

KOPI SESSION ON MAINTENANCE OF RACIAL HARMONY BILL

17 April 2024 | NTUC Centre, Room 701

On 17 April 2024, 55 youths from diverse backgrounds gathered to understand the context behind the Maintenance of Racial Harmony Bill and share their views and questions about the Bill. This session was co-organised by the Ministry of Home Affairs (MHA) and the National Youth Council (NYC), and involved the following panellists:

- Ms Sun Xueling, Minister of State, Ministry of Home Affairs and Ministry of Social and Family Development
- Dr Ng Li Sa, Director (Policy Development and Security), Policy Development Division, Ministry of Home Affairs
- Mr Victor Chang, Senior Manager, Policy Development Division, Ministry of Home Affairs
- [Moderator] Mr Shukul Raaj Kumar, NYC INSPIRIT member & Chairperson of the Inter-Religious Organisation (IRO) Youth Committee.



Here are the key insights from the session

Key points from the opening presentation

- Mr Chang said the Government takes an active approach towards maintaining racial and religious harmony by maintaining and developing a robust legal framework, which sets ground rules for racial and religious interactions in Singapore. He said this includes laws that allow the Government to act against offensive conduct that directly threaten social cohesion.
- Mr Chang said the Maintenance of Racial Harmony Bill, which was announced during the 2021 National Day Rally, aims to consolidate the Government's powers to deal with racial issues, strengthen the suite of levers to preserve racial harmony, and signal the overriding importance of racial harmony in Singapore.
- Mr Chang said the spate of racist incidents profiled on social media during the COVID-19 pandemic exemplified the underlying fragility of race relations in Singapore. Mr Chang said even after the COVID-19 pandemic, a CNA-IPS study showed that a significant majority of respondents felt that racism was still an important problem.
- Mr Chang said the Bill would port over existing offences under the Penal Code, namely sections 298 and 298A, concerning acts which would wound the racial feelings of any person, and acts promoting enmity, hatred or ill will between racial groups or otherwise prejudicial to the maintenance of racial harmony.
- Mr Chang said it was important to balance keeping public discourse free from hateful and offensive speech while allowing for open discussions about race. Mr Chang said the Bill would include defences, which are currently not present for offences under sections 298 and 298A of the Penal Code, to allow people to have a safe space to freely discuss about race in a private setting and allow persons to call out perceived racism in good faith.

- Mr Chang shared with the audience an example where students engaged in debates on campus about remarks which are allegedly racist with the intention of preparing a presentation on how to address racism in Singapore would not make out an offence. Mr Chang said this is because the students were repeating these remarks in good faith, with the intent of finding a remedy to racism as demonstrated by these allegedly racist remarks.
- Mr Chang said the Bill would also allow MHA to issue Restraining Orders (ROs) against the production or distribution of content that is prejudicial to the maintenance of racial harmony in Singapore. He also said the exercise of ROs would be subject to safeguards. Mr Chang said all ROs issued by the Minister would be reviewed by the Presidential Council, and the person who was issued the RO can submit representations to the Council. He said the RO would then be sent to the President with Cabinet's advice and the Council's recommendation. Mr Chang said if the Council's recommendation differed from Cabinet's advice, the President could then act in his discretion to confirm, cancel or vary the RO.
- Mr Chang said MHA planned to also introduce a separate, non-legislated set of reparative measures to be implemented alongside the Bill. He said these measures aim to help the aggrieved community take a reconciliatory view towards the offender, strengthen understanding between races, and provide opportunities for the offender to learn from his mistake. He also said these measures would not be offered for egregious cases where violence was incited or where social cohesion was severely undermined, to send the right signal that such behaviours will not be tolerated.

Large Group Shareback

- A participant said his group discussed how racist remarks could impact communities and how, with the Bill, offenders could now receive an RO. He also said that his group was curious to know whether there was an age limit for the ROs and if there was a possibility of the offender being unfairly judged based on their past behaviours and actions.
- A participant said there was a unanimous agreement amongst her group members that punitive measures may not be fully effective. The participant added that there was a lack of regulation of racist conduct and speech online. The participant shared that she was also concerned that punitive measures would create barriers for individuals to voice their opinions or speak up against comments made in the online world.
- A participant said her group discussed the absence of Racial Harmony Day celebrations in Institutes of Higher Learning (IHLs). The participant suggested that the tradition of celebrating Racial Harmony Day should continue in IHLs as it was a good practice they were accustomed to.
- A participant said her group agreed that there was a need to adopt more preventive, non-punitive measures instead of reactive policies. The participant shared an example of incorporating more deliberate lessons in the classroom on online conflict resolution and emphasised the need for these classes to be relevant and regularly updated.
- A participant said while punitive measures were good, they did not solve the root problem of preventing the offender from having discriminatory thoughts. He also said his group is more supportive of non-punitive, preventive measures. The participant said that one way to promote social cohesion could be to focus on national identity, but acknowledged that fixating on national identity may also lead to xenophobia.

Remarks by MOS Sun and Dr Ng

- MOS Sun said during the breakout discussions, she heard participants acknowledging that some comments about race could have been made as jokes and not with ill intentions. She commented that it was important for individuals to be mindful of how certain comments could be interpreted differently by different individuals.

- MOS Sun said news could spread quickly online and questioned if the online space had enough self-correcting mechanisms in place to prevent undesirable behaviours. She also shared with the audience that while the proposed Bill may seem too punitive for some, the Bill was also intended to encourage moderation and tolerance amongst racial groups and signal the overriding importance of racial harmony to Singapore.
- Dr Ng said she was heartened by the positive responses in the breakout discussions, especially in discussions about the support for preventive and non-punitive measures rather than punitive ones. She also shared with the audience about how her team hoped to hear suggestions for such reparative measures.

Panel Dialogue

A participant inquired about whether individuals would be able to exercise their conflict resolution skills if the Government was to strongly regulate online spaces.

- Dr Ng said the Government did consider the extent to which they should regulate public discourse, and the intent for the Bill was not to issue ROs for all content prejudicial to racial harmony. She added that while the Government wants citizens to be able to speak out against severe or racist comments, the general observation seemed to be that it did not happen often enough.
- MOS Sun said laws were sometimes introduced to have a signalling effect in the community to encourage or deter certain behaviours and may not intend to use them frequently.

A participant asked about the possible consequences if an individual was to record and leak private, race-related conversations, and whether the defences introduced under the Bill would apply.

- MOS Sun said when assessing the validity of the defence of private communications, it would be assessed on a case-by-case basis and by considering factors such as how it was organised, as opposed to focusing only on the number of individuals involved. She added that if the intent of the person recording was to incite violence against those he or she was recording, or to dox them, then the defence of pointing out matters in good faith would not apply.

A participant asked how the Bill might be applied to international acts or comments which can hurt racial harmony in Singapore.

- MOS Sun said there were other existing laws that could be used to act against foreign influence or interference. She added that, for example, there were laws to instruct platforms to take down posts that could possibly tear Singapore's social fabric apart.
- Dr Ng said when considering whether to utilise such extraterritorial powers, the Government will have to consider if the act or comment has a nexus to Singapore.

A participant asked how the suitability of individuals for non-punitive punishments would be assessed.

- MOS Sun said it would mainly be assessed on a case-by-case basis. This could involve factors such as the specific words used in their comments or the context for their actions.

A participant asked regarding historical events which shaped Singapore's current racial dynamics and their potential ongoing impact.

- MOS Sun said the history of Singapore was such that the forefathers had very different ways of living and interacting with one another. She added that it was only over time, and with Government policies, that they started to shed the ethnic-based ways of organising themselves and began to consider the broader concept of national identity.

A participant asked if the context behind comments made online (e.g. agitation by online sources) would be considered when determining the issuance of ROs and extent of punishment for race-related offences under the Bill.

- Dr Ng said the issuance of an RO or the assessment of an offence would be based on factors such as the impact of the act and the offender's degree of culpability, hence such mitigating factors could be considered when making these decisions.

A participant asked how the Bill could positively impact the social mobility of those who might be affected by hard-to-prove, racially discriminatory actions.

- MOS Sun said that Singaporean society does not tolerate racial discrimination. She said that in addition to the Bill, there were plans for other legislation to be introduced to address other types of discriminatory actions. She cited the upcoming Workplace Fairness Legislation as an example, which would address employment discrimination based on characteristics such as race.

A participant asked if communities affected by racial incidents would be responsible for helping to rehabilitate offenders who have committed acts against that community.

- Dr Ng said there were ongoing engagements with various community groups interested in collaborating with the Government to introduce reparative measures.

Closing remarks by panellists

- MOS Sun said apart from seeking new collaborative approaches to maintain racial harmony, individual actions also played a crucial role in driving change. She added that it was important to persistently challenge prejudices and biases, as well as to speak out against discrimination. She encouraged everyone to take on the responsibility of being proactive individuals and advocate for positive actions.
- Dr Ng said it was not the goal of the Bill to eliminate racism, but to demonstrate the Government's commitment to racial harmony. She added that she appreciated the questions from the participants as it reflected their interest in advocating for others and improving relationships in society, and encouraged participants to continue doing so.