

PROTECTION FROM HARASSMENT ACT: PROTECTION AGAINST FALSE STATEMENTS

"Harassment can take place anywhere, anytime and in any form"



INTRODUCTION

With the advent of the internet, the reach of our words has extended exponentially, crossing borders and connecting individuals in an instant. Digital platforms, while fostering open communication, have inadvertently become a breeding ground for hostility and deceit, where words are weaponised with alarmingly ease. As a result, the line between truth and lies has become increasingly blurred, and the risks of cyberbullying, online harassment and defamation amplified. In this new digital landscape, words hold even greater power than before, and its far-reaching impact has never been more evident, highlighting the urgent need for strong protection from abuse.

The Protection from Harassment Act 2014 ("POHA") serves as a pivotal tool, enacted to address and grant protection against harassment, unlawful stalking and false statements of fact committed by individuals or entities against persons in Singapore.

With how deeply the internet is woven into the fabric of daily life, POHA expressly acknowledges the real risks posed by online harassment, which often manifests in the form of false statements that can cause feelings of distress, fear or incite violence against another person.

WHAT ARE FALSE STATEMENTS?

Under POHA, a statement is considered false if it is untrue or misleading, either in part or in whole, and regardless of whether it stands alone or is viewed in a specific context.

These false statements can take various forms, including defamatory remarks, unfounded accusations, or misleading claims made with the intent or knowledge that they will cause harm or damage to a person's well-being.

POHA AGAINST FALSE STATEMENTS

POHA was enacted in recognition of the fact that harassment can take place anywhere, especially in the digital age. A false statement can be communicated through any medium, including verbal, written, or digital platforms such as social media, messaging apps and websites.

POHA is structured to offer a continuum of tiered remedies, with the higher tiers encompassing criminal penalties and civil remedies, while the lower tiers focus on preventative orders and other interim measures.

Offences

POHA criminalises the making of false statements that a reasonable person would perceive as representing a fact, regardless of whether these statements are untrue or misleading. Sections 3 to 7 create distinct offences focused on addressing the harmful effects of harassment, falsehoods, unlawful stalking and other undesirable behaviour.

Section 3 of POHA criminalises the intentional act of causing harassment, alarm or distress to another person. This may be by way of use or communication of any threatening, abusive or insulting words or conduct or by publishing any identity information of the victim or related persons.

Section 5 of POHA criminalises any act which is committed with the intention of causing fear, provocation or facilitation of violence. A person or entity must not intend to cause the victim to believe that unlawful violence will be used against them or another person or to provoke the use of unlawful violence against them.

Remedies

The Protection from Harassment Court

Apart from criminal sanctions, victims may bring civil proceedings in the Protection from Harassment Court ("PHC") for civil damages.

Orders related to False Statements

Under POHA, the court is empowered to make final and interim orders in cases involving falsehoods. Final orders are made at the end of an application to court, while interim orders are meant to provide urgent temporary relief.

Orders available for cases involving false statements include:

- **Stop Publication Order:** This court order mandates that the perpetrator stops publishing a falsehood and/or any substantially similar statements, within a specified time.
- **Correction Order:** This court order requires the perpetrator to publish a correction notice for the purposes of clarifying or correcting untrue facts which have been previously published.
- **Disabling Order:** This court order requires the internet intermediary, whose service was used to publish the false statement of fact, to disable user access to the false statement and/or any copies of the same.

The court will grant an order if it is satisfied that (a) the relevant statement is, on a balance of probabilities, a false statement of fact and (b) it is just and equitable, in the circumstances, to make the order against perpetrator responsible for the false statement.

POHA VS POFMA

The increasingly rampant proliferation of false statements and fake news also underscores the need to understand other relevant legal frameworks, particularly the Protection from Online Falsehoods and Manipulation Act 2019 ("POFMA").

POFMA was enacted on 3 June 2019 to protect the Singapore public against online harm by countering the spread of online falsehoods.

POHA and POFMA serve distinct but complementary functions in addressing harmful and socially undesirable behaviour in Singapore.

While POHA is primarily focused on protecting individuals from harassment, both offline and online, POFMA is specifically aimed at mitigating the spread of online falsehoods and manipulation, particularly those that undermine public confidence or harm national interests.

Conclusion

POHA plays a vital role in protecting individuals from the harmful effects of false statements in Singapore. The clear legal framework provided by POHA ensures that victims have access to proper protections and recourse against harassment and falsehoods.

At **INFINITY LEGAL LLC**, we assist and represent clients on all issues relating to harassment law.

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