

**31 March 2026****Submission to the High Commissioner for Human Rights (HCHR): Inquiry into Human Rights Defenders in Digital Spaces**

Submission by Anti-Death Penalty Asia Network,, Eleos Justice, Monash Law Clinics and Capital Punishment Justice Project

This submission responds to the call from the Office of the High Commissioner for Human Rights for inputs to inform the report on “Human rights defenders and new and emerging technologies: protecting human rights defenders, including women human rights defenders, in the digital age”. In particular, the submission draws on the following.

1. The experiences of human rights defenders in Singapore, in respect of:
 - a. The legal or regulatory instruments and institutional procedures commonly used to restrict the rights to freedom of expression, association, and privacy, of HRDs online;
 - b. How legislative and regulatory efforts in one country have impacted on the development of similar legal and regulatory measures in other countries; and
2. The experiences of human rights defenders in the Philippines, in respect of:
 - a. The forms of technology-facilitated attacks which HRDs face on social media platforms and digital communications services; and
 - b. How these online attacks intersect with offline events.

1. Singapore's Limitations on Freedom of Expression**(a) POFMA and the suppression of speech**

The *Protection from Online Falsehoods and Manipulation Act 2019* (Sin) (POFMA) is a central tool used by the Singaporean government to regulate and restrict digital expression. It has been used to target the speech of HRDs, particularly:

- POFMA grants a Minister discretion to require the issuing of ‘Correction Directions’ or ‘Stop Communication Directions’ if the Minister determines a statement is a “false statement of fact” and that a direction is in the “public interest”.¹ As the law broadly defines public interest to include preventing the “diminution of public confidence” in government institutions, it allows the State to treat political critique as a threat to public order.² Similar to POFMA, the *Foreign Interference (Countermeasures) Act 2021* (Singapore) also empowers the Singaporean

¹ Jothie Rajah, ‘Authoritarian Rule of Law Deploys Political Gaslighting’ in Michael Sevel (ed), *Routledge Handbook of the Rule of Law* (Routledge, 2024) 335
<https://www.researchgate.net/publication/384182796_Authoritarian_Rule_of_Law_Deploys_Political_Gaslighting>; *Protection from Online Falsehoods and Manipulation Act 2019* (Singapore) s 4, s 7(1)(a), s 11, s 12 (‘POFMA’) <<https://sso.agc.gov.sg/Act/POFMA2019>>.

² POFMA (n 1) s 4(f).



government with the ability to compel recipients of certain directions to communicate a specific message.³

- Additionally, under POFMA, electronic communication of false statements is a criminal offence, carrying penalties of fines/ imprisonment for individuals.⁴ For corporations, a fine of up to S\$500,000 can be imposed for this breach and a fine of up to S\$1 million to be imposed where a fake online account or bot is used to spread falsehoods.⁵
- The Transformative Justice Collective ('TJC') is a Singaporean civil society group that "aims to consolidate information about those on death row... and promote human rights for those in prison and especially for those facing the death penalty".⁶
- Within a five month period, TJC was issued with five POFMA orders; these orders have been used repeatedly to target the TJC, including in the case of Mohammad Azwan Bin.⁷ In October 2024, the TJC was issued with Correction Directions in respect of its continuous reporting on the Azwan case - specifically his impending execution - across five platforms (X, Instagram, Facebook, Tiktok and Website).⁸ The TJC was directed to publish a state-drafted Correction Notice.⁹
- On 20 December 2024, the TJC was issued with a two-year 'Declared online location' order, which required it to place a notice on all its online platforms informing viewers that its platforms "had communicated multiple falsehoods, and that viewers should exercise caution when accessing it for information".¹⁰ By its requirement that this notice remain pinned at the top of the TJC website, the State effectively turned the platform of a HRD into a billboard for the government's selective messaging.¹¹ This creates distrust in the information shared by the

³ Kenny Chng, 'Falsehoods, Foreign Interference, and Compelled Speech in Singapore' (2023) 18(2) *Asian Journal of Comparative Law* 235, 236 <<https://www.cambridge.org/core/journals/asian-journal-of-comparative-law/article/falsehoods-foreign-interference-and-compelled-speech-in-singapore/55D1F297B03B6E2545D557EB4EBD6E9B>>.

⁴ POFMA (n 1) s 7(2).

⁵ Singapore Legal Advice, *Singapore Fake News Laws: Guide to POFMA (Protection from Online Falsehoods and Manipulation Act)* (Web Page, 14 November 2024) <<https://singaporelegaladvice.com/law-articles/singapore-fake-news-protection-online-falsehoods-manipulation/>>.

⁶ Stephen Ortmann, 'The Anti-Death Penalty Movement in Singapore: Structural and Situational Opportunities in an Illiberal Regime' (2025) 55(4) *Journal of Contemporary Asia* 598, 607 <<https://www.tandfonline.com/doi/epdf/10.1080/00472336.2024.2396329?needAccess=true>>.

⁷ 'Anti-death penalty activist group Transformative Justice Collective handed another POFMA order', *Channel News Asia* (online, 14 December 2024) <<https://www.channelnewsasia.com/singapore/transformative-justice-collective-handed-fifth-pofma-order-4806911>>; Letter from POFMA Office to Transformative Justice Office, 5 October 2024.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ministry of Digital Development and Information, 'Operators Of Transformative Justice Collective's Online Platforms Prohibited From Receiving Financial Benefit Due To History Of Communicating Multiple Falsehoods' (Media Release, 20 December 2024) [3] <https://www.pofmaoffice.gov.sg/files/media-releases/pofma_pr_mddi_20Dec2024.pdf>.

¹¹ See Transformative Justice Collective website (<<https://transformativejusticecollective.org/>>).



TJC and has hindered its ability to use its online platforms, reducing awareness of the state's ongoing use of the death penalty and undermining critiques of the death penalty.¹²

- POFMA is used to silence human rights defenders. In 2024, during a parliamentary speech, Minister K Shanmugam publicly doxed anti-death penalty advocates and organisations who had been subject to POFMA directions, including placing an HRD's email address on the parliamentary record.¹³ In 2025, TJC and three of its members were individually summoned for criminal investigation in respect to POFMA correction directions - with three TJC members spending a total of 25 hours in police interviews relating to these investigations.¹⁴ These methods employed by Singaporean government officials aim to discourage human rights defenders and others from critically engaging with or commenting on policies such as the death penalty.
- In the case of *The Online Citizen (TOC) v AG*, the courts held that a "neutral report", on allegations made by a third party, qualified as a "statement of fact" for which a HRD was not exempt from POFMA directions.¹⁵ This case sets a dangerous precedent under which HRDs can be punished simply for reporting on human right concerns that are raised by international observers.
- On 23 March 2026, TOC – through its entity registered in Taiwan - received their 19th POFMA notice. It is believed to be the first POFMA direction to name a journalist individually. It is also the first time s11(3)(b) was invoked requiring TOC to place an advertisement in The Strait Times for a cost of SGD \$10,400¹⁶. Effectively, this imposed a fine on TOC whilst directing advertising funds towards a publication nominated by the Government of Singapore.
- In this way, POFMA orders are used to restrict the right to freedom of expression, creating widespread fear around attempts to criticise any part of Singapore's government policies.¹⁷
- In October 2024, a Malaysian non-governmental organisation, Anti-Death Penalty Asia Network, received correction directions regarding its posts on Facebook, Instagram and

¹² Amnesty International and Ors, 'Singapore: End harassment and intimidation of the Transformative Justice Collective' (Joint Statement, 16 January 2025) <<https://www.cpip.org.au/news/joint-statement-singapore-16jan2025>>.

¹³ Ministry of Home Affairs, 'Ministerial Statement on Singapore's National Drug Control Policy – Speech by Mr K Shanmugam, Minister for Home Affairs and Minister for Law' (Parliamentary Speech, 8 May 2024) [169]-[174], [193] <<https://www.mha.gov.sg/media-room/newsroom/ministerial-statement-on-singapore-national-drug-control-policy/>>.

¹⁴ CIVICUS Monitor, 'Singapore: Government continues its crackdown on anti-death penalty activism and other forms of expression' (online, 5 February 2025) <<https://monitor.civicus.org/explore/singapore-government-continues-its-crackdown-on-anti-death-penalty-activism-and-other-forms-of-expression/>>.

¹⁵ *The Online Citizen Pte Ltd v Attorney-General and another appeal and other matters* [2021] SGCA 96, [235], [242] <<https://www.judiciary.gov.sg/judgments/case-briefs-by-smu/the-online-citizen-pte-ltd-v-attorney-general-and-another-appeal-and-other-matters>>.

¹⁶ The Online Citizen, 'A historic first: The POFMA direction against The Online Citizen and what it means' (online, 24 March 2024) <<https://theonlinecitizen.com/2026/03/24/a-historic-first-the-pofma-direction-against-the-online-citizen-and-what-it-means>>.

¹⁷ Human Rights Watch, *Singapore: End harassment and intimidation of Transformative Justice Collective*, (Web Page, 16 January 2025) <<https://www.hrw.org/news/2025/01/16/singapore-end-harassment-and-intimidation-transformative-justice-collective>>.



LinkedIn.¹⁸ It highlights the concerns surrounding POFMA's claims in having extraterritorial scope to jurisdictions beyond Singapore, and the entitlement to prosecute any person or corporation "whether in or outside of Singapore".¹⁹

- Lawyers who use digital spaces in Singapore to highlight systematic injustices also face severe professional and financial reprisals. Prominent activist-lawyer the late M.Ravi was suspended from practice for five years partly in relation to media comments regarding the prosecution of a death penalty case.²⁰

(b) The legacy of POFMA

When Singapore became an independent country, it adopted constitutional provisions from Malaysia. Article 14 of the Singapore constitution derives from Article 10 of the Malaysian constitution. Both Article 10,²¹ and Article 14,²² indicate that citizens have "the right to freedom of speech and expression". Despite these provisions, POFMA was legislated in Singapore – and followed the passage in Malaysia of the *Anti-Fake News Act*.²³

Not only has POFMA been legislated in Singapore, but it has also had a significant impact on the development of legislation designed to limit freedom of expression in other countries. After the passage of POFMA, a Bill in similar terms was introduced in the National Assembly of Nigeria: the *Protection from Internet Falsehoods and Manipulations Bill*.²⁴ This statute shared almost identical language with POFMA.²⁵ The senator who introduced the Bill said that he took direct inspiration from Singapore.²⁶

2. Government organised harassment of HRDs in the Philippines

¹⁸ 'POFMA order for anti-death penalty group over false claims about treatment of activists' *Channel News Asia* (online, 10 October 2024) <<https://www.channelnewsasia.com/singapore/pofma-anti-death-penalty-activists-adpan-transformative-justice-collective-4668456>>.

¹⁹ POFMA (n 1) s 8(1).

²⁰ Lydia Lam, 'Lawyer M Ravi suspended for a maximum of 5 years for making baseless accusations against AGC, Law Society' *Channel News Asia* (online, 21 March 2023) <<https://www.channelnewsasia.com/singapore/lawyer-m-ravi-suspended-maximum-5-years-allegations-against-agc-law-society-3362521>>; Wing-Cheong Chan and Michael Hor, 'Debate and Contestation in Singapore's Death Penalty' in Wing Cheong Chan, Mai Sato and Michael Hor (eds), *Capital drug laws in Asia* (Cambridge University Press, 2025) 83, 87 <<https://www.cambridge.org/core/books/abs/capital-drug-laws-in-asia/debate-and-contestation-in-singapores-death-penalty/27F8182355493CC79B647CB986C18977>>.

²¹ Federal Constitution of Malaysia (as at 1 January 2023) art 10.

²² Constitution of the Republic of Singapore (1999 Rev Ed) art 14.

²³ Anti-Fake News Act 2018 (Malaysia).

²⁴ Anna Maria Romero, 'Nigerian Senator Accused of Plagiarising Singapore's POFMA Says Similarities Only Due to Common Subject Matter' (25 November 2019) *The Independent*.

²⁵ Anna Maria Romero, 'Nigerian Senator Accused of Plagiarising Singapore's POFMA Says Similarities Only Due to Common Subject Matter' (25 November 2019) *The Independent*.

²⁶ Anna Maria Romero, 'Nigerian Senator Accused of Plagiarising Singapore's POFMA Says Similarities Only Due to Common Subject Matter' (25 November 2019) *The Independent*.



(a) State-sponsored trolling

State-sponsored actors have acted to manipulate online public opinion throughout the Philippines, especially regarding political events.²⁷ These trolls were especially active during Rodrigo Duterte’s campaign for president in 2016, as a part of which there were significant efforts to undertake targeted online harassment and disinformation. As part of his campaign, Duterte recruited hundreds of influencers who in turn generated support in the hundreds of thousands, through existing follower bases, helping promote his presidential bid.²⁸

The tactic used in the Philippines has been described as a decentralised market-based approach as it involves influencers and genuine supporters, rather than an approach managed through state police. This makes it difficult to hold government actors accountable, as the trolls appear organic.²⁹ These trolls are used to amplify a message, drown out a contrary or conflicting voice, or even create a false sense of the popularity of an idea or cause through amplification or spread.

An approach taken up by trolls is labelling individuals as traitors who are serving foreign interests rather than Filipino interests.³⁰ An example of a victim of the actions of these trolls is Filipino American journalist Maria Ressa, who criticised the work of Duterte and suffered the consequences, including receiving ninety abusive messages within a one-hour span, which included one calling for her to be raped until she died.³¹

(b) Red-tagging

²⁷ Savvas Zannettou et al, ‘Disinformation Warfare: Understanding State-Sponsored Trolls on Twitter and their Influence on the Web’ (Conference Paper, Companion Proceedings of the 2019 World Wide Web Conference, May 2019) <<https://arxiv.org/abs/1801.09288>>.

²⁸ Aim Sinpeng, Dimitar Gueorguiev and Aries Arugay, ‘Strong Fans, Weak Campaigns: Social Media and Duterte in the 2016 Philippine Election,’ *Journal of East Asian Studies* 20(3) <<https://www.jstor.org/stable/27223258>>.

²⁹ Janjira Sombatpoonsiri, ‘Manipulating Civic Space: Cyber Trolling in Thailand and the Philippines (GIGA Focus Asia No 3, GIGA German Institute of Global and Area Studies, 2018) <<https://www.giga-hamburg.de/en/publications/giga-focus/manipulating-civic-space-cyber-trolling-in-thailand-and-the-philippines>>.

³⁰ Janjira Sombatpoonsiri, ‘Manipulating Civic Space: Cyber Trolling in Thailand and the Philippines (GIGA Focus Asia No 3, GIGA German Institute of Global and Area Studies, 2018) <<https://www.giga-hamburg.de/en/publications/giga-focus/manipulating-civic-space-cyber-trolling-in-thailand-and-the-philippines>>.

³¹ Carly Nyst and Nick Monaco, *State-Sponsored Trolling: How Governments Are Deploying Disinformation as Part of Broader Digital Harassment Campaigns* (Report, 2018), 13 <https://legacy.iftf.org/fileadmin/user_upload/images/DigIntel/ITF_State_sponsored_trolling_report.pdf>.



In the Philippines, the effects of government organised harassment of HRDs are not restricted to the online sphere. Online attacks have resulted in politically driven violence and other human rights breaches.

State-sponsored online harassment in the Philippines often takes the form of ‘red-tagging’,³² a government strategy where individuals are publicly labelled as communists or terrorists. ‘Red-tagging’ seeks not only to openly shame those who engage in human rights defence online, but also to intimidate activists into silence. This form of state-sponsored online harassment has escalated into real-world attacks against activists that speak up online, most notably the killings of Zara Alvarez and Randall Echanis:

- On 17 August 2020, Zara Alvarez was shot and killed, following the murder of Randall Echanis in the week prior by unidentified assailants.³³ Both had been subject to online red-tagging before their deaths as well as working with leftist organisations that Filipino authorities claimed were ‘linked to the communist insurgency’.³⁴
- Zara Alvarez was the thirteenth human rights defender to be killed in the Philippines within four years, demonstrating the pervasive danger that state-sponsored online harassment poses to the Filipino population offline.³⁵
- These killings exhibit how state-sponsored online harassment often works in conjunction with a pattern of state extrajudicial executions to quash any perceived communist uprising.³⁶

Former Commissioner in the Commission of Human Rights in the Philippines, Karen Gomez-Dumpit has also been a victim of the actions of red-tagging:

- On 11 October 2020, following Karen Gomez-Dumpit’s statements during and after the 45th session of the Human Rights Council,³⁷ the official Facebook page of the Southern Luzon Command of the Philippine Army red-tagged Karen Gomez-Dumpit through a number of posts.³⁸ Karen Gomez-Dumpit, among others, was accused of supporting the Communist Party of the Philippines,³⁹ and she and others were described as “termites trying to destroy our homes

³² Tomasso Franco, ‘Is Red-Tagging Undermining the Philippines’ Leadership in ASEAN?’, *Australian Institute of International Affairs* (Web Page, 4 March 2026) <<https://www.internationalaffairs.org.au/australianoutlook/is-red-tagging-undermining-the-philippines-leadership-in-asean/>>.

³³ Phil Robertson, ‘Two More Philippine Activists Murdered’, *Human Rights Watch* (Web Page, 18 August 2020) <<https://www.hrw.org/news/2020/08/18/two-more-philippine-activists-murdered>>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ United Nations, ‘48th Regular Session of the Human Rights Council - General Debate on Item 5’, *UN Web TV* (online, 29 September 2021) <<https://webtv.un.org/en/asset/k1u/k1u4nkdneb>>

³⁸ Working Group on Arbitrary Detention et al, *Communication to the Government of the Philippines Concerning Windel Bolinget and Others*, UN Doc AL PHL 1/2021 (22 January 2021) 4 <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25942>>.

³⁹ Commission on Human Rights of the Philippines, *Information Presented by the Commission on Human Rights of the Philippines: Note by the Secretariat*, UN Doc A/HRC/48/NI/3 (27 December 2021) 4 <https://digitallibrary.un.org/record/4032391/files/A_HRC_48_NI_3-ES.pdf>.



from the under” by General Antonio G. Parlade Jr. (Commanding General of the Southern Luzon Command at the time).⁴⁰

- Avid supporters of the Duterte administration piled on the red-tagging efforts through a number of YouTube videos.⁴¹
- On 1 December 2020, Karen Gomez-Dumpit participated in a hearing in the Senate Committee on National Defence on red-tagging, as a representative of the Commission on Human Rights of the Philippines. Following the hearing there was a Facebook post created by the Undersecretary of the Presidential Communications Office and Spokesperson of the National Task Force to End Local Communist Armed Conflict, which included a video which criticised Karen Gomez-Dumpit’s statement.⁴²

Government organised harassment of HRDs has also been shown to pose a significant threat to mental health outcomes of Filipino youth:

- Amnesty International’s first ever youth-led report into the issue outlined the effects of online harassment amongst young HRDs. In the report, youth activists described suffering from “psychological distress, being isolated from families and social circles and feeling that their contribution to human rights work was devalued” as a result of state-sponsored online harassment and red-tagging.⁴³
- Young human rights defenders reported that they had simply resorted to “self-censorship” in an attempt to avoid the harassment altogether.⁴⁴ Red-tagging and other forms of government sponsored online harassment have created an environment where youth HRDs are deterred from engaging online out of fear of online attacks.

⁴⁰ ‘CHR: Red-tagging puts lives of activists in danger’, *Philippine News Agency* (online, 12 October 2020) <<https://www.pna.gov.ph/articles/1118207>>.

⁴¹ Commission on Human Rights of the Philippines, *Information Presented* (n33) <https://digitallibrary.un.org/record/4032391/files/A_HRC_48_NI_3-ES.pdf>.

⁴² Working Group on Arbitrary Detention et al, *Communication Concerning Windel Bolinget* (n 32) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25942>>.

⁴³ “State-sponsored online harassment has “chilling effect” on young human rights defenders”, *Amnesty Philippines* (Press Release, 4 April 2025) <<https://www.amnesty.org.ph/2025/04/state-sponsored-online-harassment-has-chilling-effect-on-young-human-rights-defenders/>>.

⁴⁴ Ibid.