licensing regime under the Broadcasting Act. Other laws are also applicable to political content conveyed by the new media. Specifically, party political films distributed over the Internet is regulated under the Films Act and the use of the Internet during elections is regulated under the Parliamentary Elections Act.

### Class License Scheme

4.4 The Broadcasting (Class License) Notification,<sup>47</sup> also known as the Internet Class License Scheme, was formulated in 1996 as part of the Government's efforts to minimise the perils of cyberspace. It is part of a three-pronged approach – the other two limbs are media literacy and industry self-regulation – developed by the Government. The Class License Scheme is also central to the Government's "light-touch" approach to the Internet.

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<sup>47</sup> Broadcasting (Class License) Notification. Singapore Broadcasting Act (Chapter 28), Section 9.

4.5 The Class License Scheme covers both Internet content and service providers. It deals with undesirable and illegal content such as pornography and content involving extreme violence or propagating of religious and political issues. It is an automatic licensing framework and there is no need for licensees to obtain prior approval from the MDA to operate a website.

4.6 However, the Notification requires certain groups of Internet Content Providers (ICP) to register with the MDA. Political parties and bodies of persons that engage in the propagation, promotion or discussion of political or religious issues through the Internet must register with the Authority. Individuals who provide any programme<sup>48</sup> (content) for the propagation, promotion or discussion of political or religious issues relating to Singapore through the Internet may have to register with the MDA.

4.7 Registering with the MDA entails providing details as to the website in question as well as the persons responsible for the content put onto the website. The MDA has always maintained that the requirement to register does not mean the discussion of political issues is disallowed. Registration instead serves to emphasise the need for responsibility on the part of those who run websites that actively engage in the discussion of domestic politics. So far only a handful of websites have been asked to register by the MDA.<sup>49</sup>

4.8 It is also important to highlight that other Singapore laws, both criminal and non-criminal, applicable to offline content and speech are equally applicable to online media such as blogs, online discussion forums and social networking sites. A person is liable under the laws of defamation or copyright, regardless of whether the material is published online or offline. Likewise a person who makes seditious remarks<sup>50</sup> or insults a public servant<sup>51</sup> in his blog is equally liable under the Sedition Act and the Penal Code respectively.

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<sup>48</sup> Under the Broadcasting Act, "programme" , in relation to a broadcasting service, means —

- (a) any matter the primary purpose of which is to entertain, educate or inform all or part of the public; or
- (b) any advertising or sponsorship matter, whether or not of a commercial kind, but does not include any matter that is wholly related to or connected with any private communication, that is to say —
  - (i) any communication between 2 or more persons that is of a private or domestic nature;
  - (ii) any internal communication of a business, Government agency or other organisation for the purpose of the operation of the business, agency or organisation; and
  - (iii) communications in such other circumstances as may be prescribed.

<sup>49</sup> These include Sintercom and ThinkCentre in 1996 and 2001 respectively as well as Fateha.com. These are the sites which are publicly known to have been asked by the MDA to register.

<sup>50</sup> In September 2005, the Sedition Act was first used on individuals when two men were charged with making seditious and inflammatory racist comments on the Internet. They made their remarks on Internet forums in response to a letter printed in The Straits Times.

<sup>51</sup> Former Singaporean lawyer Gopalan Pallichadath Nair, 58, on 16 June 2008 faced an amended charge alleging that he had insulted a High Court judge in his blog.

## Party political films

4.9 The Films Act, which regulates all films in Singapore, was amended in 1998 to include a new provision (Section 33) that makes it an offence to import, make, reproduce, distribute, exhibit or to have in one's possession for the purpose of distributing or exhibiting any "party political film", knowing or having reasonable cause to believe the film to be a party political film.<sup>52</sup> A "party political film" is defined (in Section 2) as a film –

- (a) which is an advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body; or
- (b) which is made by any person and directed towards any political end in Singapore.

4.10 A film is held to be directed towards any political end in Singapore if it:

- (a) contains wholly or partly any matter which is intended or likely to affect voting in any election or national referendum in Singapore; or
- (b) contains wholly or partly either partisan or biased references to or comments on any political matter, including but not limited to any of the following:
  - i. an election or national referendum in Singapore;
  - ii. a candidate or group of candidates in an election;
  - iii. an issue submitted or otherwise before electors in an election or a national referendum in Singapore;
  - iv. the Government or a previous Government or the opposition to the Government or previous Government;
  - v. a Member of Parliament;
  - vi. a current policy of the Government or an issue of public controversy in Singapore; or
  - vii. a political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body.

4.11 Any film that is made solely for the purpose of reporting of current events or informing or educating persons on the procedures and polling times for any election or national referendum in Singapore is not a party political film. The Act also exempts any film that is sponsored by the Government.

4.12 The Government considered, in February 1998, that "political videos are an undesirable medium for political debate in Singapore. In a political video, political issues can be sensationalised or presented in a manner calculated to evoke emotional rather than rational reactions. Videos also do not allow for effective rebuttals. There is also a risk that political debates on serious matters will be reduced to a contest between advertising agencies, as

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<sup>52</sup> Singapore Films Act (Chapter 107, 1998 Rev Ed). Section 33.

indeed has already happened in some countries. Our intention is to keep political debates in Singapore serious and not have them become like the selling of soap. The Films Act will therefore include a provision to disallow the distribution and exhibition of party political films in Singapore. The penalty for those infringing this provision is set at a maximum of \$100,000.”<sup>53</sup>

4.13 During the second reading of the Films (Amendment) Bill in Parliament, various Members of Parliament had expressed concerns that the prohibition might discourage civic participation, restrict free speech and limit discussions about current events and issues.

4.14 Since the amendments were passed in 1998, only two films are known to have been prohibited as party political films under Section 33 of the Films Act. These are “Singapore Rebel” by Martyn See, which is about opposition party leader Chee Soon Juan and “Persistence of Vision” by three polytechnic lecturers on another opposition figure, J.B. Jeyaretnam. As the provision criminalises the making of party political films, it is possible that the existence of Section 33 has had a “chilling” effect on other films, which have therefore not been made or have never been publicised. It could therefore be that Section 33 might have had the unintended effect of narrowing the range of possible themes and topics on which local films may be made.

### **Internet election advertising**

4.15 The Parliamentary Elections Act<sup>54</sup> and the regulations<sup>55</sup> made under the Act set out rules and restrictions on the manner in which the Internet can be used for election advertising and canvassing during the election period.

4.16 During the election period, only political parties, their candidates and their election agents may carry out prescribed election advertising activities on the Internet.<sup>56</sup> They are allowed to post on their website, photographs or representations of their candidates, party histories, biographies of candidates and their manifestoes.<sup>57</sup> Political parties are also allowed to host moderated chat rooms and discussion forums on their website. The use of e-mail to promote or oppose a party or candidate is also allowed, subject to certain conditions.

4.17 There is also a ban on “election advertising” on polling day, but the ban does not apply to election advertising that had already been lawfully published on the Internet before polling day or to the transmission by an individual of his own political views to another individual on a non-commercial basis.<sup>58</sup> The

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<sup>53</sup> Singapore Parliament. (27 Feb 1998). Second reading of Films (Amendment) Bill. Hansard, Vol 68, Col 477.

<sup>54</sup> Singapore Parliamentary Elections Act (Chapter 218, 2007 Rev Ed).

<sup>55</sup> Singapore Parliamentary Elections (Election Advertising) Regulations (Chapter 218), Regulation 3.

<sup>56</sup> *ibid*, Regulation 4. This sets out a positive list of permissible election advertising activities.

<sup>57</sup> *ibid*, Regulation 4(1).

<sup>58</sup> Singapore Parliamentary Elections Act (Chapter 218, 2007 Rev Ed). Section 78B.



ban also does not apply to the publication of news relating to the election in a newspaper “in any medium” (which would cover the Internet).

4.18 Individuals can discuss political issues, blog, post podcasts for political purposes, or carry on election advertising during the election period, but they must not consistently espouse a political line. However, individuals are not allowed to post party political videos as these are prohibited at all times. Those who “persistently propagate, promote or circulate political issues relating to Singapore” may be required to register with the MDA. These registered individuals, also known as “relevant persons”<sup>59</sup> under the Parliamentary Elections Act, would not be permitted to provide material on the Internet that constitutes election advertising during elections period.

4.19 Currently, political campaigning (or election advertising) by political parties, candidates, election agents and registered persons (as above) on the Internet via podcasts, vodcasts, blogs and social networking sites (e.g. Facebook) during the General Elections is not allowed as these activities are not prescribed in the “positive list” under the Parliamentary Elections (Election Advertising) Regulations.

## Review of light touch policy

4.20 Based on information that is available publicly, it would certainly seem that the Government has kept to its promise that, in general, its touch will be light when it comes to the Internet. The Government’s actions through the years seem to suggest that action will not be taken over content posted on the Internet unless it clearly crosses the out-of-bounds markers. A decade of Internet regulations has seen fewer than 30 publicised cases of infringements.<sup>60</sup> The Government recognises that there is no need, and in fact it is impossible, to pursue each and every transgression in cyberspace.<sup>61</sup> Its operating principle is to selectively target those it believes pose a clear risk in

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<sup>59</sup> Under Section 78A(3) of the Parliamentary Elections Act, “relevant person” means any person or group of persons in Singapore (other than a political party, a candidate or his election agent) which —

(a) provides any programme on the World Wide Web through what is commonly known as the Internet under a class licence; and

(b) is required under the conditions of the class licence to register with the Media Development Authority of Singapore on account of that person or group of persons engaging in or providing any programme for the propagation, promotion or discussion of political issues relating to Singapore,

and a person or a group of persons shall be regarded as required to register with the Media Development Authority of Singapore even though the time permitted for such registration has not expired.

<sup>60</sup> Case files compiled by Cherian George and Yee Yeong Chong. Retrieved Jul 1, 2008, from <http://calibratedcoercion.wordpress.com/case-files/>

<sup>61</sup> Speech by Dr Vivian Balakrishnan, Minister for Community Development, Youth and Sports and Second Minister for Information, Communications and the Arts, at the Foreign Correspondents Association Lunch Time Talk (2007, March 22). Retrieved from <http://app.sprinter.gov.sg/data/pr/20070322979.htm>

the real world. In the last few years, action has been taken for postings of seditious or racially offensive content which have gained traction in society.<sup>62</sup>

4.21 However, this light touch approach may not be “light” enough. The current regulations have attracted criticisms for being overly restrictive and promoting self-censorship. Increasingly, Singaporeans have clamoured for more space for political discourse. Some have commented that the registration rule has a chilling effect on online speech, as the arbitrariness of deciding which website will next be called upon to submit itself to registration could promote self-censorship and a wariness about discussing certain subjects. It has even been suggested that laws and regulations specific to the Internet be abolished.

4.22 On the other hand, many members of the public support the current regulatory framework, and believe that the regulations are essential to protecting public interests. They feel that the Internet should be just another platform for the public to express their views. And like any other platform in the physical space, online users should be expected to comply with the laws of the land, intended to protect public interests. By this reasoning, freedom of speech on the Internet should not amount to an unfettered licence for anyone to deliberately propagate materials that would otherwise be unlawful and prohibited under existing laws. Some of the more “conservative” voices argue that further regulations should be in place, to guard against destabilising forces against our society and values.

4.23 The Government explains that it sees the need for rules for political discussion over the Internet in part because of the ease with which comments can be posted anonymously. It is difficult to verify anonymous statements or accusations<sup>63</sup> or even to identify the originator so that clarifications can be offered. Information devoid of accountability devalues the credibility of information provided on the Internet. This could end up misleading and misinforming citizens.

4.24 This was again articulated recently in a speech by Minister for Information, Communications and the Arts, Dr Lee Boon Yang. Reflecting on the impact of the Internet on the 2006 General Elections, Dr Lee said that while there is merit in the argument that people should be able to judge for themselves the information they read, he noted that there is such a large variety of blogs, some with clearly malicious content that “... it may not be easy to sort out the enlightening from the confusing - which ought to be destined for the trash can.”<sup>64</sup>

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<sup>62</sup> In 2005, two bloggers were jailed under the Sedition Act for posting inflammatory and vicious remarks about Muslims and Malays on the Internet. In the same year, a 17-year-old blogger was convicted under the Sedition Act for posting racist remarks against Malays and was given probation.

<sup>63</sup> Keynote address by Mr David Lim, Minister of State for Defence and Information and the Arts. (2001, September 14). Retrieved from <http://stars.nhb.gov.sg/stars/public/viewHTML.jsp?pdfno=2001091401>

<sup>64</sup> Speech by Dr Lee Boon Yang, Minister for Information, Communications And The Arts, at the 5th Annual PR Academy Conference "New Media: The New Frontier In Communications & PR". (2006, May 31). Retrieved from <http://stars.nhb.gov.sg/stars/public/viewHTML.jsp?pdfno=20060531997>

4.25 Despite these concerns and the laws in place, very little actual action has been taken against websites that may be said to violate these “OB markers”. In the run-up to the 2006 General Elections and during the election campaign itself, several websites were hosting videos and audio clips of various politicians giving speeches but none of them were known to have registered with the MDA.

### **Are regulations still relevant?**

4.26 The existing regulations have been criticised as being archaic. To a great extent, technological developments have outpaced and circumvented the law, making it extremely difficult, if not impossible, to effectively enforce them. Vodcasts, podcasts and blogs can be hosted on foreign third party servers located outside Singapore, and even if a particular website or source is blocked (although none has been blocked merely for political content) its content can easily be “mirrored” onto another website. Users could post banned films online on foreign-based video sharing sites such as YouTube and Google to bypass current restrictions. Furthermore, the publicity generated by a ban might even, paradoxically, increase the reach of a particular work. For example, the banned film “Singapore Rebel” is available on YouTube and has attracted more than 150,000 views since it was made available in September 2006.

4.27 The 2008 Malaysian general election had seen extensive and creative use of new media, both by political parties as well as individuals. The U.S. Presidential election and the two parties’ nomination races also demonstrate how the new media had been used effectively (or not so effectively) by the candidates. In Australia, the 2007 Australian elections were dubbed the “Facebook Elections” and Prime Minister Kevin Rudd personally used Facebook to reach out to young voters. Whilst the specifics may differ, it is inevitable that we will similarly see a much more active online political landscape and blogosphere by the next General Election in Singapore.

4.28 These trends point towards a need to review and update current regulations to keep in step with the changing environment. Prime Minister Lee Hsien Loong had noted in a recent interview that the Government will have to review regulations to meet the needs of the new age, but the Government will proceed with caution to moderate any adverse impacts.<sup>65</sup>

## **Online election advertising in other countries**

4.29 Restrictions on Internet election advertising are not unique to Singapore. In reviewing our regulations, it is useful to study how other countries deal with online political campaigning. In particular, we will focus on Japan, Korea, Australia and Canada. These countries have varying degrees

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<sup>65</sup> Interview with Prime Minister Lee Hsien Loong by Lianhe Zaobao and published in The Straits Times. (2008, April 16). Leading and lightening up in the YouTube age. *The Straits Times*.

of restrictions on Internet election advertising, from a total ban on online political activities in highly wired Japan to minimal restrictions in Australia.

## **Japan**

4.30 Japan has a strict ban on online political activities during the election period when even political parties contesting the elections are not allowed to update their party websites on upcoming activities. Campaigning is limited to traditional methods of posters, distribution of flyers, broadcasting of views through megaphones on moving vans, and carefully structured debates broadcast on television. These rigid election campaigning laws date back several decades but are still in place to try to maintain what is deemed a fair and level playing field. There is also concern with the emotional effect of videos, and how they could be used to manipulate and influence the electorate.

4.31 The ban on online campaigning has been criticised for depriving the electorate of important information about the candidates. Those who want to lift the ban are of the view that having information from multiple media sources does more good than harm. They are confident that they are capable of deciding for themselves what information is credible. This would help the voters make informed decisions. Some suspect that the resistance to change come from the more elderly politicians who are less adept at exploiting the use of new media.

## **South Korea**

4.32 In South Korea, emphasis is placed on balancing the need to allow freedom of expression with the importance of ensuring fairness of an election. Internet election campaigning is allowed. However, there are strict rules that determine when internet election campaigning can take place and the truth of what is said.

4.33 President Roh Moo-hyun's victory in the 2002 Presidential election prompted candidates to put greater effort in their online campaigns. The Internet and netizens had played a critical role in Roh's victory. The online newspaper OhmyNews helped Roh counter the criticisms of the conservative press.<sup>66</sup> Many Internet users posted online messages, imploring their colleagues to vote for Roh.<sup>67</sup>

4.34 New media is employed in campaigning efforts via the Internet and mobile phones, two technologies that have the highest penetration rate in the country. Political parties have devoted much of their campaigning to creating professionally designed websites with interactive applications. Candidates have also created pro-voting mobile ring tones and sent mobile advertisements to voters in an attempt to reach out to them. The Internet is

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<sup>66</sup> Clifford, M., L., & Ihlwan, M. (2003, February 24). The Web Site that Elected a President. *BusinessWeek*.

<sup>67</sup> The Korean Times. (2002, December 24). Roh's Online Supporters Behind Victory.

also a platform often used by candidates and citizens to stage debates and post commentaries.

4.35 An independent National Election Commission was set up to ensure fair elections. This commission recognised the impact that information posted on the Internet could have on the outcome of the election. Hence, it has set up the Internet Election News Deliberation Commission, which monitors the Internet to ensure a fair reporting of events. The election law is particularly strict in ensuring the fairness and accuracy of information reported that could affect the election outcome. The Internet Election News Deliberation Commission will monitor online activity during the electioneering period and take action against candidates and citizens alike who flout the rules. However, there is much debate over grey areas of satirical commentary and videos that had appeared online during non-campaigning periods.<sup>68</sup>

4.36 Authorities are particularly strict about the no campaigning rule for a period of 90 days prior to the start of the campaign.<sup>69</sup> This is to prevent an unfair advantage for richer candidates and parties who could afford a longer campaign and gain more reach and influence.

## **Australia**

4.37 In Australia, there is a three-day election advertising blackout on all electronic media, from midnight on the Wednesday before polling day to the end of polling on Saturday.<sup>70</sup> However, this blackout applies only to television and radio, and not the Internet. The blackout period provides a “cooling off” period in the lead up to polling day, during which political parties, candidates and others are no longer able to purchase time on television and radio to broadcast political advertising. The intent of such regulations is to ensure that political advertising does not mislead or deceive electors.

4.38 There are minimal regulations on online election advertising. In 2005, the Commonwealth Electoral Act was amended to extend to Internet advertising the requirement which had already existed in respect of printed matter for the name and address of persons sponsoring political advertisements to appear at the end of such advertisements.<sup>71</sup>

4.39 The 2007 Federal election in Australia was dubbed by the media as the Facebook election, signalling that the Internet had a major impact on the polls. However, views from Australian academics, government officials and political observers were mixed. The general view was that Web 2.0 and the Internet did have an impact, but the degree of impact was unclear.

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<sup>68</sup> Kim, S. (2004, April 6) Political parodies: free expression or law violations? *The Korean Herald*. Reproduced on Asiamedia. Retrieved from <http://www.asiamedia.ucla.edu/article.asp?parentid=9788>

<sup>69</sup> In South Korea, the Presidential and Parliamentary elections are fixed on particular dates. The next Parliamentary election is on 9 April 2012. The next Presidential election is on 19 December 2012.

<sup>70</sup> Australian Broadcasting Services Act (1992). Schedule 2.

<sup>71</sup> Commonwealth Electoral Act 1918. Section 328A.

## Canada

4.40 Canada has similar regulations on online election advertising as Australia. All election advertising that promotes or opposes a candidate, including by taking a position on an issue associated with a registered party or candidate must indicate who authorised it.<sup>72</sup>

## Summary

4.41 The underlying emphasis in these countries is similar – to ensure a fair election. However, some countries are stricter than others. What differentiate them are their concerns with freedom of expression and the comfort level of their politicians in using new media. Hence, countries such as Australia and Canada had taken the opposite stance from Japan’s complete shutdown of Internet campaigning activity.

## Recommendations

4.42 AIMS believes that the online sphere holds much potential for lively, yet balanced political debate and can encourage political awareness and participation among citizens. This in turn helps promote a sense of ownership and “rootedness” on the part of citizens. The overarching intent of the recommendations below is to liberalise existing regulations to encourage active, balanced online political discussion while minimising adverse effects.

- **Liberalise Section 33 of the Films Act**

4.43 There are several reasons why AIMS feels Section 33 of the Films Act needs to be liberalised.

4.44 First, the ban on party political films is too wide-ranging and catches the good along with the bad. Under the existing definition,<sup>73</sup> any film made about the Government, its policies or any controversial issues in Singapore could potentially be considered a political film. For example, filmmaker Jack Neo’s movies have often touched upon public policies and issues such as education, the class divide, race and even the Electronic Road Pricing system. Many of these are controversial issues. Technically, his films could be classified as party political films. Such a broad, drift-net approach could potentially stifle creativity as any film that touches on politics or government policies could be caught by the law, creating a chilling effect on the development of our film and interactive digital media industry. People should be able to make videos on social or political issues without fear. This also dovetails with the need to promote creativity and grow our pool of young filmmakers and enhance Singapore’s reputation as a creative hub.

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<sup>72</sup> Canada Elections Act (2000, c.9). Clause 320.  
<sup>73</sup> As elaborated in para 4.10.

4.45 Second, technology has simply out-paced the law and made it unenforceable.<sup>74</sup> Banned films can simply find their way into homes of Singaporeans through the Internet. Two disallowed films, Martyn See's "Singapore Rebel" and "Zahari's 17 years" are available on YouTube and other video-sharing services. A more recent example is the controversial film "Fitna" by Dutch MP Geert Wilders which was regarded as provocatively insulting to Islam. Although broadcasters refused to show the film and even the Internet provider hosting the film's website removed it from the site, it was nonetheless released through video-hosting site Liveleak. Within hours, it was replicated on other video-sharing sites and blogs. The easy availability of videos on YouTube, Liveleak and other sources underscores the difficulty of banning or blocking videos, whether in Singapore or elsewhere.

4.46 Technology has also enabled videos to be produced and distributed cheaply and easily. Anyone with a personal video camera or even a digital camera or mobile phone can now make a film and upload it on the Internet. Production and distribution are no longer restricted to film studios or production houses. The simple fact is that political videos, parodies and satires are part of contemporary culture.

4.47 Third, a variety of other non-media specific legislation exists which cater to potential threats to our society. Existing racial and religious harmony laws are robust with the recent amendments in the Penal Code relating to incitement of racial or religious hatred.<sup>75</sup> There are also defamation and sedition laws to tackle libellous and seditious content respectively. The Parliamentary Elections Act also regulates political campaigning during the crucial elections period. Hence, it is unnecessary to have a separate piece of legislation to control party political films, especially during the time outside of the elections period.

4.48 Fourth, since the introduction of the ban on party political films ten years ago, Singapore's society has been exposed to a much wider spectrum of content on the Internet. Today's better educated population has access to a greater diversity of views, perspectives and alternative values and culture. The public wants more space for the critical scrutiny of policies, and Section 33 is a barrier. Government needs to reassess where or how to redraw the "OB markers" for them to remain meaningful.

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<sup>74</sup> Key technological changes are faster Internet access speeds due to cheaper broadband access and innovations such as video sharing sites like YouTube. These have made it easy for people to share and watch relatively high quality videos online. Looking ahead, the next generation broadband network will be rolled out making access speeds even faster, rendering the law even less effective. Next Gen NII is Singapore's new digital super-highway for super-connectivity. Next Gen NII has two components: A wired broadband network that will deliver ultra-high broadband speeds to all homes, offices and schools, while a wireless broadband network will offer pervasive connectivity around Singapore.

<sup>75</sup> See amended sections 298 (Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person) and 298A (Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony) of the Penal Code.

4.49 To quote Dr Vivian Balakrishnan,<sup>76</sup>

*“Governments need to give people as much information as possible on a subject, and give them room to discuss and arrive at solutions. With adequate information and space, we hope that rational and constructive views will prevail. Governments will still have to set agendas and exercise leadership, but they will have to do so consensually and collectively, except where national security is at stake.”*

Repealing the ban on party political films will be a step forward in this direction and will encourage citizens to discuss issues using different channels of communication.

4.50 Fifth, Section 33 shuts out a potentially valuable channel of communication between political parties and the electorate at a time when the new media has become an important platform for public discourse as can be seen overseas. Globally, politicians have started using new media to engage constituencies who are new media savvy. This year, the Japanese Prime Minister Yasuo Fukuda sent out his New Year's greetings on his party's Liberal Democratic YouTube channel in a short five-minute clip.<sup>77</sup> In the US, the campaign to be party nominee for President has been dubbed the “YouTube election”<sup>78</sup> with the video-sharing site playing an influential role. Presidential hopefuls have debated with one another on YouTube.<sup>79</sup> The U.S. Department of State makes use of online videos to post press conferences and speeches to explain U.S. foreign policy.<sup>80</sup> In the UK, Queen Elizabeth broadcast her Christmas Day message via YouTube in 2007, and launched a “The Royal Channel” on YouTube, dedicated to videos from the monarchy. Singapore, being one of the most wired countries in the world, should be the one of the first to harness the benefits of using technology to nurture a more politically engaged citizenry.

#### Repeal or amend the law?

4.51 The question, then, is not whether it should be changed but *how*. There are three main ways to liberalise this law. One would be to narrow the scope

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<sup>76</sup> Speech by Dr Vivian Balakrishnan, Minister for Community Development, Youth and Sports, at the 7th Annual PR Academy Conference: Strategic Communication: Communicating In a New Media Environment. (2008, May 22). Retrieved from <http://app.sprinter.gov.sg/data/pr/20080522994.htm>

<sup>77</sup> New Year's Greetings from Yasuo Fukuda. (2008, January 1). Viewed on Jan 8, 2008, from <http://youtube.com/watch?v=SwtDu1KDY04>

<sup>78</sup> Lizza, R. (2006, August 20). The YouTube election. *The New York Times*. Retrieved from <http://www.nytimes.com/2006/08/20/weekinreview/20lizza.html?ref=washington>

<sup>79</sup> Seelye, K. (2007, June 14). YouTube passes debate to new generation. *The New York Times*. Retrieved from <http://www.nytimes.com/2007/06/14/us/politics/14youtube.html?ei=5090&en=0bdf26a98d2e6c6c&ex=1339473600&partner=rssuserland&emc=rss&pagewanted=all>

<sup>80</sup> Videos on Dipnote, US Department of State blog. Viewed on Jan 8, 2008, from <http://blogs.state.gov/index.php/videos>



of the law. Another is to repeal Section 33 altogether. The last option is a combination of the first two options.

4.52 The various options which AIMS has considered are presented below.

#### Option 1 – Narrowing scope of law

4.53 As an alternative to totally doing away with Section 33, it may be possible to more narrowly define its scope. This option needs to be considered because the impact of politically-motivated, misleading films aimed at arousing the emotions should not be under-estimated. For example, the Democratic candidate for the U.S. presidential election, Senator Barack Obama, was recently forced to launch a website dedicated to addressing what he considers to be smears launched against him online.

4.54 It is possible for politically charged films to be detrimental to society. But is it possible to make a distinction between, say, on the one hand, entertainment which also seeks to provoke *some* critical thinking about the plight of the downtrodden, and a film that makes scurrilous and false allegations that undermine respect for the Government or its agencies?

4.55 It is, in theory, possible to prohibit political films that are clearly misleading. These could be films that dramatise events, edit footages or splice images together to distort facts and mislead the viewer.<sup>81</sup> We could therefore re-word the definition in the Act to keep out such films, while expanding the space for film makers.

4.56 The key challenge for policy makers is the tremendous difficulty in defining what distinguishes the misleading film from those that should be considered to be valuable and in the main, harmless to society as a whole.

#### *Panel to decide on political films*

4.57 In order to deal with the margins, it will be necessary to state with certainty what the assessment of a particular film is. At the same time, the public would require confidence that adjudication is fair, and that the law does not stifle debate. This job is perhaps best left to an independent advisory panel made up of citizens of high standing who are non-partisan, and whose views carry weight with the public.

4.58 Currently, the Board of Film Censors (BFC) classifies all films, with recourse for appeal to an appeals board made up of private citizens. But the impact of films made for political purposes is very much harder to assess. A separate advisory panel could therefore specialise in dealing with political films.

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<sup>81</sup> One such video is a montage juxtaposing harsh statements about Islam made by the Reverend Rod Parsley with statements from Republican presidential nominee John McCain praising Parsley, a conservative evangelical leader. It was intended to injure Mr McCain's credibility. The montage eventually led him to reject Parsley's earlier endorsement of his candidacy.

4.59 To ensure that such a panel inspires public confidence and trust, it must have as its members, persons of high standing in society. In its work, it must be impartial, independent, and transparent. For instance, the panel should, as part of its operating procedure, ensure that its reasons for its decisions are made known to the public.

4.60 However, the enormity of the panel's responsibilities cannot be understated. In the digital age, films that are denied classification or prevented from being distributed will simply be distributed via video-sharing and file-sharing technologies. The court of public opinion will then make its own judgment. Should the public assess the matter differently, the panel's legitimacy and trust may be eroded. The controversy will drive more viewership, and the fact that the film was disallowed by an independent panel will go against the grain of the stated goal of opening up the scope for political discourse.

#### Option 2 – Repeal Section 33

4.61 Given these difficulties, an outright repeal may be clearer and more effective. After all, there is currently insufficient evidence as to the quantitative impact of negative or deliberately misleading films. One British academic, Professor Stephen Coleman of the University of Leeds in Britain, believes the concern over the impact of misleading films is over-stated. Misleading views, though cleverly presented, will spawn rebuttals online. For example, whilst American filmmaker Michael Moore's films "Sicko" and "Bowling for Columbine" were enormously successful they have also been carefully scrutinised and various arguments and facts presented in them have been criticised.<sup>82</sup>

4.62 Also worth noting is that political filmmakers are motivated by what they see as either bias or neglect of coverage of issues they deem important in the mainstream media. This has led some to argue that the more comprehensive, balanced and credible the mainstream media is, the less scope is there for film makers out to mislead.

4.63 To manage these risks, AIMS considered the following ideas:

#### Option 2(a) – Classification rating for political films

4.64 In the course of our discussions in Singapore, one suggestion that has been raised was to classify and rate political films. If the worry is that political films may beguile and deceive its audience, especially the younger, presumably more impressionable, viewers, would it not be possible to apply a rating mechanism, in much the same way that films with nudity and violence are rated?

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<sup>82</sup> Lawyer David T. Hardy has a point- by-point rebuttal of Moore's anti-gun movie "Bowling for Columbine". Retrieved Jul 22, 2008, from <http://www.mooreexposed.com/index.html>

4.65 Thus, there could be, depending on the content and nature of the film, an NC-16 political film, or a R21 political film. This could protect younger viewers who may be less able to distinguish fact from hyperbole.

4.66 However, in the final analysis, we consider that this suggestion is not feasible. Giving films a “political” rating invites the same definitional problems as banning them. What is “political” such that it needs to be rated? Furthermore, rating a film R21 (Political) is also bound to invite ridicule as this will not be seen as liberalising the system.

#### Option 2(b) – Notification and right of reply

4.67 Another approach is to require filmmakers who want to make films of a political nature, or who are not sure if their work is political, to notify their making of a film to a central register or database.

4.68 This could be through a simple on-line notification process, which is not a pre-requisite to the film being made, but a way to ensure accountability for the contents of a film. It could thus be an easily-satisfied pre-requisite to the distribution or public exhibition of a film. As a notification process, it is also not an “approval” regime that requires that discretion be applied or a decision be taken as to whether or not a film is “acceptable”.

4.69 This approach is in line with the MDA’s light-touch policy. It is also useful as it provides a mechanism to compel a right of reply should one be demanded. For instance, if one political party makes a film about another and distorts the facts, the maligned party could insist that a right of reply is accorded to the allegedly maligned party. Both sides can thus have their say.

4.70 However, there are also difficulties with this approach. It is not certain if such a right of reply is practical in this medium. Enforceability is another. There is little incentive for any filmmaker to notify the making of the film unless the filmmaker wants to get permission to screen it publicly. If the intention is to merely film and upload it on the Internet, there is little that the state can do. Offering limited protection from liability to filmmakers who notify and comply with the need to grant any aggrieved party a right of reply might act as some form of incentive.

4.71 Another problem is more significant. It is likely that the making and distribution of such films will be at a fever pitch during an election campaign which could be as short as nine days long. A film could easily be released just before polling day, and the opportunity to respond may, even if accorded, amount to little. The supposed “self-correcting” nature of the Internet, through which the collective wisdom of a “crowd” is supposed to self-police content on the Internet may fail to kick in effectively.

#### Option 2(c) – Restrict the distribution and exhibition of party political films using the Parliamentary Elections Act, during a specific blackout period

4.72 To address the risks in a more targeted manner, another proposal is to treat the election campaign period, beginning from the issue of the writ of

election to the end of the polling day as being a “blackout period”. During this blackout period, the creation or distribution of new<sup>83</sup> party political films as defined under the present Films Act can be restricted.

4.73 We recognise the limitations of this recommendation because the influence of films made and distributed outside this period could persist. Furthermore, the incumbent political party may be said to have prior knowledge of when a General Election would be called, and may release party political films just before elections are called.

4.74 However, between a “free-for-all” regime in many countries and those that ban online election campaigning altogether, this compromise is attractive. If the intention is to reduce the likelihood that election results might be tainted or affected by films calculated to shock or mislead, then this blackout period is clearly justifiable. For the rest of the time, restrictions are not in place, and film-makers can be at liberty to do as they please, within the constraints of other laws, but without any special treatment for “party political films”.

4.75 After considering all the three ideas to manage the risks, we feel that if Section 33 is to be repealed, the best option would be to impose a strict blackout period i.e. option 2(c).

#### Option 3 – Repeal Section 33 in phases

4.76 No expert can predict with any certainty the consequences and impact of an immediate repeal of Section 33 of the Films Act. A “safer” option is therefore to work towards the repeal of Section 33 in phases by first narrowing its scope with the intention that the final destination would be to repeal Section 33 entirely. Although we had expressed, at para 4.60 above, reservations on the enormous difficulties that an independent advisory panel will face, a phased option will allow an objective evaluation of how it would actually work in practice. The experience gained from the deliberations of the independent advisory panel could be invaluable. A carefully constituted panel should be given an opportunity to establish its credibility through sound and transparent judgment calls. The court of public opinion may as a result pronounce a favourable judgment of trust in the panel's credibility. This phased option will also allow all stakeholders to monitor and analyse the impact of misleading films on political discourse as Singapore's society evolves and digital technology advances. Section 33 can be repealed when the negative risks of misleading films are assessed to have been minimised.

4.77 Which of these three options is best? AIMS recognises that a very fine balance has to be struck, between the need to liberalise and the need to address the potentially negative impact of misleading films. In the spirit of sound consultative practice, AIMS seeks the views of the public in the hope that these ideas can be further improved upon, or inspire fresh ones. AIMS will give careful consideration to all ideas before making its final recommendations to Government.

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Party political films released after the issue of the writ of election.

4.78 AIMS has additional recommendations to liberalise the current regulatory regime.

- **Extend positive list for Internet election advertising**

4.79 The Parliamentary Elections Act should be changed to allow for more digital content during elections by expanding what is known as the “positive list” for Internet election advertising. The present list is too restrictive, and denies political contestants the use of digital technology, whose value has been well demonstrated. The extended list should include videos or recordings of live events, such as election rallies, party press conferences and constituency tours. Broadcasts of party manifestoes and stories already aired over radio and TV should also be allowed. So should the use of Web 2.0 technologies (such as blogs and social networks).

4.80 The extension of the list to include Web 2.0 technology ensures that regulations keep pace with changing technology that is being increasingly used by users. With this amendment, all election candidates and their political parties and agents will be able to use podcasts, vodcasts, blogs and other new media tools to promote themselves, their agendas and election manifestos.

- **Remove registration requirement in Class License Scheme**

4.81 AIMS further recommends the removal of the registration requirement for individuals and bodies of persons who provide any programme, for the propagation, promotion or discussion of political or religious issues relating to Singapore through the Internet websites.

4.82 Under the Class License Scheme, political parties and bodies of persons that engage in the propagation, promotion or discussion of political or religious issues through the Internet have to register with the MDA. As for individuals who engage in the propagation, promotion or discussion of political or religious issues online, they will need to register with the MDA when asked to do so by the Authority.

4.83 AIMS feels that the registration requirement for individuals and bodies of persons is unnecessary as adequate legislation is in place to deal with potential threats to our society. With the above recommendation, individuals and bodies of persons would be able to participate freely online, without any “threat” or “concern” that they may be required to register with the MDA, even though that registration burden had been made as light as possible.

4.84 However, the registration requirement for websites belonging to registered political parties should be retained to ensure accountability, especially during elections period as political parties need to adhere to a “positive list” for online elections advertising.

4.85 Under the existing regulation, “registered” individuals or bodies of persons are not allowed to engage in election advertising on the Internet. With the proposed recommendation, they will be able to do so. Hence, the removal

of this registration requirement, which has often been criticised for restricting free speech, will lead to more online space for the general public. It will also catalyse and dovetail with the Government's e-engagement efforts.

## Conclusion

4.86 Technology and changing social conditions in Singapore make a revision of the rules of engagement necessary from time to time. Cyberspace has become increasingly a platform of choice, if not an indispensable one, for political discourse. While it has much potential for lively and balanced debate, risks of abuse cannot be understated.

4.87 The best defence against distortive material is trust – trust that is hard earned and demonstrated. A second defence is a credible mainstream media. Thirdly, it is in the best interest of those who use new media to press their case to acquire the communications skills to do so. Singapore is best served by political discourse that is well-informed, serious and factual. This will allow voters to consider the issues rationally, and not be unduly swayed by films or videos that mislead or trivialise important issues.

# CHAPTER 3: PROTECTION OF MINORS

5.1 The Internet has changed how information is made available to the masses. Information that is uploaded and indexed on the web is easily searchable, and much more readily accessible as compared to paper-based collections. Consumers of information have a much wider range of media to choose from. While the Internet and new media have brought enormous benefits to everyone, it has also resulted in new dangers for a vulnerable section of our society – minors.<sup>84</sup>

## Risks to minors

5.2 The studies of harmful effects of new media on minors are largely similar in most countries. What differs is the assessments of the degree and severity of the problem in a particular society. The most common harmful effects are elaborated below.

### Access to harmful and inappropriate content

5.3 The ease of information access and the proliferation of pornography, violence and other inappropriate content online have made it much easier for a minor to obtain or come into contact with such content. In the UK, it was found that among minors aged 9-19, 31% had received unwanted sexual comments online<sup>85</sup> and 57% of them had seen pornography online, mostly involuntarily. Most of the respondents were tricked into visiting these offensive sites by deceptive “pop-up” windows or had received hyperlinks to such material through unsolicited email.<sup>86</sup>

5.4 The Media Awareness Network (MNet) in Canada found that while most children had positive experiences online, many of the most popular websites among minors contained inappropriate content.<sup>87</sup> Aside from explicit adult content and extreme violence, MNet also recommended that minors should be taught to deal with websites that normalise and promote hate

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<sup>84</sup> The term ‘minors’ refers to those who have not reached their full legal age (i.e. below the age of 21). This group of minors can be divided between children who are aged 12 and below, and youth which are between 13 - 20 years old. The reason for this segmentation is due to the different levels of self-awareness and maturity of the two groups, resulting in varied needs, habits and reactions to protective measures.

<sup>85</sup> Livingstone, S., & Bober, M. (2005). UK Children Go Online: Final Report of Key Project Findings. *London School of Economics Research Online*. Retrieved from <http://eprints.lse.ac.uk/399/>

<sup>86</sup> *ibid.*

<sup>87</sup> Media Awareness Network. (2005). Young Canadians in a Wired World. Retrieved Feb 4, 2008, from [http://www.media-awareness.ca/english/research/YCWW/phasel1/key\\_findings.cfm](http://www.media-awareness.ca/english/research/YCWW/phasel1/key_findings.cfm)

speech and racially or ethnically prejudiced speech. Children may not have the maturity or experience to identify the divisive or dangerous nature of such forms of expression.

### **Online sexual grooming**

5.5 Online sexual grooming is another cause for concern as the reach of the Internet allows sexual predators to prey on minors whom they would otherwise not be able to easily contact in the physical world. Social networking sites, instant messaging (“IM”) chats and chat rooms help predators to win over the trust of minors who let their guard down in these environments that they may perceive to be “safe”. Children may not be able to discern between a potential online friend of the same age and an adult with a sinister agenda due to the lack of visual and aural cues. In 1993, a famous cartoon in the New Yorker showed a pair of dogs “conversing” in front of a computer. The caption was, “On the Internet, nobody knows you're a dog”.<sup>88</sup> Whilst superficially funny, the cartoon succinctly illustrates the problem of identity on the Internet. Minors cannot easily tell whether an IM chat request is from a friend-of-a-friend who is from about the same age-group and has the same interests, or whether it is from an adult sexual predator who had researched publicly stored information readily given out by many minors. The lack of auditory and visual clues as to the person at the other end of the Internet greatly expands the scope for sinister activities by ill-intentioned adults.

5.6 Minors, including teenagers, are the main target of online sexual predators. Girls aged 13-17 were found to be most at risk.<sup>89</sup> These teenagers are exploited by online predators who prey on their emotions. Some victims were found to be aware of the consequences of their actions but nevertheless fall prey to online sexual predators due their immaturity, impulsiveness and personal sexual urges.<sup>90</sup>

### **Internet addiction**

5.7 Addiction is another cause for concern in numerous countries. In South Korea and China, Internet addiction, and in particular online gaming addiction, has become a hot topic and an issue of much social concern.

5.8 In South Korea, the Centre for Internet Addiction Prevention and Counselling was set up to monitor and tackle the problem. It found that 15.8% of 16-19 year olds fell into the high risk or potential risk group. More than half (56.5%) in this group said they had displayed health problems as a result of their addiction.<sup>91</sup>

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<sup>88</sup> Image can be retrieved from <http://www.unc.edu/depts/jomc/academics/dri/idoq.html>

<sup>89</sup> International Association of Internet Hotlines (INHOPE). (2004). Online Grooming. Retrieved Jul 9, 2008, from <https://www.inhope.org/en/problem/chat.html>.

<sup>90</sup> *ibid.*

<sup>91</sup> As presented by the Centre for Internet Addiction Prevention and Counselling in South Korea during the AIMS East Asia Study Trip.



5.9 In China, the rapidly growing Internet community has also seen a rise in the number of Internet addicts throughout the country. Research by the China Youth Internet Society<sup>92</sup> in 2007 found that about 10% of the youths in China were addicted to the Internet.

## Cyberbullying

5.10 Cyberbullying refers to the use of new media to bully a person. This involves the intention to humiliate or attack another person's reputation by posting information, rumours or multimedia content that the person would object to. This has become a growing concern, marked by the rise in cyberbullying cases. Though bullying has always existed in the physical world, the new media presents bullies with more potential ways to inflict mental harm on his or her victim, and provides more tools to avoid detection.

5.11 Examples of cyberbullying include posting embarrassing or insulting information about a person, harassing a victim by repeatedly sending nasty, threatening or insulting messages to the person, and denigrating a person's reputation through a "hate" site or other content intended for public viewing.<sup>93</sup> Persistent bullying has driven victims into depression or even into committing suicide. Notable cases include Dave Knight<sup>94</sup> who became depressed after enduring bullying from his classmates and 13 year old Ryan Halligan who committed suicide in 2003 after being bullied online and offline.<sup>95</sup> Another 13-year old, Megan Meier,<sup>96</sup> committed suicide in 2006 after her classmate's mother pretended to be a boy on social networking website MySpace and befriended her only to turn against her and taunt her, affecting her self-esteem so much that she tragically committed suicide.

5.12 Though Singapore has not experienced similar notable cases, cyberbullying is becoming a significant worry. Teachers at AIMS focus group discussions gave anecdotal evidence of cyberbullying in their schools.

*"There was one group of boys who were bullying a girl and they uploaded it (the video) on the Internet and after that it affected the girl emotionally in school. It became a discipline issue too and everybody involved was sent for counselling. The girl is still affected today, because she cannot get along with them in class and she will just shy away and sometimes she (would) just cry."*

5.13 A volunteer organisation known as the "Coalition Against Bullying for Children & Youth" was set up in Singapore in 2005 to help educate parents

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<sup>92</sup> China Youth Internet Society (2007) Survey Research Report. According to Professor Ke Huixin, Communication University of China.

<sup>93</sup> Directgov, United Kingdom. What is Cyberbullying. Retrieved Jul 9, 2008, from [http://www.direct.gov.uk/en/YoungPeople/HealthAndRelationships/Bullying/DG\\_070501](http://www.direct.gov.uk/en/YoungPeople/HealthAndRelationships/Bullying/DG_070501)

<sup>94</sup> Leishman, J. (2005, March). Cyber-bullying. *CBC News*. Retrieved Jul 9, 2008 from [http://www.cbc.ca/news/background/bullying/cyber\\_bullying.html](http://www.cbc.ca/news/background/bullying/cyber_bullying.html)

<sup>95</sup> Frontline. (2008, January 22). Interviews – John Halligan. *PBS*. Retrieved Jul 9, 2008 from <http://www.pbs.org/wgbh/pages/frontline/kidsonline/interviews/halligan.html>

<sup>96</sup> Roberts, D., Paparella, A., & Chenetz, R. (2007, December 6). 'Sickened, Devastated': Parents on MySpace Suicide. *ABC News*. Retrieved Jul 9, 2008 from <http://abcnews.go.com/2020/story?id=3958937&page=1>

and youths. In 2006, together with the Harvest Centre for Research, Training & Development, they conducted a survey of 4000 Singaporean youths and found that 95% of respondents reported that they had been bullied in some form or another.<sup>97</sup> Wired Safety,<sup>98</sup> an online volunteer organisation providing help and education on online safety issues, found that in 2005, Singapore had the highest rate of online bullying outside of America. Although this conclusion was based on the number of cyberbullying complaints they had received on their website<sup>99</sup> and might not be representative, it justifies a closer look at the problem.

### **Children are using the Internet from a younger age**

5.14 The National Internet Development agency of Korea (NIDA) found that in 2006, 51.6% of children between the ages of 3 and 5 actively accessed the Internet.<sup>100</sup> 53.9% of this group had been using the Internet for more than a year and are believed to have the skills to use the Internet independently. The UK's Office of Communication (Ofcom) had also reported that UK children were mastering the use of media like the Internet from the age of 5.<sup>101</sup> This trend is also seen in Singapore where children from the age of 4 are learning how to independently use the computer at certain pre-schools and enrichment programs.

5.15 The South Korean Internet Safety Commission (KISCOM) said that most of these younger children gained these media literacy skills by observing their older siblings or Internet savvy parents. Singaporean parents have also shared that their young children have demonstrated the ability to use the computer themselves after mirroring the actions of older siblings or of their parents.<sup>102</sup>

### **Increasing usage of Internet through mobile devices by minors**

5.16 Another trend resulting in new media effects on minors is the growth in the popularity of mobile Internet access, whereby people can access the Internet from various portable devices such as mobile phones and wifi-enabled devices.

5.17 Both South Korea and Japan have shown a high adoption rate of mobile phones and the use of mobile Internet, especially by youths. A 2006 study conducted by the Japanese Ministry of Internal Affairs and Communication showed that more than half of the Japanese, especially

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<sup>97</sup> Forss, P. (2006, June 13). '95 percent of primary, secondary students experienced bullying in schools'. *Channel News Asia*. Retrieved Jul 1, 2008 from <http://www.channelnewsasia.com/stories/singaporelocalnews/view/213431/1/.html>

<sup>98</sup> Wired Safety. Retrieved Mar 20, 2008, from <http://www.wiredsafety.org/>

<sup>99</sup> Schools.com.sg. (2007, June 21). Cyber-Bullying on the rise. Retrieved from <http://www.schools.com.sg/articles/210607cyberbully.asp>

<sup>100</sup> As presented by the South Korean Internet Safety Commission (KISCOM) during the AIMS East Asia Study Trip.

<sup>101</sup> Office of Communications (Ofcom), United Kingdom. (2008). Media Literacy Audit. Retrieved from

[http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrss/ml\\_childrens08/](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/ml_childrens08/)

<sup>102</sup> Findings from AIMS discussion dialogue with parents and educators.

teenagers, sent email and surfed the Internet via their mobile phones with some no longer checking emails on their computers.<sup>103</sup> In South Korea, a 2007 NIDA survey showed that 46.2% of all Internet users and 74.1% of Internet users aged 12-19 used their mobile phones to access the Internet.<sup>104</sup> This increase in the usage of mobile Internet is making it more difficult for parents to physically supervise and provide guidance over the content that children are accessing online. With mobile Internet access in Singapore likely to become cheaper, a similar trend may emerge in Singapore.

### **Lack of parental supervision and guidance**

5.18 In addition to the trends highlighted above, a lack of monitoring and guidance from parents could also adversely affect a child's experience online. Our research has shown that this is the reality in many countries.

5.19 Ofcom's recent Media Literacy Audit Report<sup>105</sup> showed that youths' bedrooms were increasingly becoming media centres where they were left to entertain themselves with media. Parents who allowed their children to use the Internet alone were also less likely to establish ground rules to guide their children's media consumption. A 2006 Euro-barometer study commissioned by the European Union on Safer Internet<sup>106</sup> found that 60% of European parents did not set rules to guide their children's Internet experience.

5.20 This lack of supervision does not always indicate nonchalance from parents but could be attributed to several factors. Firstly, the nature of new media consumption is largely individualistic. Coupled with the rise of mobile Internet, parents may find it difficult to constantly supervise their children.

5.21 A second possible reason is that parents did not know what their children were doing or how to monitor their children's activities as they were not savvy with new media. The concept of "digital natives" and "digital immigrants"<sup>107</sup> illustrates this divide. The conventional parent-child relationship involves the parent having more experience and thus being in a better position to advise and supervise. However with new media, the "digital natives" who are born into a world where new media already exists, have no problems adapting to it and possess more technical knowledge than their

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<sup>103</sup> Hiroko, T. (2007, November 5). PCs getting pushed aside by other, powerful gadgets. *The Japan Times*.

<sup>104</sup> As presented by the KISCOM during the AIMS East Asia Study Trip.

<sup>105</sup> Office of Communications (Ofcom), United Kingdom. (2008). Media Literacy Audit. Retrieved from

[http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrss/ml\\_childrens08/](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/ml_childrens08/)

<sup>106</sup> European Commission. (May 2006). Special Eurobarometer 250 "Safer Internet". Retrieved from [http://ec.europa.eu/information\\_society/activities/sip/docs/eurobarometer/eurobarometer\\_2005\\_25\\_ms.pdf](http://ec.europa.eu/information_society/activities/sip/docs/eurobarometer/eurobarometer_2005_25_ms.pdf)

<sup>107</sup> The concept of the "digital native" and the "digital immigrant" was proposed by Marc Prensky in 2001. Digital natives describes the generation of people born into the digital world and are "native speakers" of the digital language of computers, video games and the Internet. Digital immigrants are those born in an age before computers and have adapted to the new environment. Prensky suggests that despite being adaptable, digital immigrants will always retain a "digital immigrant accent" and instinctively react in the traditional manner they were originally socialised to react.

Prensky, M. (2001). Digital Natives, Digital Immigrants. *On the Horizon*, 9(5), 1-6.

parents, the “digital immigrants”. The natives would be aware of ways to circumvent their parents’ methods of monitoring their new media activities.

## How are these risks managed?

5.22 The hot button issues are the lack of control over access to harmful and inappropriate content, the presence of online predators, and the dangers of addiction. Globally, governments and non-governmental organisations have employed various methods to manage the exposure of minors to harmful and inappropriate content while relying on legislation to criminalise the activities of online predators.

### Restrictive content control methods

- Filters

5.23 Filters are one common way to shield minors from objectionable online content. They could be provided by the Internet Service Provider (ISP) or could be client-based filtering software installed on individual terminals. At the ISP level, content is filtered before it reaches the individual’s home computer. In contrast, client-based filtering software has to be installed by the user on his home computer. Countries such as Norway, Sweden and the United Kingdom have established ISP level filters to sieve out child pornography<sup>108</sup> and several ISPs in various countries also provide optional child-safe filtered services. Internationally, commercial client-based software such as Net Nanny and Cyber Patrol are readily available and automatically update the client-based software with the latest lists of blocked sites.

5.24 In Australia, there are plans for extensive, nationwide ISP level filtering. Australia is in the midst of a debate that might result in government mandated, nationwide ISP level filtering of child pornography and other objectionable material like extreme violence. Net Alert, the Australian government’s Internet safety initiative, presently provides client based filtering software for free download.

5.25 There have been much deliberation and criticism of the effectiveness of filters. Circumvention of filters is always possible. A ten-year old child in Australia was able to bypass client-based software, whilst making it appear as if the software was still operational when his parents checked.<sup>109</sup>

5.26 ISPs who often compete on price and the speed of access are loathe to introduce filtering which may slow down traffic.<sup>110</sup> Whilst there are divided

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<sup>108</sup> McMenamin, B. (2008, January 8). Filters needed to battle child porn. *Australian IT*. Retrieved from <http://www.australianit.news.com.au/story/0,24897,23021828-15306,00.html>

<sup>109</sup> Higginbottom, N., & Packham, B. (2007, August 26). Student cracks Government’s \$84m porn filter. *Herald Sun*. Retrieved from <http://www.news.com.au/story/0,23599,22304224-2,00.html#>.

<sup>110</sup> Australian Communications and Media Authority (ACMA). (2008, February). Developments in Internet Filtering Technologies and Other Measures for Promoting Online Safety. Retrieved from

views as to whether filtering is effective, a recent study by the Australian Communications and Media Authority (ACMA) concluded that ISP-level filters can be effective.<sup>111</sup> The study by ACMA showed that filtering products were able to effectively filter out at least 88% of objectionable content.

5.27 Filters would be particularly useful in protecting younger children who possess the skills to use the Internet but lack the maturity to avoid such content. For the parents of these younger children, filters could complement guidance and education they would provide to their children until they are old enough to protect themselves.

- Internet reporting centres

5.28 Reporting centres often complement the use of filters and give Internet users an avenue to contribute to a safer Internet world. Many countries like South Korea, Japan, China and the UK<sup>112</sup> have set up reporting centres that allow citizens to report objectionable or illegal online content. The Internet Watch Foundation hosted in the UK is one of the largest and best known reporting centres. It focuses on the reporting of international child sexual abuse (paedophilic material and activity online) as well as material hosted in the UK that is obscene or incites hatred.

5.29 In South Korea, where the Internet penetration rate for minors aged 9 – 19 is almost 100%, the Korean Internet Safety Commission (KISCOM) has set up a 24 hour Illegal and Harmful Information Report Centre that receives, investigates, and deals with complaints of objectionable content. They have also developed a content rating system, SafeNet, that enables website owners to rate their own content and foreign websites with the help of bots using artificial intelligence. SafeNet encourages local website owners to better inform Internet users as well as provide ISPs with a list of websites to be blocked.<sup>113</sup>

5.30 The International Association of Internet Hotlines (INHOPE) is an international collaboration of Internet reporting centres that help various centres exchange reports, best practices, and assist in setting up new reporting centres.<sup>114</sup> INHOPE targets illegal content, child pornography, online grooming and hate speech.

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[http://www.acma.gov.au/webwr/\\_assets/main/lib310554/developments\\_in\\_internet\\_filters\\_1st\\_report.pdf](http://www.acma.gov.au/webwr/_assets/main/lib310554/developments_in_internet_filters_1st_report.pdf)

<sup>111</sup> Australian Communications and Media Authority (ACMA). (2008, June). Closed environment testing of ISP-level Internet content filtering. Retrieved from [http://www.acma.gov.au/webwr/\\_assets/main/lib310554/isp-level\\_internet\\_content\\_filtering\\_trial-report.pdf](http://www.acma.gov.au/webwr/_assets/main/lib310554/isp-level_internet_content_filtering_trial-report.pdf).

<sup>112</sup> Internet Watch Foundation. Retrieved Oct 16, 2008, from <http://www.iwf.org.uk/>

<sup>113</sup> As presented by the KISCOM during the AIMS East Asia Study Trip.

<sup>114</sup> International Association of Internet Hotlines (INHOPE). Retrieved Dec 4, 2007, from <https://www.inhope.org/en/about/about.html>

- Age verification systems

5.31 Age verification is another method used to protect children from viewing objectionable content. In the US, users have to enter a valid credit card number as proof that he or she is above 18 years old.<sup>115</sup>

5.32 In South Korea, age verification is compulsory before access to material which is deemed 'harmful to youth' is granted. All search engines and portal websites have also voluntarily applied age verification systems which ask for a user's details when the user searches for a keyword which may lead to material unsuitable for minors (for example, 'sex' or 'porn').<sup>116</sup> Visitors will have to enter their name and nation resident registration number which are checked against the national database to verify that they are above 18 years old.<sup>117</sup> In Australia, new rules introduced in January 2008 require Australian hosted websites that commercially provide material with a rating of M15+ and R18+, to verify that the visitors are at least 15 years old and 18 years old respectively. This verification system aims to allow more choices for adults while protecting minors.

5.33 However, these systems are not foolproof. It is not difficult for children who wish to enter adult websites to use an adult's credit card or nation resident registration number to gain access.

## **Legislation protecting children online**

- Online grooming laws

5.34 Many countries have enacted an online predator law to criminalise online sexual grooming.<sup>118</sup> In the UK, anyone aged 18 years or older who, after meeting or communicating with the minor at least twice, meets or travels to meet a minor under 16 years old with the intention of sexual contact or inciting the minor to commit or watch sexual conduct, is guilty of sexual grooming.<sup>119</sup> The Singapore Penal Code was recently amended to include a similar criminal offence modelled after the UK law.<sup>120</sup> In Australia, most state jurisdictions have made amendments to their law which criminalises the luring of minors for sexual conduct. Their laws do not require the victim to actually

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<sup>115</sup> Information and Resources about the Commission on Online Child Protection (COPA). (2000). Age verification systems. Retrieved Dec 3, 2007, from <http://www.copacommission.org/report/ageverification.shtml>.

<sup>116</sup> As presented by the KISCOM during the AIMS East Asia Study Trip.

<sup>117</sup> Williams, M. (2007, May 17). Google Korea to censor search results. *InfoWorld*. Retrieved from [http://www.infoworld.com/article/07/05/17/google-korea-to-censor-search\\_1.html](http://www.infoworld.com/article/07/05/17/google-korea-to-censor-search_1.html)

<sup>118</sup> Online sexual grooming refers to the act of an adult befriending a minor online with the intention of developing emotional control so as to pave the way to establishing a sexual relationship involving cyber sex and/or physical sex. The exact definition varies among jurisdictions.

<sup>119</sup> Australian Institute of Criminology Online. (2008). Online Child Grooming Laws. Retrieved from <http://www.aic.gov.au/publications/htcb/htcb017.html>

<sup>120</sup> Singapore Penal Code (Chapter 224). Section 376E.

be a minor as long as the paedophile thinks he/she is one.<sup>121</sup> This has resulted in successful sting operations where the police masqueraded as minors in order to bait paedophiles, thereby, it is hoped, preventing them from furthering their ill-intentions on real minors.

5.35 There have also been discussions about more targeted measures to prevent paedophiles from contacting minors easily. Internet Relay Chat (IRC) and chat rooms belonging to reputable websites<sup>122</sup> have all been identified as potential places where online grooming can and has taken place. Social networking websites<sup>123</sup> like MySpace,<sup>124</sup> Facebook and Friendster are a major cause for concern as minors post a lot of personal information on their social networking profile pages, allowing sexual groomers to easily pick and contact targets.

- Industry self-regulation

5.36 The industry has taken actions to target these online grooming “traps”. In July 2007, MySpace announced that they deleted 29 000 profiles of sexual predators they had identified on their social networking website.<sup>125</sup> Facebook had also been under pressure from attorneys-general in the U.S. to look into the sexual predator problem. Facebook has also been identified to contain objectionable content such as user-contributed sexually explicit photographs or user-created groups focused on deviant interests like “I’m curious about incest” and “Facebook Swingers”.<sup>126</sup> In January 2008, after social networking giants Facebook and MySpace acknowledged their responsibility in preventing abuse by sexual predators, MySpace agreed to take stricter measures to separate children’s profiles from adults and put in place stricter age verification measures.<sup>127</sup> All profiles created by users under 18 years old will be automatically set to “private” so that strangers would not be able to see them.

5.37 The Home Office in UK released Social Networking guidelines in April 2008, on how the industry, parents and children can contribute to a safe social

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<sup>121</sup> Griffith, G., & Roth, L. (September 2007). Protecting Children From Online Sexual Predators, NSW Parliamentary Library Research Service Briefing Paper 10/07. Retrieved from <http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/ProtectingChildrenFromOnlineSexualPredators>

<sup>122</sup> Foggo, D., Newell, C., & Foley, M. (2007, May 6). Paedophiles use Skype ‘loophole’ to woo children. *Times Online*. Retrieved from [http://technology.timesonline.co.uk/tol/news/tech\\_and\\_web/the\\_web/article1752240.ece](http://technology.timesonline.co.uk/tol/news/tech_and_web/the_web/article1752240.ece)

<sup>123</sup> BBC News. (2007, May 14). Web safety warning for children. Retrieved from <http://news.bbc.co.uk/1/hi/uk/6652585.stm>

<sup>124</sup> CBS News. (2006, February 6). MySpace: Your Kids’ Danger?. Retrieved from <http://www.cbsnews.com/stories/2006/02/06/eveningnews/main1286130.shtml>

<sup>125</sup> BBC News. (2007, July 25). MySpace bars 29,000 sex offenders. Retrieved from <http://news.bbc.co.uk/2/hi/technology/6914870.stm>

<sup>126</sup> Stone, B. (2007, July 30). New Scrutiny for Facebook Over Predators. *The New York Times*. Retrieved from <http://www.nytimes.com/2007/07/30/business/media/30facebook.html>

<sup>127</sup> Barnard, A. (2008, January 15). MySpace Agrees to Lead Fight to Stop Sex Predators. *The New York Times*. Retrieved from [http://www.nytimes.com/2008/01/15/us/15myspace.html?\\_r=1&oref=slogin](http://www.nytimes.com/2008/01/15/us/15myspace.html?_r=1&oref=slogin)

networking experience.<sup>128</sup> International jurisdictions are looking at how these guidelines can help create a safer online environment for children. These guidelines were developed based on a 2008 study by Dr Tanya Byron, "Safer Children in a digital world".<sup>129</sup> This study suggests approaching the issue from 3 angles of which one involves reducing the accessibility of harmful material. It found that although the existence of a large number of websites means that blocking is difficult to achieve, there is a "long tail" effect whereby most people accessed material from a small number of popular sources online. Hence, it remains possible to target popular areas on the Internet where children would be most vulnerable.

## Education

5.38 Many countries have developed educational programmes to help teach minors about the dangers and potential harmful effects of new media to complement their regulatory measures. Many of these programmes are developed and carried out by non-governmental organisations devoted to protecting minors.

5.39 Net Alert is an Australian government funded initiative which is dedicated to examining the effects of new media on the young and in employing education and technical measures like filters to protect minors. They have developed several sets of educational materials targeting children, youth as well as parents and educators. The overall "Cybersafe Schools" programme employs various methods most suitable for the needs and preferences of each age group to teach cyber safety. Each programme also comes with material for teachers and parents so that they know how to use the programme and reinforce the message at home.

5.40 There are other educational programmes created by non-governmental organisations. The CyberAngels is an example of a community of volunteers who have been successful in helping to manage the problem of cyber safety. Created in 1995, they have grown into a respected online volunteer organisation.<sup>130</sup> Parents can obtain information on how to protect their child online and can get support and advice from them. They have also collaborated with Time-Warner which sponsored a public safety campaign and a "Cyber Safety Day" in New York.<sup>131</sup>

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<sup>128</sup> UK Home Office Police. (2008, April 4) Social Networking Guidance. Retrived Apr 6, 2008, from <http://police.homeoffice.gov.uk/operational-policing/crime-disorder/child-protection-taskforce?view=Standard>

<sup>129</sup> Byron, T. (2008). Safer Children in a digital world. *Department for Children, Schools and Families, United Kingdom*. Accessible from <http://www.dfes.gov.uk/byronreview/>

<sup>130</sup> CyberAngels. Retrieved Jun 13, 2008, from <http://www.cyberangels.org>

<sup>131</sup> CyberAngels. (2007, September 25). Time Warner Cable and Cyberangels Launch \$500,000 Public Safety Campaign on First-Ever 'Cyber Safety Day' in New York City (Press Release). Retrieved from <http://www.guardianangels.org/pdf/2108.pdf>



## The key lies in education

5.41 While filters and laws can be effective in protecting children from harmful online content and contact, education remains the long term answer. The adage touting the benefits of teaching a child to fish certainly holds true in this situation. Despite best efforts by parents and guardians to keep out harmful and inappropriate content, children will inevitably be exposed to them in this free flowing digital world. It is therefore important that children learn to read the danger signs and possess the necessary skills to react appropriately. Education should be seen as a foundation on which the resilience of our society against harmful effects is built. Simply relying on technical solutions or legislation would only address short term problems. Filters, restrictive systems and laws are only stopgap solutions. They create an artificial, safe “bubble” around users. While these measures are suitable for younger children who do not yet have the ability to think rationally, older users whose natural instinct is to challenge the boundaries of the bubble would learn to get round them. Education will make them aware of the dangers of doing so.

5.42 Furthermore, there are sufficient cases to suggest that objectionable material may even appear on seemingly reputable child-friendly websites like Disney.com or Neopets.com because these sites frequently allow for user-contributed content or comments. Content like hate speech is difficult to filter out as the underlying website may be otherwise “safe”. In such situations, the values and critical assessment skills which the minors have acquired are the only defences they have to discern good from bad and reject harmful material.

5.43 The Byron report<sup>132</sup> also provides useful ideas. Parents can be educated about the dangers that exist online and the means of shielding their children from them.

5.44 In short, it is important for minors to learn how to deal with the plethora of material in cyberspace. This calls for a sustained and comprehensive educational programme for our minors.

### Media education for adults

5.45 Another challenge is media education for adults.

5.46 The key issue is the knowledge gap between digital immigrants (most adults) and digital natives (most minors).<sup>133</sup> Parents and teachers often find themselves unable to relate to children where the new media landscape is concerned. With traditional media, parents and teachers have the basic technical knowledge and understanding. However, in the case of new media, traditional educational methods may not work. The minors do not need adults to teach them the technical knowledge. But possessing the technical

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<sup>132</sup> Byron, T. (2008). Safer Children in a digital world. *Department for Children, Schools and Families, United Kingdom*. Accessible from <http://www.dfes.gov.uk/byronreview/>

<sup>133</sup> Prensky, M. (2001). Digital Natives, Digital Immigrants. *On the Horizon*, 9(5), 1-6.

knowledge does not mean that minors have the skills needed to critically assess the content that they consume, whether willingly or inadvertently.

5.47 Adults thus have a responsibility to learn more about new media. Parents have the greatest degree of proximity with minors, and must shoulder the greater responsibility of educating the minors. Educating children about online risks cannot be abdicated to schools or the Government. New approaches to education have to be developed for adults. At a minimum they must be made more aware of the online dangers. Adults may first have to learn from the young in order to gain a fuller understanding of the technology and the culture of the new media.

### **Opportunities and risks**

5.48 The “UK Children Go Online” project by Professor Sonia Livingstone and Dr Magdalena Bober took a detailed look at minors’ Internet use. They found that there was no “one size fits all approach” towards protection of minors, and that education was vital to a child’s ability to maximise the benefits of new media exposure while minimising the dangers. They saw that by restricting minors’ activities and experiences online, adults were also restricting their exposure to opportunities online.<sup>134</sup> Professor Livingstone said, “Parents who employ supportive practices, rather than simply restricting internet use, increase their children’s online skills and, as a result, increase their opportunities”.<sup>135</sup> However, she went on to say that supportive supervision of their children’s activities did not automatically translate to a reduction of risks.

5.49 Stephen Carrick-Davies, CEO of Childnet International, surmised from the report that even the savviest of minors would be exposed to risks, and that:

*“Developing critical net-literacy skills in young people is therefore crucial, and this has to involve parents helping children and having meaningful interaction about the internet. It is also vital that teachers really understand how children are interacting on the internet outside of the classroom, where it is generally filtered, protected and supervised. This is where more work and support is needed if we are to ensure that children are truly life-literate as well as net-literate.”*

## **What is being done in Singapore**

5.50 In Singapore, cyber safety plans include the use of technical solutions, legislation and public education.

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<sup>134</sup> UK Children Go Online Project. (2005, February 9). Opportunities and risk go hand in hand on the Internet (Press Release). Retrieved from [http://www.lse.ac.uk/collections/pressAndInformationOffice/newsAndEvents/archives/2005/Children\\_Online.htm](http://www.lse.ac.uk/collections/pressAndInformationOffice/newsAndEvents/archives/2005/Children_Online.htm)

<sup>135</sup> *ibid.*

## Funding

5.51 In 2001, the Singapore Broadcasting Authority (SBA), predecessor of the Media Development Authority, established a S\$5 million Internet Public Education Fund.<sup>136</sup> This fund was set up with the aim of promoting online safety and was used to fund industry and community groups' efforts at creating educational materials for children and organising more public education programmes. Although the fund was fully utilised by 2005, the MDA continued to provide funding.

## Family Access Networks

5.52 In 1998, the SBA together with the three ISPs,<sup>137</sup> launched an optional Family Access Network (FAN) service. This service provides subscribers with Internet access filtered at the server level, essentially delivering a "clean feed" to the household without the installation of any software.<sup>138</sup> The provision of FAN as an option by the ISPs is mandated by the MDA as a form of public service to the community.

5.53 FAN filters out pornographic material and other undesirable content such as extreme violence, hate or terrorist websites. As it utilises server side filtering, FAN is not easily toggled on and off from the user's computer. Hence, it is suitable for parents who do not wish to deal with the hassle of installing and maintaining a desktop filter. FAN is currently available from all ISPs at a monthly fee of about S\$2.

5.54 Although FAN sounds like a viable option for many busy parents, it suffers from a low take-up rate. In 2003, the National Internet Advisory Council<sup>139</sup> (NIAC) noted the low adoption rate and recommended that the industry actively promote and develop the FAN service. The Censorship Review Committee 2002/2003 had also recommended in 2003 that ISPs be given two years to improve on their filtering service before other measures should be looked at to give more protection to minors.<sup>140</sup> However, the adoption rate and level of awareness remain low. Many participants of AIMS

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<sup>136</sup> Media Development Authority. (2001, February 21). Singapore Broadcasting Authority (SBA) Establishes \$5 Million Internet Public Education Fund. Retrieved from <http://www.mda.gov.sg/wms.www.thenewdesk.aspx?sid=293>

<sup>137</sup> There are three main ISPs in Singapore, Singtel, Starhub and Pacific Net.

<sup>138</sup> Media Development Authority. (2007, August 28). Family Access Network. Retrieved Apr 9, 2008, from <http://www.mda.gov.sg/wms.www.devpolicies.aspx?sid=161#3>

<sup>139</sup> The NIAC was formed in 1996 to advise SBA on new media policies and regulations, industry co-regulation and to reflect industry and public concerns on new media. It was active for 10 years and delivered annual reports detailing various recommendations. The NIAC was dissolved in 2006. Media Development Authority. (2007, March 30). National Internet Advisory Committee. Retrieved Apr 9, 2008, from <http://www.mda.gov.sg/wms.www.actualTransferrer.aspx?c=10.8.&sid=195&eid=-1&fid=-1>

<sup>140</sup> The Censorship Review Committee 2002/2003 was appointed in 2002 by MICA Minister to review media guidelines and recommend changes made necessary by technology. Their 2003 report was retrieved from [http://www.mda.gov.sg/wms.file/mobj/mobj.316.Censorship\\_Review\\_2003.pdf](http://www.mda.gov.sg/wms.file/mobj/mobj.316.Censorship_Review_2003.pdf)

focus group discussions either did not know about FAN or confused it with commercial software:

*“But Singapore doesn’t have such a service yet, right? I mean none of our ISPs offer it.” – Teacher*

There was some support for having the FAN service:

*“For parents with kids, of course you need to do that. These kids, they’re very smart. They know where to go and their friends are really well-informed.” – Teacher*

*“My 4-year-old can actually surf the net. 4 years old only. I only go shopping for Victoria’s secret online and (when he uses the Internet) instead of Victoria’s secret, you don’t want another Victoria to come out.” – PMEB with child*

To date, there are fewer than 20,000 subscribers to the service.

### **Reporting of objectionable content**

5.55 Members of the public who wish to report objectionable material to the MDA can do so via email. MDA would investigate the reports and either issue a take down notice for material hosted in Singapore, or work with international counterparts to deal with the issue. However, this reporting channel has not been well publicised and is not well utilised.

5.56 Family Online Service, the FAN offered by SingNet, has a webpage where subscribers can report unsavoury content via an online form.<sup>141</sup> This service is offered by the software vendor and all complaints are maintained by the software vendor who would investigate and update the filter database.<sup>142</sup>

### **Symbolic ban of 100 websites**

5.57 There is a ban on 100 “mass-impact objectionable websites” which are blocked at the ISP level for all residential Internet accounts. MDA has stated that this list contains mainly pornographic sites and several sites that carry extremist religious content. The list of 100 websites has never been revealed to the public. The Government recognises that blocking all undesirable websites is not feasible<sup>143</sup> and that there are ways to get round the ban. But it has chosen to maintain this blacklist for its symbolic value, reflecting society’s values and disapproval of such content.

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<sup>141</sup> Singnet Family Online Access reporting page. Retrieved Feb 2, 2008, from <http://www.singnet.com.sg/product/fol/report.asp>.

<sup>142</sup> Findings from AIMS discussion dialogue with Singtel.

<sup>143</sup> Tan, J. (1997, November 2). Banning of 100 sites more a gesture of concern. *The Straits Times*.

5.58 On May 23, 2008, MDA received much public attention for banning two pornographic video sharing websites, RedTube and YouPorn.<sup>144</sup> These sites were included in the list as they were easily accessible by minors and contained hardcore porn videos that could be viewed for free.<sup>145</sup> By adding these two websites, two others had to be removed from the list of 100 banned sites although MDA did not disclose which sites were removed from the list.

5.59 This ban has been criticised for not adding much value to society while sticking out as a lightning rod for criticisms at home and abroad. In our focus group discussions with parents and educators, AIMS found that parents and teachers were under the impression that the list of blocked sites had more than the 100 sites, and that it provides enough protection for their children. Some confused this ban with FAN and assumed that FAN was already provided to them for free and did not require them to sign up. Other respondents also felt that the ban was ineffective or even offensive:

*“Even if they ban it (the 100 websites) there are more other websites we can still surf” - Blogger*

*“I think on some levels I will resent that the government is banning these websites. I mean like, what, they don’t trust that we would not access these websites?” - Teacher*

5.60 Though there is some merit in symbolism, it would be counter productive if the ban causes such confusion and gives parents a false sense of security.

5.61 In our view, there are other more effective measures available. They are discussed below.

### **Sexual grooming law**

5.62 Section 376E which was added to the Penal Code in 2007 criminalises sexual grooming of a minor under 16. According to the new amendment, any adult aged 21 and above is guilty of sexual grooming if he/she has contacted a minor aged under 16 on 2 or more occasions and meets or travels to meet the minor with the intention of committing a sexual offence with the minor.<sup>146</sup> The adult has to not reasonably believe that the minor is 16 years old or older and no harm has to actually befall the minor for the adult to be found guilty. This amendment is very similar to Section 15 of UK’s Sexual Offences Act (2003) and provides legal redress for victims of paedophilic sexual predators.

### **Education by the Government**

5.63 Singapore has coined the term “Cyber Wellness” which is often used in local literature to refer to the protection of minors. Cyber wellness refers to

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<sup>144</sup> Reuters. (2008, May 23). Singapore bans two porn websites in symbolic move. Retrieved from <http://www.reuters.com/article/internetNews/idUSSIN22017320080523>

<sup>145</sup> Chua, H., H. (2008, May 23). MDA bans two video-sharing porn sites. *The Straits Times*.

<sup>146</sup> Singapore Penal Code (Chapter 224). Section 376E.

“the positive well-being of Internet users and a healthy cyber culture for the Internet community. It involves an understanding of the risks of harmful online behaviour, an awareness of how to protect oneself and others from such behaviour, and recognition of the power of the Internet to affect oneself and the community at large”.<sup>147</sup>

5.64 The Ministry of Education (MOE) has prescribed guidelines on cyber safety. Through research and referencing of programmes developed by other countries, MOE has created a programme for children in primary and secondary school based on a cyber wellness framework. This framework focuses on building a child’s innate instinct to protect himself or herself and to be responsible for his or her own safety online.<sup>148</sup> MOE provides schools with starter kits to develop their own materials and methods in educating children about cyber safety. Schools are also encouraged to involve parents.

5.65 However, the reality is that schools in Singapore differ greatly in their degree of focus on cyber safety. As MOE has left the implementation of these non-examinable soft-skills to the discretion of the individual schools, there are great discrepancies between schools with some children receiving little or no cyber safety instruction at all.

5.66 In April 2007, the Internet and Media Advisory Committee was formed to provide advice to the MDA and MICA on public education programmes and initiatives to promote media literacy and responsible usage of the Internet and the media. MDA has developed a MediAction! programme which supports initiatives to inculcate the right values and practices among Internet users to address the challenges and dangers of the Internet. MDA has worked with more than 100 partners from the people, public and private sectors to educate youths, educators, parents and the general public, on the responsible and discerning use of the Internet. This includes the active promotion of cyber wellness core values that serve as guidelines to manage our media habits responsibly. In 2007, more than 300,000 people participated in the MediAction! Programme.

## **Community involvement**

5.67 There are also community groups involved in cyber safety education and counselling of minors in Singapore. TOUCH Community Services organises the CRuSH cyber wellness program.<sup>149</sup> CRuSH stands for *Cyberspace Risks & where U Seek Help* and focuses on promoting cyber wellness to youths, as well as adults and young children. It was first launched in September 2001 and has been receiving support and funding from the MDA, the Inter-Ministry Committee on Youth Crime and StarHub. It now encompasses a wide range of programmes like Project CRuSH and Planet CRuSH and they have organised road shows.

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<sup>147</sup> Media Development Authority. (2007, August 28). Internet. Retrieved Jun 13, 2008, from <http://www.mda.gov.sg/wms/www/devnpolicies.aspx?sid=161>

<sup>148</sup> Ministry of Education, Singapore. (2008, January 28). Cyberwellness Framework. Retrieved on 13 Jun 2008, from <http://www3.moe.edu.sg/edumall/tl/cyberwellness.htm>

<sup>149</sup> Planet CRuSH. Retrieved Jun 13, 2008, from <http://www.planetcrush.org/index2.htm>

5.68 Project CRuSH is an educational programme that teaches lower secondary and upper primary students to adopt good values and safe behaviour. This is achieved through the use of games, case studies and structured activities that would capture the students' attention and help in learning. Topics include online chatting and gaming, addiction to porn, Internet privacy and online communities. Planet CRuSH, a more advanced programme for secondary school youths, educates them on security and unsavoury threats on the Internet (spam, hacking, porn), with a dedicated workshop using cognitive behavioural therapy to help youths gain control over their gaming habits.

5.69 TOUCH Community Services also runs the one-stop PlanetCRuSH Cyber Wellness Centre that counsels Internet addicts, introduces these youths to healthy gaming communities and sets up mentoring relationships with youth workers. They also run workshops for parents to help them understand and address issues on gaming and addiction.

5.70 Based on our focus group discussions with parents, we found that parents do not seem to be very concerned about the negative effects that may accompany "new media". Nevertheless, they expressed concern over two key areas:

- a. Addiction to the Internet and gaming; and
- b. Access to objectionable content online.

5.71 While there have been commendable efforts by MDA, MOE and community groups, they have largely been ad hoc and uncoordinated. The existing programmes are neither comprehensive nor well coordinated across the whole of government and society.

## Recommendations

5.72 Drawing from the experiences of other countries and findings from our focus groups, AIMS proposes a holistic and coordinated approach. More resources will be needed to make this a long-term and sustainable solution. The following are areas which AIMS feels require attention:

- **Focus on education**

5.73 AIMS proposes that the bulk of resources be allocated to education as education is the best tool for the development of a long term framework ensuring the protection of minors. Although it may not show immediately demonstrable returns, education provides the foundation for a more informed and self-sufficient population. The instinctive skills which education helps develop are particularly useful in a constantly changing new media environment with its new technologies and tools.

5.74 Education involves the development of educational courses and materials for minors as well as for parents, guardians and educators.

5.75 However, it must be stressed that education requires commitment to a long term sustained program. Such commitment is costly as compared to relatively short-term projects or solutions such as filters.

- **Increase utilisation of filtering resources**

5.76 Filters, though not fool proof, are still useful for protecting younger children who are not mature enough to fend for themselves.

5.77 AIMS proposes that the present optional FAN service provided by all ISPs be made more accessible to Singaporean households. One option could be for the Government to fund the provision of FAN service to households that wish to have it. In addition to obviating the need for subscribers to bear the S\$2 to S\$3 charge per month for the filtered access, this move would help encourage ISPs to more visibly promote the FAN service. At present, there may be ambivalence on the part of ISPs as greater uptake could actually translate to higher cost to the ISP when existing equipment has to scale beyond the current low-usage. Furthermore, it must be easy for users to activate and de-activate the service.

- **Develop research capabilities**

5.78 Effective cyber safety programmes require good research. There is a lack of local academic research as compared to countries such as the United Kingdom and Australia. Research in those countries significantly contributed to their development of innovative cyber safety programmes and measures. Their ideas cannot be imported wholesale. Singapore must develop its own programmes and measures, even if we can leverage on the work done elsewhere.

- **Collaboration with overseas counterparts**

5.79 AIMS recommends greater collaboration by our local organisations with their overseas counterparts who are facing similar challenges. Protection of minors is a universal problem and it would be mutually beneficial to share research, ideas and resources. Websites which host objectionable content made available in Singapore are also mostly based overseas. Hence collaboration with foreign groups would help local organisations address this issue. Organisations we met in Australia, Canada and South Korea, have expressed great interest in cooperating with their counterparts in Singapore.

- **Encourage a spirit of volunteerism**

5.80 Fighting cyber crime is a community responsibility. Therefore, a spirit of volunteerism should be fostered.

5.81 Groups like TOUCH Community Services and the former Parents Advisory Group for the Internet (PAGi), are valuable. Their passion for this kind of work is a precious asset. In fact, some of the foreign organisations we met with were impressed with the work PAGi had done.



5.82 To do all these, AIMS recommends the following:

- **Annual fund for the protection of minors**

5.83 AIMS proposes the establishment of an annual national budget to finance all the activities listed above. It should be co-funded by the Government as well as the private sector, with the state providing the bulk of the resources. Co-funding signals the importance of community involvement. Industry which benefits from a buoyant interactive digital media sector should support this effort because a safer cyberspace is in the greater interest of the industry.

5.84 Law and order is highly funded in Singapore. It would be prudent for the Government to treat cyber safety as seriously as it does physical safety.

5.85 Many programmes and efforts, local and foreign, have cited a lack of guaranteed and sustained funding as the main reason for their demise. These groups typically felt that too much time had to be spent sourcing for funds. Though case-by-case ad hoc funding could potentially result in many small community projects, this is not satisfactory. Without sustained financial support, results are likely to be patchy.

- **Establish a dedicated coordinating agency for the protection of minors**

5.86 AIMS recommends that a dedicated agency be set up. It should have permanent staff and support from various stakeholders, including the public sector, academia, industry, community groups, parents and educators.

5.87 This agency should serve three key functions:

- (a) Study, formulate and implement a national strategy for cyber safety and cyber wellness in Singapore;
- (b) Coordinate activities and resources across the various government agencies, industry players and public organisations; and
- (c) Administer the national fund.

5.88 AIMS recommends that the agency regularly engage with the very minors whom they seek to protect, and the parents and educators they wish to educate. Regular consultation is important when dealing with a constantly changing new media environment.

5.89 Young digital natives are often ahead of the curve. They can spot new media trends. They also know what approaches to education are more effective. They can help policy makers stay up-to-date. To tap their expertise, the agency should consider having an advisory panel comprising young digital natives.

- **Lift ban on 100 websites**

5.90 AIMS proposes that once the holistic approach suggested above is put in place, the ban on 100 websites should be lifted. Presently, those who are Net-savvy can already bypass the ban anyway. The existence of the ban may give parents a false sense of security when the reality is that the 100 websites are merely symbolic. Furthermore, the symbolic value of these 100 websites diminishes with the continued proliferation of websites with undesirable content, and the increasing use of alternative methodologies like file-sharing networks instead of simply “websites”.

5.91 However, when the ban is lifted, Government should still retain its residual power as a matter of last resort to block individual websites on a case-by-case basis in a transparent manner, e.g. an extremely racially inflammatory site or a child pornography site. This would be similar to practices in South Korea and Australia.

## Conclusion

5.92 Protection of minors from cyberspace dangers should not remain a low-priority effort. Singapore will become more “digital” as the Government continues to invest heavily in digital infrastructure. There is likely to be more innovations like YouTube and Facebook. Technology will be easier and cheaper to access, whether on the personal computer or hand-held devices like the mobile phone. We live in an era of rapid globalisation. Hence online dangers can only multiply. It is better therefore to start tackling them in a sustained and coordinated way sooner rather than later. In the long run, it might well be less painful and more cost effective.

# CHAPTER 4: INTERMEDIARY IMMUNITY FOR ONLINE DEFAMATION

## Essential ingredients of law of defamation

6.1 An essential ingredient of the law of defamation is the requirement that the defamatory material must be published (communicated). In the law of defamation, the word “publish” has a technical meaning that is different from the commonly understood meaning of that word. In the law of defamation, to “publish” is to communicate the defamatory matter to some person other than the person of whom it is written.<sup>150</sup> Under the common law of defamation (case law made through court judgments) which has been developed in the context of print publications, the different participants in a chain of publication are subject to different levels of liability. The author, editor, commercial publisher and printer of defamatory material are liable for defamation. Subordinate distributors (e.g. library, newsagent, bookseller, wholesaler, retailer) are also held liable but may be entitled to the defence of “innocent dissemination”. They are entitled to this defence if they did not know or were not put on notice that the material was defamatory, and their lack of knowledge was not due to their negligence.<sup>151</sup>

6.2 Defamation can also be a criminal offence if a person makes or publishes (communicates) in electronic media any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm, that person’s reputation.<sup>152</sup> The ingredients of criminal defamation are very similar to civil defamation.

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<sup>150</sup> Lindsay, D. (2000, March). Liability for the Publication of Defamatory Material via the Internet. *CMC/ITL Research paper 10*, p. 19. Retrieved Aug 16, 2007, from <http://www.law.unimelb.edu.au/cmcl/publications/Defamation.pdf>

<sup>151</sup> It has been suggested that the defence should apply to publishers (communicators) whose function in the communication of material is such that they are not generally in a position to know or monitor the content of communications. It is unclear whether the defence of innocent dissemination will be available to a subordinate distributor who knows that a particular publication contains defamatory material, but believes there is a good defence available in respect of that material, such as a defence of justification, fair comment or privilege.

<sup>152</sup> Singapore Penal Code (Chapter 224). Section 499. The punishment is a fine or a maximum of 2 years imprisonment or both (section 500, Penal Code).

## Application of law of defamation to Internet

6.3 The Internet makes instantaneous global communication available cheaply to anyone with a computer and Internet access. Internet communications potentially involve a diversity of other intermediaries. Given the volume of material on the Internet, it is impractical for Internet intermediaries to exercise much control over Internet content. It is potentially a medium of virtually limitless international defamation.<sup>153</sup> Claimants are more likely to bring actions for defamation against borderline defendants with very little role in the dissemination of the defamation simply because the creators or editors may be difficult to locate (out of jurisdiction) or anonymous.

6.4 Internet intermediaries differ from postal services and telecommunications carriers in two important respects – the storage of communications (or parts thereof) in computer systems maintained by intermediaries, and the theoretical ability to monitor the communications being carried. The functionalities of Internet intermediaries vary widely, and may be categorised as Internet Service Providers, email host providers, operators of online discussion forums/bulletin boards, interactive and non-interactive content hosts, content caches, hyperlinking/framing, information location tools and content aggregators.

## Concerns expressed to AIMS

6.5 In the course of AIMS dialogue with local bloggers and industry players, the view was expressed that multinational content hosts desire clearer guidelines on their liability with regard to online material. As the position on intermediary liability is currently ambiguous and uncertain, it was felt that new media businesses, which tend to err on the side of caution, are hindered from otherwise providing excellent online content. Industry players would appreciate a clearer position on the issue of intermediary liability. It was also felt that such clarification would be helpful to responsible blog aggregators which actively moderated content and enjoyed a good reputation. Representatives from mainstream media in Singapore also felt that there is a need for protection from liability in respect of third party materials posted on their news websites such as STOMP. Moderation may be exercised after third-party contributions are posted online but there is inevitably a “lag time” between the posting of user-contributions, and the time when they can be assessed for moderation purposes. Similar concerns were also expressed by industry players during our discussions in Australia.

## Singapore’s legal position

6.6 Section 10 of the Singapore Electronic Transactions Act (ETA) confers immunity from civil and criminal liability to network service providers in respect

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<sup>153</sup> Collins, M. (2001). *The law of defamation and the Internet*. Para 24.02, p. 284. New York: Oxford University Press.

of third-party material to which they merely provide access. The phrase “network service providers” is not defined but AIMS understands that it was intended to apply to “common carriers” and not to content hosts. There is no reported decision of a Singapore court applying the law of defamation to Internet intermediaries. It is therefore uncertain whether the Singapore courts will follow foreign judicial decisions from the USA, England and Australia on this subject. Even if the Singapore courts decide to follow foreign judicial decisions, it is uncertain which jurisdiction’s decisions might be followed. As the legal liability of Internet intermediaries under the common law in the USA, UK and Australia differ, this uncertainty is not very satisfactory.<sup>154</sup> As regards liability for criminal defamation, a content host may be liable for defamatory remarks posted by a third party if the content host has knowledge of the defamatory remarks and that they are harmful to reputation.

6.7 There are other weaknesses of the current common law on intermediary liability. Intermediaries are usually not in a position to determine whether any given material is defamatory or not. Even if the material appears on its face to be defamatory, intermediaries would not be in a position to determine whether legal defences such as “fair comment” may be available. Most intermediaries have little incentive to continue carrying, hosting or linking the allegedly defamatory material, and may in the face of a complaint err on the side of caution and choose the safer path of just removing the material. This may lead to abuse by persons who wish to have truthful but unfavourable material removed.

6.8 Also, case law suggests that an intermediary that takes steps to moderate third-party material is subject to a higher level of liability than an intermediary that does not attempt to moderate or monitor material. The current law therefore encourages intermediaries to turn a blind eye to material being carried, hosted or linked and this is undesirable in the context of encouraging credible, responsible and balanced content on the new media.

## Conferring immunity to intermediaries

6.9 There is therefore a need to introduce some certainty to the legal position of intermediaries, whilst avoiding the weaknesses observed in the foreign case law. The differences between Internet and non-Internet communications such as disintermediation (removal of intermediaries or

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<sup>154</sup> A handful of cases in the United States (USA) and England have been decided on the liability of intermediaries for Internet defamation. The USA cases (*Anderson v New York Telephone Company* 361 NYS 2d 913 (1974), *Cubby, Inc v Compuserve Inc* 776) applied the defence of innocent dissemination to an Internet intermediary who had little or no editorial control over the published material, but imposed publisher (communicator) liability on an intermediary who exercised actual editorial control over third-party material. A USA case also held that an ISP who provided email access is not liable as a publisher (i.e. is a mere conduit) as it did not perform any editorial or participatory function. In contrast, a UK case (*Godfrey v Demon Internet Ltd* [1999] 4 All ER 342.) held that an ISP who provided access to newsgroups was a publisher (communicator), and commented in passing that an ISP who provided email access would be a publisher under English law. The USA case law therefore provides wider protection for Internet intermediaries than the UK case law.

middlemen) brought about by the Internet, the automation and immediacy of the publication process and the high volume of third-party content demand a different approach. AIMS is of the opinion that there is a need to provide a conducive and predictable legal environment for credible and responsible new media players to develop and flourish. Such an environment will also be consistent with legislative developments in Europe, USA and Australia.<sup>155</sup>

## Recommendations

- **Enact legislation to confer limited immunity upon online content intermediaries**

6.10 The Council therefore recommends that the relevant authorities consider enacting legislation to confer limited immunity upon online content intermediaries such as Internet content hosts and aggregators in respect of civil and criminal liability for defamation in respect of third party content where such intermediaries have acted in good faith.

6.11 In formulating the legislative provision, the relevant authorities should be mindful that it should not be a disincentive to responsible and desired conduct such as moderation in good faith by content hosts and aggregators. For example, content hosts who exercise moderation should not be deprived of immunity simply because they exercised some degree of editorial control as they would then be penalised for their effort. They should however be deprived of immunity if they actively participated and connived in the publication of the defamatory material.

6.12 The legislative provision should also not deprive a content host of immunity merely because he had constructive or imputed knowledge of the

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<sup>155</sup> Following are examples of legislation in leading jurisdictions which attempt to address these issues. Section 230(c)(1) of the Communications Decency Act, United States – Blanket civil immunity is conferred to provide an incentive to ISPs or Bulletin Board System (BBS) operators to actively monitor or control third-party material. They are not liable even if they know of the defamatory material and refuse to remove it. This has been criticised as going too far. Section 1 of the Defamation Act 1996, United Kingdom – This is a new statutory form of defence of innocent dissemination, which applies to a broader range of persons. There have been criticisms of the wording of the provision and its ambit. There is some debate as to whether section 1 of the Defamation Act was intended to abolish and replace the common law defence of innocent dissemination. European Union Directive on Electronic Commerce – Articles 12 to 15 confer immunity to intermediaries who provide an information society service as mere conduits, and who perform caching and hosting. This Directive was transposed into UK law by the Electronic Commerce (EC Directive) Regulations 2002. Section 32 of the Defamation Act 2005, New South Wales, Australia – This appears to have adapted language from section 1 of the UK Defamation Act 1996, but with changes that seek to avoid some of the problems identified in respect of the UK provision. The section provides that certain intermediaries are subordinate distributors. Clause 91 of Schedule 5 of Australia's Broadcasting Services Act 1992 – This Australian Commonwealth (Federal) Act provides Internet service providers (ISPs) and content hosts with limited protection from both civil and criminal liability. The protection is limited because (a) it only applies to liability imposed by "a law of a State or Territory, or a rule of common law or equity" and thus does not apply to federal or Commonwealth legislation; and (b) it only applies to cases where the ISP or content host is "not aware of the nature of the Internet content" from which such liability arises.

third-party defamatory material, provided he has acted in good faith. In other words, actual knowledge should be required before the intermediary is deprived of the immunity.

- **Immunity should be subject to the obligation of the intermediaries to take down defamatory content**

6.13 In order to balance the rights of individuals to seek redress against false allegations, this immunity should be subject to the obligation of the intermediaries to take down defamatory content on receiving a credible and authenticated request from the person allegedly defamed. The authorities may wish to consider the introduction of a “put-back regime”<sup>156</sup> based on a counter-notification to protect interests of originators and to prevent abuse of the take-down regime as a means of censoring speech. In South Korea, the Korean Internet Safety Commission (KISCOM) established the “Mediation Department on Dispute over Defamation of Character” in July 2007 to arbitrate disputes over issues like cyber defamation, privacy infringement and insults.<sup>157</sup> The authorities may also wish to consider a prescribed format for notice and counter-notification, to deter frivolous or abusive requests to take down content.

6.14 Other considerations which the Council would recommend that the relevant authorities consider are that there should be no derogation/dilution of the existing immunity granted to “network service providers” under section 10 of the Electronic Transactions Act and that the proposed regime should not impose any additional liability to intermediaries beyond that imposed by existing law. This will give comfort and assurance to the intermediaries that the current immunity regime is not diluted and that they are not burdened by higher compliance costs.

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<sup>156</sup> A “put-back regime” involves the intermediary putting back the allegedly defamatory content after receiving a counter-notification, and upon the satisfaction of certain conditions.

<sup>157</sup> As presented by KISCOM during the AIMS East Asia Study Trip.

## Composition of the Advisory Council on the Impact of New Media on Society (AIMS)

<b>Positions</b>	<b>Name</b>	<b>Designation</b>
<b>Chairman</b>	Cheong Yip Seng	Former editor-in-chief, English and Malay Newspapers Division, Singapore Press Holdings
<b>Deputy Chairman</b>	Prof Tan Cheng Han	Dean, Faculty of Law, National University of Singapore
<b>Members</b>	Lucas Chow	CEO, MediaCorp
	Robin Hu Yee Cheng	Executive Vice President, Singapore Press Holdings
	Zuraidah Ibrahim	Associate Editor, The Straits Times
	Koh Su Haw	Assistant Vice-President, Singapore Exchange
	Prof Kuo Chen-Yu, Eddie	Professorial Fellow, Wee Kim Wee School of Communication and Information, Nanyang Technological University
	Allen Lew	CEO Singapore, SingTel
	Charles Lim Aeng Cheng	Principal Senior State Counsel, Legislation & Law Reform Division, Attorney-General's Chambers
	Assoc Prof Anh Tuan Nuyen	Associate Professor, Department of Philosophy, National University of Singapore
	Assoc Prof Milagros Rivera	Head, Communications and New Media, National University of Singapore
	Assoc Prof Daniel Seng	Associate Professor, Faculty of Law, National University of Singapore



	Manogaran Suppiah	CEO, Singapore Indian Development Association (SINDA)
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## Composition of AIMS Working Group

Positions	Name	Designation
<b>Chairman</b>	Charles Lim Aeng Cheng	Principal Senior State Counsel, Legislation & Law Reform Division, Attorney-General's Chambers
<b>Members</b>	Robin Hu Yee Cheng	Executive Vice President, Singapore Press Holdings
	Zuraidah Ibrahim	Associate Editor, The Straits Times
	Assoc Prof Daniel Seng	Associate Professor, Faculty of Law, National University of Singapore
	Manogaran Suppiah	CEO, Singapore Indian Development Association (SINDA)
	Koh Su Haw	Assistant Vice-President Singapore Exchange
	Assoc Prof Ang Peng Hwa	Chair, Wee Kim Wee School of Communication and Information, Nanyang Technological University
	Asst Prof Lim Sun Sun	Assistant Professor, Communications and New Media Programme, National University of Singapore
	Tan Ken Hwee	Senior Assistant Registrar, Supreme Court

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- Prof Stephen Coleman      Director of Research,  
Institute of Communication Studies,  
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- Prof Henry Jenkins      Director  
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Participants of the Institute of Policy Studies' closed door discussion on "Regulating Singapore's Cyberspace"

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- Coalition Against Bullying for Children and Youth
- Infocomm Development Authority
- Mediacorp
- Ministry of Education

- National Environment Agency
- OCBC Bank
- REACH
- Singtel
- Singapore Press Holdings

### **Focus Groups Participants**

- Students from secondary schools and junior colleges
- Tertiary students from polytechnics and universities
- Single or married participants without school-going kids
- Married participants with school-going kids
- Teachers
- Bloggers

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	<b>Australia</b>	<b>Canada</b>	<b>China</b>	<b>Japan</b>	<b>Korea</b>	<b>UK and EU</b>	<b>USA</b>
Governmental Organisations	<ul style="list-style-type: none"> <li>• Australian Communications and Media Authority</li> <li>• Department of Broadband and the Digital Economy</li> <li>• Australian Government Information Management Office</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian Radio-television and Telecommunications Commission</li> </ul>	<ul style="list-style-type: none"> <li>• State Council Informatization Office</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Economy, Trade and Industry</li> <li>• Ministry of Internal Affairs and Communications</li> </ul>	<ul style="list-style-type: none"> <li>• Korea Internet Safety Commission</li> <li>• Korea Broadcasting Commission</li> </ul>	<ul style="list-style-type: none"> <li>• UK Office of Communications</li> <li>• European Commission Information Society and Media</li> </ul>	<ul style="list-style-type: none"> <li>• Federal Trade Commission</li> </ul>
Government Affiliated Organisations			<ul style="list-style-type: none"> <li>• EU-China Information Society Project</li> <li>• China Internet Network Information Center</li> <li>• Internet Society of China</li> </ul>		<ul style="list-style-type: none"> <li>• Center for Internet Addiction, Korea Agency for Digital Opportunity &amp; Promotion</li> </ul>		
Industry Players	<ul style="list-style-type: none"> <li>• FairFax Digital Media</li> <li>• Australian Broadcasting</li> </ul>			<ul style="list-style-type: none"> <li>• Nikkei Media Lab</li> </ul>	<ul style="list-style-type: none"> <li>• OhmyNews</li> <li>• NHN Corporation</li> </ul>	<ul style="list-style-type: none"> <li>• BBC</li> <li>• Reuters</li> </ul>	

	Corporation (ABC)						
Industry Associations and Not-for-profit Organisations	<ul style="list-style-type: none"> <li>• Communications Alliance</li> </ul>	<ul style="list-style-type: none"> <li>• Public Policy Forum</li> <li>• Media Awareness Network</li> </ul>		<ul style="list-style-type: none"> <li>• Internet Association of Japan</li> </ul>	<ul style="list-style-type: none"> <li>• Korea Game Industry Agency</li> </ul>	<ul style="list-style-type: none"> <li>• European Internet Foundation</li> <li>• International Institute of Communications</li> <li>• Institute of Public Policy Research</li> </ul>	<ul style="list-style-type: none"> <li>• PEW Research Centre</li> </ul>
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## Findings from AIMS study on “Singaporeans and the new media”

The social and political impact of new media in Singapore.

*A qualitative study of Singaporeans’ attitudes towards new media.*

### Background of the study

One important question the Advisory Council on the Impact of the New Media on Society (AIMS) sought to answer was how important was new media in Singaporeans’ lives? We wanted to find out how Singaporeans viewed the new media and what they used it for in their daily lives.

AIMS employed research firm, Asia Insight, to conduct focus group discussions on this issue with a varied group of Singaporeans. Respondents were aged 15 to 40 and were from a range of backgrounds. This study was conducted from October 2007 to February 2008.

This is a summary of the key observations drawn from the focus groups. They are not meant to be accurate reflections of the wider population but will help give insights into Singaporeans’ usage of new media.

### Objectives

- a. To explore usage and attitudes towards various types of new media.
- b. To understand the role and impact of new media in public discourse.
  - Usage of new media as sources of news and information.
  - Reliance on new media for information vis-à-vis traditional sources such as mass media.
  - Participation in creation of media content and reasons.
- c. To examine the role & impact of new media in social commentary.
  - Usage of new media to create and maintain social networks.
  - Comparison of new media relationships vs. others.
  - Impact of new media relationships.
- d. To identify types of negative experiences in using new media.
- e. To understand the perceptions of Singaporeans towards the regulation of new media.



## Methodology

Respondents were gathered from the following categories:

- Students from
  - Primary Schools;
  - Secondary Schools;
  - Polytechnics; and
  - Universities.
- Adults who were single/ married without school-going children
  - PMEBS (Professionals, Managers, Executives & Businessmen)
  - Administrative white collar/ Blue collared workers
- Adults who were married with school-going children
  - PMEBS
  - Administrative white collar/ blue collared workers
- Teachers
- Active political bloggers<sup>158</sup>

This study was carried out in two phases:

- Phase 1: Online diaries & online forum
  - Half of the respondents (excluding political bloggers) completed a 2-week long diary of their media activities
  - Diary respondents were equally spread across all focus groups segments
  - The diary respondents also participated in a closed moderated online-forum
- Phase 2: Focus group discussions & in-depth interviews
  - A combination of focus group discussions & in-depth interviews with a pair of respondents at a time, were conducted.
    - 11 focus group discussions were conducted
    - 8 paired interviews with primary school students
    - 5 paired interviews with political bloggers

## Findings

### Usage of new media vs traditional media<sup>159</sup>

An important aspect of this study was to find out the level of importance people placed on both new media and traditional media respectively. We wanted to find out if new media was indeed becoming more important vis-à-vis traditional media.

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<sup>158</sup> A sample of political bloggers were selected on the basis of their commentary on civic and political issues in their blogs, readership and activity in their blogs.

<sup>159</sup> Traditional media is defined as non-Internet related media, including cable and free-to-air television, radio, newspapers and magazines. New media refers to mostly Internet-related technologies, such as instant messaging, the World Wide Web, blogs, forums, e-mail and online computer games. It also covers telecommunication devices such as PDAs, mobile phones and handheld game consoles.

- New media use tends to be more prevalent than traditional media.
  - This tendency has a positive correlation to age and qualification levels.
- The uses of new media are more varied than traditional media. This is attributed to the speed and convenience in accessing information and completing tasks using new media.
  - New media creates new areas for users to engage in: Commercial, social networking, creative and civic engagement.
- As people become more reliant on new media, there are signs of cannibalisation of traditional media by new media especially to serve the functions of:
  - Sources of news and information
  - Communication & socialisation
  - Entertainment

However, traditional media is still generally preferred for entertainment use due to its quality and its ability to serve as a communal activity.

- Users tend to feel more relaxed when using traditional media for entertainment as compared to new media.
- Users tend to use new media when:
  - They are bored.
  - Seeking the latest updates.
  - They need specific information on demand

### **Online relationships**

- With blogging and social networking websites, online socialisation is more public
  - E-mail was the most commonly used application to communicate with people online and to maintain personal relationships. Instant messaging was the next most often cited tool.
  - Social networking and blogs were surprisingly limited in influence. While many of the younger respondents did have accounts on social networking websites and blogged, many still relied on e-mail and instant messaging to maintain contact with friends and relatives. Forums, computer game virtual environments and chatrooms were the least popular tools people said they used to maintain relationships.
- Users tend to be more passive, rather than active, in making new friends online.
  - Though they may attract unwanted attention, most users find it more of a boon than a bane.
  - Users are making a conscious effort to protect their privacy online.

- Users are generally aware of the dangers of online socialisation. Users have indicated:
  - An aversion to establishing new virtual relationships.
  - An aversion to meeting up offline with purely virtual friends.
  - Recognition of the superficiality of certain forms of online interactions.
- Users are discerning and are taking precautionary measures to ensure their safety.
  - Education, in particular parental and institutional, has been identified by participants as having a crucial role in the protection of children.

### **Impact of new media on political discourse**

Another key area of our research focus was to find out how the Internet and new media can impact online political discourse and commentary. There is a foreign trend towards such online discourse but a study noting this trend in Singapore had yet to be undertaken. Anecdotally, we see blogs and forums dedicated to politics, however the actual impact of this online discourse on the views of people, has yet to be examined.

- It was found that the purposive nature of information search using new media results in a narrowcast rather than a broadcast channel
  - Politically, new media facilitates an amalgamation of a small group of highly involved individuals.
  - This is contrasted by the vast audience of traditional media who are largely passive and uninvolved consumers of news.
  - Although traditional media is heuristically regarded as more credible in terms of accuracy, some are turning to new media for information gathering for its speed and convenience.
    - However, for some respondents, there is a second element to credibility. Accuracy aside, there is also a need to provide fairness of coverage. Several respondents said it is important for a piece of information or news story to present all possible sides of the story in order to be credible. This aspect of credibility was found to be more important to the more educated respondents of the study.
    - Several respondents who viewed this second aspect of credibility as important opined that traditional media is influenced by the Singapore Government.
  - Users intuitively sieve online information to ensure a minimum level of accuracy.
    - Accuracy of information is no longer a deterring factor for new media usage. They balance the lack of inherent checks in the new media with their own cross referencing of both new and traditional information sources.

## Views expressed by respondents on the different media platforms

	<b>Traditional media</b>	<b>New media</b>
<b>Accuracy</b>	News is deemed to be more accurate due to the measures taken within the news organisations to ensure quality news reporting.	Lower barriers of entry in providing news online casts doubt on the accuracy of the news for certain online sources. However, this is typically not an issue for reputable websites.
<b>Portability</b>	Portability of most traditional media (except TV) is still a key advantage. For instance newspapers can be read anywhere.	Cost for mobile Internet access remains to be prohibitive for most. Thus desk-based Internet access is still the norm.
<b>Speed</b>	News typically takes one day to turnaround on print media.	Fast turnaround – Breaking news is always first available online.
<b>Fairness of coverage</b>	News from the mainstream media is perceived to be skewed to be pro-government and pro-establishment. This view is particularly salient among PMEBs and university students.	What the Internet lacks in depth, new media compensates in breadth & diversity.
<b>Depth of coverage</b>	News from the newspapers are perceived to be more in-depth and detailed by some.	News from the Internet, in particular news websites, tend to lack depth in comparison to traditional media.

- An important observation is that Internet users generally rely on traditional media for news and new media for views.
  - The more savvy users will visit online foreign news sources for news about Singapore.
- New media has increased the exposure of Internet users to more critical and anti-establishment interpretations of news.
- Singaporeans are largely still averse to active political participation.
  - Contrary to popular assumptions, online and offline political expression do not differ much.
  - To the common Singaporean online political expression is fraught with more apprehension and reservation.
    - Non-conducive climate: Political discussion is considered taboo.
    - Insecurities attached to Internet usage: identity and confidentiality issues.
- However, better educated Singaporeans on the higher end of the socio-economic spectrum, i.e. university students and PMEBs, are decidedly more discerning and critical of traditional media.
- They tend to be more savvy, are heavier Internet users, and have more access to alternative political viewpoints from:
  - Foreign news websites.

- Political blogs (coincides with bloggers' take on their readership base).
- This group of Singaporeans are showing signs of being more liberal in their political views although political stability and livelihood security are still greatly treasured.
  - Hence even for this group, active political participation is still limited.
  - New media, in this sense, has grown to be a reservoir of alternative political viewpoints which do not necessarily translate to action.
- Political bloggers are generally more passionate & expressive about Singapore's current affairs.
  - They enjoy their own space of expression using new media and feel that the Government should not be suppressing their only viable outlet of expression.
  - Think that their opinions are being monitored by the Government
  - Acknowledge that their reach is limited to a small group of educated Singaporeans.
  - But they hope to reach a larger audience.
- The reach of political blogs is still limited to a small, niche and elite community.
  - Not expected to be a compelling political force in the public sphere.
- New media's impact on political discourse is currently still largely limited to access to information.
  - A higher potential of greater access to more critical political information and views means that political opinion is formed on a more informed and balanced basis.
  - This exposure is currently limited to a subset of the more educated, higher income Singaporeans.
  - Potential for the online political discourse to grow as Singaporeans become more educated and dependent on new media.

### **Government's e-engagement efforts**

Another aspect of the study was to find out what people thought of current e-engagement efforts by the Government. As a proxy, we asked respondents if they knew of any such e-engagement efforts. We showed them REACH's (Reaching Everyone or Active Citizenry@ Home) website and asked if they knew of the website. We then proceeded to query them on what they thought of REACH after briefly outlining REACH's objectives.

- Very low awareness of REACH as a platform for feedback.
  - Only a handful of respondents in focus groups knew of its existence.
- Some perceived REACH to be a token effort by the Government.

- Most did not think that feedback would be taken seriously or affect policy making.
  - Said one respondent, “Most of the time, they just take the feedback and do nothing about it, nobody knows the result of the feedback on a policy” – PMEB with children
  - It is unclear, however, if any of the respondents actually did participate in e-engagement efforts. Hence, this may merely be a perception and not based on actual experience.
- The current sentiment of scepticism is very strong
  - Respondents feel that they were dumping their feedback into a black hole and said that an automatically generated “Thank You” note was not enough.
- Some respondents felt that REACH could be a good platform for feedback but that there were confidentiality issues that hindered participation.
  - Logging in using an individual’s SingPass, which is registered to an individual’s identity card number, is a stumbling block for many. They feel uncomfortable with expressing their opinions if they feel as if they could be monitored.

## **Protection of minors**

A much-talked about issue is how to provide a safe surfing environment for children. We wanted to learn more about parents’ attitudes towards new media and their children and what they thought about various measures to protect the young.

- Generally, most parents were not overly concerned about their children’s usage of new media.
  - View new media as a tool that can potentially be misused or abused.
  - New media still has its merits and parents take active measures to ensure appropriate use.
- Most parents use a combination of measures to regulate and discipline their children’s Internet use. These include:
  - Education & open communication;
  - Reward system;
  - Active control & discipline;
  - Regular checks; and
  - Participation.

Above all, parents regard proper education & guidance as key, especially in the area of pornography.

- Moderate interest levels among the parents towards the Family Access Network (FAN) filtering service – they do see value in it.

- Especially among parents with young children who are in primary schools and below.
- Some participants voiced limitations to the filtering tool.
- However, they are divided on their willingness to pay for the FAN service. Those who are not willing to pay \$5 per month will not pay for it even if the price is lowered. For those who are willing to pay for it, \$5 is acceptable.
  - Some thought that they were currently already being provided the FAN service for free.
  - Some argued that the Government should provide this as a public service.

### **Awareness of new media regulation**

What is the general level of awareness and understanding of new media regulation among Singaporeans? This segment sought to measure the general level of awareness Singaporeans had about current new media legislation and asked if they desired any changes to the framework.

- The overall awareness of existing Internet regulations was not high.
  - Illegal downloads was on the top of respondents' minds, particularly among the students.
    - May be related to the fact that it is the main offence they or the people around them commit.
  - Younger students appeared to be less aware of what actually constitutes an offence.
  - High consciousness of legislation against racist remarks across all groups, especially after prompting.
  - Some students thought that the watching of pornography was illegal.
  - Regulations around hacking, freeloading, divulging of national security information and gambling were more salient among adults and university students but were relatively low on the awareness scale.
  - There was an awareness of how personal attacks, especially against political figures, may result in lawsuits and defamation cases.
- Most did not feel that existing Internet regulations were too strict since –
  - Overall awareness of specific Internet regulations is not high.
  - Enforcement of Internet regulations was perceived to be lax and reactive.
  - Some feel unsure about where the OB markers were.
  - Some adults felt that as long as activities did not threaten the political status quo, regulation of the Internet would be minimal.
  - Political bloggers felt they have more political freedom online.
- Internet users prefer the middle ground between a pure authoritative regulatory system and a self-regulatory system.

- Recognition of a need to have some level of regulations in place:
  - To ensure national security & social and economic stability.
  - To protect the young – particularly among the adults.
  - Some do not think Singapore society is sufficiently evolved to self-regulate totally.
- Most Internet users were satisfied with the status quo of:
  - A few clear restrictions e.g. racism & terrorism.
  - A vague set of guidelines where users still enjoy some freedom to push the limits.
- On the other hand, there were a few who felt that there was little need for Internet regulation given that:
  - Internet cannot be controlled so why should we try?
  - Singaporeans can practise self-control.
  - Internet serves as an avenue to release steam.
- Political bloggers, and to a lesser extent, tertiary students tended to be more liberal in their stance towards regulation.
  - Most do not have problems with regulating the Internet for the purpose of national security.
  - They felt that the area of political freedom of expression should not be regulated.
- While most Internet users were not vehemently against the present 100 websites ban, it was unpopular with most.
  - Many think that attempts to block online content are futile.
  - Perceived as an act of distrust or that it reflected a lack of confidence from the Government.
  - While all political bloggers interviewed recognised Government's intention of signposting, they were divided on its necessity:
    - *"I think anything that we do that is too different from what others are doing in the world, puts us in a bad light. It shows how immature we are as a nation, as a people."* – Political Blogger.
    - *"It is like the Penal Code 377a, why have a law that you cannot enforce?"* – Political Blogger.
    - *"I fully support the banned websites. I agree with the purpose why it's there, which is a sign post that this is what the government suppose to be representative of our society does not agree with."* – Political Blogger.

## Content regulation

- Most Internet users agreed on the prohibition of:
  - Exploitative or paedophilic material.
  - Material that is detrimental to Singapore's social and political wellbeing.
  - Exception: Several political bloggers who argued for total freedom of speech and for no restrictions on content.



- Some felt that depiction of homosexuality and pornography should be deregulated in order to cater for personal preferences
  - Others still felt that there was a need to prohibit these for the sake of the young.
- Most did not feel the political discussion and commentary should be disallowed as some said that online was the only true avenue for a real political voice.

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