**SINGAPORE’S RESPONSES TO THE HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE’S QUESTIONNAIRE ON NEW AND EMERGING DIGITAL TECHNOLOGIES AND HUMAN RIGHTS**

Preamble

1 A/HRC/RES/41/11 “New and Emerging Digital Technologies and Human Rights”, adopted at the 41st Regular Session of the Human Rights Council (HRC) in July 2019, recognised the impact on new digital technologies on human rights, and mandated the HRC Advisory Committee to produce a report on the “*impacts, opportunities and challenges of new and emerging digital technologies on the promotion and protection of human rights, with a mapping of relevant existing initiatives by the UN and recommendations on how**such challenges could be addressed by the HRC and its mechanisms in a holistic, inclusive and pragmatic manner*”.

2Singapore recognises the following realities:

1. **The development of digital technologies is multi-faceted**, presenting opportunities and challenges not just for the fulfilment of human rights but for development and economic prosperity; and
2. **Rapid technological change affects each state in different ways** depending on how they use technology to attain their various socio-economic and development goals.

3 These realities underpin Singapore’s belief that a pragmatic, inclusive and holistic approach is needed to address the opportunities and challenges of these new and emerging digital technologies on the promotion and protection of human rights. We must be pragmatic in identifying where updates to the international human rights framework are needed (for example in distinguishing between authentic and false speech). At the same time, we must also acknowledge that there is no homogeneous solution and that **States should be given the flexibility to deal with the impacts arising from these digital developments, taking into account their unique national and cultural circumstances and in line with their desired socio-economic and development goals.**

Singapore’s approach to new/digital technologies

4 **Singapore strongly believes in the potential of digital technology to improve peoples’ lives and its capacity as a tool and social leveller that governments can utilise to achieve their various socio-economic and developmental goals. At the same time, we do not understate the challenges that may arise from the usage of these digital technologies.** In this regard, to ensure that the benefits of new digital technologies are safely and fully harnessed, the Singapore government aims to “lay the groundwork” by ensuring that Singapore society is:

1. “**Prepared**” which includes equipping our citizens with the necessary skills to take advantage of the benefits and opportunities of digital technology as well as proactively establishing frameworks to guide the development of digital technologies for businesses and organisations; and
2. “**Protected**” through updating or establishing the necessary safeguards, in order to create a trusted digital environment that Singaporeans are confident in navigating.

Multi-stakeholder, Integrated Approach

5 The Singapore government adopts a multi-stakeholder and integrated approach in developing comprehensive, pragmatic and effective solutions to address the evolving challenges presented by new digital technologies. Within the government, the various ministries coordinate in a “whole-of-government” approach when assessing the impact of digital technologies and formulating a holistic response to them. This notwithstanding, there are a few agencies/ministries in the government which primarily deal with the issue of digital technologies. The SmartNation and Digital Governance Office (SNDGO) plans and prioritises key SmartNation projects and drives the digital transformation of government, while the Info-Communication Media Development Authority (IMDA) develops and regulates the converging infocomm and media sectors while safeguarding the interests of consumers and fostering pro-enterprise regulations.

6 The Singapore government also cooperates with professionals from both industry and academia to involve them in the digital discussion. For example, Singapore formed the industry-led Advisory Council on the Ethical Use of Artificial Intelligence (AI) and Data to advise the government on legal/ethical, policy and governance issues arising from the use of data-driven technologies in the private sector. The Council also provides general guidance to businesses to minimise legal/ethical and sustainability risks and mitigate any adverse impact on consumers from the use of data-driven technologies. The Council comprises international thought leaders in AI ethics and governance, AI technology developers, user organisations of AI, representatives from the investor community, start-ups, academia and consumer advocates. To inform discussions on AI governance, a Research Programme on Governance of AI and Data Use was also set up in the Singapore Management University School of Law. The programme conducts industry-relevant research into various AI issues including autonomous vehicles liability frameworks, fintech policies and intellectual property rights.

7 In the following section, we will provide examples of some of the measures that Singapore has instituted to prepare and protect our citizens for the digital age.

*Preparing*

8 **Digital Readiness Blueprint**. To prepare and equip all Singaporeans for the digital age, Singapore launched the Digital Readiness Blueprint in June 2018. The Blueprint sets out strategies and recommendations for building digital readiness in Singapore and is guided by four key strategic thrusts namely to (i) expand and enhance digital access for inclusivity; (ii) infuse digital literacy into national consciousness; (iii) empower community and businesses to drive widespread adoption of technology; and (iv) promote digital inclusion by design. Of note, the Blueprint also pays special attention to the needs of the vulnerable segments of the population, including older citizens, low-income households and persons with disabilities. In this regard, the Blueprint recommends that these segments should have digital enablers such as internet access and mobile devices to support students’ learning needs and citizen daily activities. To realise the recommendations outlined in the Blueprint, the Singapore government has implemented a suite of programmes, which include the following:

* “NEU PC Plus” and “Home Access” programmes, which provide computers and broadband to low-income households;
* “Enable IT”, which helps Persons with Disabilities access and use technology to improve their quality of living;
* Basic Digital Skills Curriculum, which aims to guide Singaporeans in acquiring the requisite skills to participate in the digital society;
* “Code for Fun”, a 10-hour compulsory education programme for Upper Primary students (Primary 4-6) to expose them to computational thinking through coding. To be rolled out from 2020 onwards.

9 **Model AI Governance Framework.** Singapore published the Model AI Governance Framework in January 2019 to provide guidance to organisations that deploy AI solutions in their work. The Framework translates ethical principles into pragmatic measures and addresses key issues pertaining to organisations’ internal governance processes and structures, level of human involvement in algorithmic decision-making and operation management, to mitigate the risks of unintended bias in datasets and models, and customer relationship management.[[1]](#footnote-1) Through this Framework, the government hopes to promote AI adoption by businesses while simultaneously building consumer confidence and trust in providing their personal data for AI.

10 **Trusted Data Sharing Framework**. In anticipation of the challenges that organisations face in sharing their data assets in order to develop innovative products and services, we also established the Trusted Data Sharing Framework in June 2019 to facilitate trusted data sharing between organisations. The Framework provides a common “data-sharing” language and templates for contractual data sharing. With the greater clarity on regulatory compliance that the Framework affords, privacy concerns, ethical and governance challenges arising from organisations’ use of new and emerging digital technologies and their impact on consumers can be mitigated.

*Protecting*

11 **Personal Data Protection**. Singapore takes a strong view on the protection of personal data and adopts a regulatory approach premised on balancing consumer protection with the needs of organisations to collect or use personal data for legitimate and reasonable purposes. Singapore thus enacted the Personal Data Protection Act (PDPA), to establish rules to govern the collection, use and disclosure of personal data by the private sector. To maintain its relevance, the PDPA is currently undergoing a review by the Personal Data Protection Commission (PDPC) with the aim of enhancing the framework for the collection, use and disclosure of personal data, including through the introduction of a new “legitimate interest” basis for processing personal data, and improving accountability measures. Additionally, we are also exploring the introduction of a mandatory data breach notification scheme to strengthen protection for consumers and to build confidence in organisations’ management and protection of personal data.

12 **Combatting Falsehoods**. The use of bots, fake accounts and trolls have allowed the amplification of falsehoods to an unprecedented degree. Falsehoods undermine democratic discourse, free speech, and the infrastructure of fact. They make people debate on false premises, and too angry and divided to understand each other. That is the opposite of free speech. To meet this challenge, the Singapore Government passed the Protection from Online Falsehoods and Manipulation Act (POFMA) in Parliament in May 2019, as part of a multi-pronged response to safeguard the freedom of expression amidst the emerging risks arising from digital technologies.

13 POFMA can be invoked only when two thresholds are met. First, there must be a false statement of fact. Opinions, criticism and satire are not affected under POFMA. In addition, not all falsehoods are covered; the falsehood must affect the public interest. Under POFMA, corrections, not removals will be the primary remedy in most situations. This will enhance the freedom of expression as people can see both the corrections and falsehood, and decide for themselves. Ultimately, the courts will decide whether there is a falsehood, based on established jurisprudence.

14 **Legislative Updates**. Digital technologies are also at risk of being exploited for criminal purposes, and it is imperative that governments continue to review and update their legislation for the digital space. For example, Singapore has introduced a raft of new offences to deal firmly with the sexual exploitation of children and minors using digital technologies. Where offences have been committed, they will be investigated thoroughly, and offenders will be apprehended and prosecuted. These new offences are at **Annex**.

Going Forward

15 The power and potential of new digital technologies to better the lives of people cannot be denied. Its associated risks should also not be ignored. It falls to governments to create a conducive ecosystem including by enacting the necessary and relevant policies to ensure that its people are adequately prepared to reap the benefits of digital technologies and protected from its potentially harmful and negative effects. A pragmatic and balanced approach to these technologies is warranted. As the pace of technological development continues to accelerate, the international community should come together to brainstorm ways to mitigate its risks and establish best practices and norms to guide behaviours that will build trust, in order to enable more people to lead fulfilling and meaningful lives through these new technologies.

**. . . . .**

**Annex**

*Offenses against sexual exploitation of children and minors using digital technologies*

1 To keep up with the digital age, Singapore has introduced the following raft of new offences to deal firmly with the sexual exploitation of children and minors using digital technologies:

* **Sexual Grooming**. Technological developments have enabled sexual predators to target victims more easily. Therefore, Singapore has enhanced our sexual grooming laws to allow law enforcement authorities to intervene even earlier upstream, by
	1. Lowering the threshold for the existing offence of sexual grooming by reducing the required instances of prior contact from 2 to 1, and lowering the age floor of the offender from 21 to 18: *see s 116 Criminal Law Reform Act 2019 (“CLRA”), amending s 376E Penal Code*;
	2. Introducing a new offence of sexual communication with minors: *see s 117 CLRA, introducing new ss 376EB, 376EC Penal Code*; and
	3. Introducing a new offence of causing a minor to look a sexual image: *see s 117 CLRA, introducing new ss 377ED, 376EE Penal Code*.

S 120 CLRA also introduces new offences in the Penal Code, e.g. s 377BF: sexual exposure through the intentional distribution of an image of genitalia; s 377 BC: distributing voyeuristic images or recordings; and s 377BD: possession of or gaining access to voyeuristic or intimate images or recordings. These offences can be committed against children online.

* **Child Abuse Material**. The Penal Code has been amended to introduce new and dedicated offences involving “child abuse material” specifically, i.e. material that depicts the sexual or physical abuse of minors below 16, or depicts minors’ genitalia. These offences address the development of technology which has allowed for the distribution of such material, and cover the spectrum of acts on both the demand and supply side. The new offences include:
	1. Gaining access to, possession, distribution, advertising, or seeking of child abuse material: *s 120 CLRA, introducing new ss 377BI, 377BJ, 377BK, 377BL(4) Penal Code*;
	2. Using, procuring or allowing a child to be used for the making of child abuse material: *s 120 CLRA, introducing new* s*s 377BG, 377BL(2) Penal Code*; and
	3. Production of child abuse material: *s 120 CLRA, introducing new ss 377BH, 377BL(3) Penal Code*.

Offences in (b) and (c) are extraterritorial. They will cover (a) Singaporeans and permanent residents, (b) any person in Singapore who commits these offences against a child overseas (e.g. via remote video-recording), and (c) any person who is overseas but who commits these offences against a child in Singapore: *s 120 CLRA, introducing new s 377BO Penal Code*.

While “child abuse material” will not cover the depiction of fictional children, material depicting the abuse of *fictional* children will be dealt with under a separate offence in the Penal Code: *s 77 CLRA, amending s 292 Penal Code*. This offence criminalises the sale, distribution, and exhibition/production for sale, distribution etc of obscene material. Enhanced penalties (2 years’ imprisonment,) will apply where the obscene object depicts a minor under 16.

* **Sexual Services**. The CLRA has expanded the definition of “sexual services” for provisions involving commercial sex with minors, to include non-penetrative sexual activity: *ss 114, 115 CLRA amending ss 376B, 376C Penal Code*. Therefore, it is able to encompass sexual services provided online by children.
1. More information on the Model AI Governance Framework can be found on the website: <https://www.pdpc.gov.sg/Resources/Model-AI-Gov> [↑](#footnote-ref-1)