MinLaw refutes US lawmaker's comment that Singapore's defamation laws are weak

By Alicia Wong | Posted: 27 June 2010 2326 hrs

SINGAPORE: The Ministry of Law has refuted a comment by a United States lawmaker that Singapore's defamation laws - along with those in countries like Australia, Indonesia, England and Brazil - are weak.

In an email response to MediaCorp, a MinLaw spokeswoman disagreed with Democratic Senator Patrick Leahy's comment, saying that the view "will not change our position on defamation".

Last week, the US unveiled legislation shielding its writers and publishers from "libel tourism", with Senator Leahy naming Singapore as one of several countries whose "weak libel protections" attracted libel lawsuits against US journalists and authors.

Libel tourism refers to foreigners filing defamation suits in a country where they will get a more favourable judgement.

The move by the American lawmakers would prevent US federal courts from recognising or enforcing a foreign judgment in a defamation case, in line with the first amendment of the US Constitution, which guarantees the freedom of speech.

The purpose of defamation law, the MinLaw spokeswoman added, was to protect personal reputation -- which is as valuable as personal property -- from false attacks.

A person who feels that he has been defamed may seek to vindicate his reputation through a law suit and it was up to the accuser to prove his allegations, she said.

"These are the central principles underpinning Singapore defamation law. Political leaders, prominent businessmen, and ordinary citizens all benefit equally from its protection," said the spokeswoman, adding that the principles have "stood the test of public scrutiny".

Lawyers and legal experts told MediaCorp they have not heard of cases of libel tourism.

Singapore Management University's Assistant Professor of Law, Jack Lee, said he has not seen instances of libel tourism in law reports over the last 10 years, while a partner at Colin Ng & Partners, Mr Peter Low, said: "It is an issue bandied around in the United Kingdom, Europe, but not in Singapore."

However, compared to the US, Singapore's law could be considered weaker, they noted.

In the US, a newspaper is not liable for libel of a politician or public figure unless "actual
“malice” is proven, said Adjunct Professor Kevin Tan from the National University of Singapore. "There is no such test in Singapore."

In Australia, New Zealand and the UK also, newspapers may be held immune from libel suits if it can be shown they practiced "responsible journalism", he added.

This argument has been rejected by Singapore's Court of Appeal.

Pointing out that politicians can refute inaccurate allegations through press statements, Assistant Professor Jack Lee added, "there is something to be said for having stronger protection for political communication."

But, he noted, courts here are "generally quite conservative" and do not agree that defamation law should be modified for greater emphasis on free speech and expression.

Still, a defendant has legal defences, such as fair comment, said Mr Andy Lem, a partner at Harry Elias Partnership.

The Court of Appeal, Singapore's highest court, has also observed that local political and social conditions should be considered in deciding on the balance between constitutional free speech and protection of reputation, he added.

- CNA/ir