

2010

REPORT

CENSORSHIP  
REVIEW  
COMMITTEE

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REPORT OF  
CENSORSHIP REVIEW COMMITTEE 2010



6 Sept 2010

**Mr Lui Tuck Yew**

Acting Minister for Information, Communications and the Arts

Dear *Minister*

### **CENSORSHIP REVIEW COMMITTEE REPORT 2010**

On behalf of the members of the Censorship Review Committee, it is my pleasure to submit our report for your consideration. My fellow committee members and I would like to thank you for having entrusted us with the responsibility for this review.

When we were given this task, it was thought that refinements to the existing regulatory structure would be sufficient. However, it soon became clear that a reconsideration of some fundamental issues had become necessary in the wake of the accelerating digital revolution, along with Singapore's changing artistic landscape.

We have used the imagery of a regulatory fort painstakingly built over many years, stone by stone, but which has been so bombarded by technological change that before long, only the gates will be left standing, valiantly held up by our regulators as a symbolic statement.

We ask that this report be considered as an integral document, rather than as a buffet spread of observations and recommendations. If there is one point that matters, it is that the renovation of our regulatory fort needs to be done in a simple, holistic and consistent fashion, with a tripartite collaboration of regulator, industry and community. This approach is analogous to Singapore's effort in building societal resilience through Total Defence.

The protection of minors is best effected through vaccination with education, information and the exercise of parental responsibility; quarantines have grown ineffective with the proliferation of mobile media devices and high speed broadband. Parents must take primary responsibility in making media decisions for their families, with the help of better information and effective tools. What we all want is a vibrant and responsible media and arts industry, along with the empowerment of adults to make informed choices for themselves and for their children. The mindset shift that underlies many of our recommendations will not be easy to achieve, but the alternative of staying still is growing less tenable. The back and side walls of our fort are already missing.

The CRC report is but the collective opinion of 17 concerned citizens. We do not have a monopoly on good ideas, and we certainly did not always agree; but we have spent a lot of time together in the past year thinking about and debating these issues, through 21 meetings and countless e-mail exchanges. In some cases, our members have written short sidebars to highlight paths not chosen, but which may be relevant to future debate. For one important recommendation,

we have left the choice open because we could not reach a majority, let alone a consensus. This should not be taken to mean that this topic matters less; there is simply more to be done before a decision should be taken.

Many members of the public wrote in to express their opinions, frustrations and concerns. We met with many artists, collectively as “ArtsEngage” and also individually. We had sessions with industry participants to better understand specific issues. We held 9 focus group sessions, including one just for those who had taken the trouble to write in their thoughts. We drew inspiration from all of these interactions, which gave us a flavour of the practical daily realities, as well as the passionate convictions involved. We hope we have done justice to their openness with our report, even where we have not concurred with their prescriptions. Where we have received permission from the authors, we have published verbatim all the correspondence on our website.

On behalf of the CRC, I would like to commend the willing participation and support of the Media Development Authority, and in particular its content regulation team as well as the unflagging efficiency of the Secretariat assigned to assist us in our work.

On a personal note, I would also like to thank all of my fellow committee members for their patience and dedication. Many of us were strangers to each other when we started on this road, and our diverse perspectives were evident from the first meeting. I am grateful that our meetings never became divisive: there was always a strong sense of commitment and openness in the course of debate, along with healthy doses of humour. It was a pleasure to work with such fine people.

A handwritten signature in black ink, reading "Goh Yew Lin". The signature is written in a cursive style with a long horizontal stroke at the end.

GOH YEOW LIN

Chairman

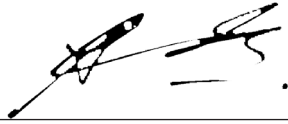
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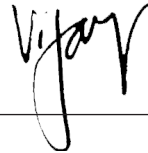
Mr Koh Buck Song (Deputy Chairman)



Ms Ang Bee Lian




Dr Azlinda Anwar



Mr Vijay Chandran



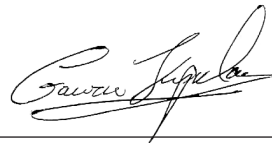
Ms Chua Lee Hoong



Mr Khiew Voon Kwang



Mr Koh Su Haw



Mr Gaurav Kripalani



Assoc Prof Lee Cheuk Yin



Ms Lee Huei Min



Ms Rahayu Mahzam



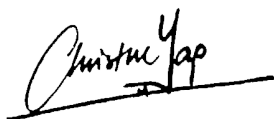
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**ACTING MINISTER FOR INFORMATION,  
COMMUNICATIONS AND THE ARTS  
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9 September 2010

**MR GOH YEW LIN**  
**Chairman**  
**Censorship Review Committee**

Dear *Yew Lin*,

I am pleased to receive the Censorship Review Committee (CRC) Report 2010.

2 I commend the CRC for doing a thorough job in analysing the issues and making many substantive recommendations. These are timely recommendations that would help our content regulation policies and standards keep pace with the evolving media landscape and societal changes.

3 Significantly, in proposing greater relaxation in regulation and content standards, your Committee also recognises the critical need to continue protecting our young, upholding societal values, and safeguarding our racial and religious harmony. These are important, fundamental considerations. Your Committee's recommendations have sought to address this delicate balance between societal concerns and providing diverse content choices for Singaporeans.

4 I am heartened to note that your Committee sees content regulation as a shared tripartite commitment between the regulator, a responsible arts and media industry and the community. Strong families are the cornerstone of our society and parents play the most crucial role in guiding our young. I share the points you have raised on the protection of minors where public education and parental involvement and empowerment are paramount.

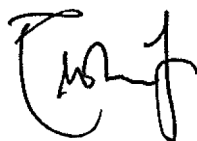


5 As the Chairman of the CRC, you have taken on the difficult task of managing and reconciling diverse viewpoints not only from the diverse groups of people which the CRC consulted for feedback and suggestions, but also from your own Committee members. I have no doubt that this has been an interesting and challenging endeavour. I would like to commend you for your strong leadership, which has successfully guided your Committee's deliberations and decision-making, and helped the Committee reach agreement on the final set of recommendations.

6 On behalf of the Government, I would like to express my deepest gratitude and appreciation to you and your Committee members for the invaluable time and effort you all have invested in this review, despite heavy work commitment and busy schedules.

7 Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lui Tuck Yew', written in a cursive style.

**LUI TUCK YEW**

**Acting Minister for Information, Communications and the Arts**



# Contents

	Executive Summary	i-x
1	Overview	1
2	Classification Principles	13
3	Censorship Principles	15
4	Internet and the Future Media Landscape	18
5	Public Education and Parental Empowerment	29
6	Engaging the Community	40
7	Engaging the Industry	49
8	Classification Policies and Standards	61
9	Arts Entertainment	82
10	Ensuring Compliance	94
11	Media Advisory Council	98
12	Conclusion	104
	Annexes	
	• CRC 2010 Members	108
	• Public Consultation Process and Feedback Received	110
	• Key Survey Findings	123



# Executive Summary

1. In September 2009, the Acting Minister for Information, Communications and the Arts (MICA) appointed 17 members of the public from various fields to the Censorship Review Committee (CRC).
2. Chaired by Mr Goh Yew Lin, Chairman of the Yong Siew Toh Conservatory of Music and Deputy Chairman of the Singapore Symphonia Company Ltd, the CRC was tasked to conduct a mid-term review of content issues across the spectrum of broadcast, films, videos, publications, audio recordings, the arts and new media.
3. The CRC's terms of reference were:
  - (i) To recommend refinements to existing content standards and guidelines to reflect societal and technological changes since the last CRC, while recognising the need to protect the young and respect racial, religious and social sensitivities;
  - (ii) To study whether there is a need to introduce additional content standards and guidelines that would be relevant to the emergence of new technologies and new media platforms;
  - (iii) To recommend ways to encourage industry players, the community and artists to be involved in co-regulation of media content and classification; and
  - (iv) To recommend avenues to improve community engagement and public education in content standards and guidelines.
4. After nearly a year of debate and deliberation, the CRC is putting forth the following principles and key recommendations.

## PRINCIPLES

### CLASSIFICATION PRINCIPLES

- (i) Classification is a service to guide and empower consumer choice. Policy decisions pertaining to classification should therefore be based on its utility to consumers.
- (ii) To be effective, classification criteria should be simple, consistent and easily grasped even by occasional consumers.

- (iii) Ratings should be accompanied by sufficient and readily accessible information to empower informed decision-making.
- (iv) Classification boundaries must be set according to community standards determined via an engagement process involving the regulator, community and the industry.
- (v) The values and beliefs of minority groups should be respected on the understanding that these are within legal bounds. Consumer advice is the best way to ensure effective audience segmentation, so that those who think they may be offended will be warned away.
- (vi) The consumer has the right to expect excellent service, and key performance indicators for regulators should be developed to reflect this as an objective.
- (vii) There should be increased opportunities for self-regulation and co-regulation over time.
- (viii) Effective enforcement is a necessary part of regulation.
- (ix) Resources commensurate to the needs of a more intensive tripartite engagement should be made available.

### **CENSORSHIP PRINCIPLES**

- (i) Censorship is a necessary tool, but a blunt one. Its application, while with determination, should be with regret.
- (ii) Censorship is a restriction on personal freedoms, imposed by the government but reflecting the will of a substantial majority of the people. To be accepted as valid, it must be seen to fairly reflect widely-held sentiments.
- (iii) The boundaries of censorship, being subjective, should be set through an ongoing engagement with the public.
- (iv) Censorship decisions should be sensitive to context. Depiction is not necessarily promotion, and discussion is not necessarily incitement.
- (v) There should be clear accountability for censorship decisions. The competent authority should be identified when a decision is taken to disallow or censor.
- (vi) The Internet revolution has rendered some forms of censorship ineffective. For example, the proliferation of film content on the Internet has made the disallowing of a film primarily a statement of disapproval rather than an effective means of preventing the film's propagation.
- (vii) Greater emphasis should be placed on education, awareness and parental empowerment. Token gestures should be replaced by more effective tools.

## KEY RECOMMENDATIONS

### INTERNET AND THE FUTURE MEDIA LANDSCAPE

- The Media Development Authority (MDA) should undertake an in-depth expert-led study to design and eventually implement a robust and consistent regulatory framework that could be applied on any new media forms, and which is clear and transparent to both the industry and consumers.
- Classification systems and content standards governing the different media platforms should be harmonised wherever possible so that consumers are better able to understand and utilise the ratings to make informed decisions.
- Existing content codes governing broadcast services should be extended to mobile-only content services. Content that is freely accessible to all mobile service subscribers only via mobile devices and not via the Internet should be subject to free-to-air (FTA) TV content standards. Those offered on a subscription/on-demand basis to mobile service subscribers only via mobile devices and not via the Internet should be subject to subscription TV/Video-on-demand(VOD) standards.
- The symbolic 100-website ban imposed by the government should be replaced with a transparent, server-level filtering service, combined with a simple and well-highlighted choice to opt in at the point of subscribing to or renewing the Internet service.
- Government should retain its power to ban websites on the grounds of national security. However, some form of checks should be put in place to ensure transparency and accountability of such government actions.
- Public education efforts on media literacy and cyberwellness should be enhanced to ensure that the public is equipped with updated information and knowledge to deal with the emergence of new media forms and the attendant evolution of media regulations. This will enable parents to take frontline responsibility for their children's explorations in cyberspace and ensure that children can deal with any undesirable content they may encounter.

### PUBLIC EDUCATION

- A sustained cyberwellness programme for all primary and secondary students, which is consistent across all schools, should be incorporated into the curriculum by the Ministry of Education (MOE). Such a programme should be made compulsory for all schools.
- Schools should continue to engage the services of community groups for additional cyberwellness initiatives.
- A single, permanent and properly resourced body should be tasked to oversee and coordinate all media literacy and cyberwellness programmes across ministries.

## PARENTAL EMPOWERMENT

- The aggregating body of public education efforts should work with the National Family Council (NFC) to strategise, coordinate and implement effective outreach programmes for parents to increase their level of awareness, understanding and skills in mitigating potential risks of media on their children.
- There should be greater promotion of tools such as Internet filters, parental lock mechanisms, the media classification systems and so on through public education to facilitate parents in guiding their children's media consumption.
- If R21 content is introduced on subscription channels and VOD, operators should set the parental locks on by default.
- The MDA should simplify the nomenclature of ratings across all classification systems to facilitate intuitive understanding and promote greater usage of the classification systems.
- For FTA TV and pay-TV programmes, the classification advisory logos should be displayed on screen for the entire duration of the programme.
- Classification advisories should be accompanied by consumer advice in press/publication/website programme listings as well as during the introduction of the programme.

## ENGAGING THE COMMUNITY

- Progressively move towards a tripartite engagement involving regulator, community and industry. More resources should be devoted to facilitate this so as to ensure deeper engagement with the community and the industry.
- A youth panel should be set up to reach out to the younger generation by communicating and garnering their views on content and media issues.
- Emphasise public consultation as an essential process in policy and regulatory reviews.
- Increase the transparency of regulatory processes to the community by increasing the information made available to the public. This could include developing a database of public complaint cases and the publication of survey findings, policy reviews and content guidelines.
- Evaluation and measurement mechanisms should be developed to track the success of community engagement efforts.
- Improve the transparency of the membership selection process of the various citizen committees advising the MDA on content issues. MICA to take the lead in drawing up a set of principles, objectives and criteria to guide the nomination and appointment process for members of these committees.

- Broaden public participation in the regulatory process by allowing for public nomination for a proportion of the advisory committee positions. The MDA to have a correspondingly reduced role in the direct selection of citizen committee members so as to enhance the committees' independence and credibility. The MDA should publicise the opportunity to serve on committees through advertisements and on government websites, with sufficient information on the commitment and qualifications required.
- Increase industry representation on the citizen committees for better sharing of insights and concerns.
- To eventually distance the MDA from the selection of appeal committee members since the latter is set up to consider appeals against the MDA's decisions.
- The Broadcasting, Publications and Arts Appeal Committee should be given the final decision-making power to align the powers of this committee with that of the Films Appeal Committee.

### ENGAGING THE INDUSTRY

- Regular formal consultations with the industry should be introduced to provide a framework/channel for industry to propose changes to policies and guidelines.
- Promote greater Industry-Community dialogue and interactions.
- Increase representation of industry practitioners on content advisory committees.
- Industry practitioners should be allowed to make direct representations to the advisory committees to facilitate Industry-Community dialogue.
- An inclusive term licensing scheme for arts entertainment should be introduced expeditiously.
- An online self-declaration system for niche arts performances should be introduced so that such performances do not have to go through the pre-vetting process.
- Co-regulation of video content up to a PG13 rating should be introduced.
- Industry should support the regulatory framework and be encouraged to assist in ensuring greater compliance by all parties.
- Industry should be encouraged to participate in the setting up and maintenance of a community-wide focused online media portal.
- For mediums that are not mandated to provide consumer advice such as audio recordings, industry players should be encouraged to take on their social responsibility by voluntarily providing consumer advice on explicit and mature content.

## PRINCIPLES OF CLASSIFICATION FRAMEWORK

- A simple, consistent and, where possible, harmonised framework for classification should be adopted to better guide parents in making media choices for their families.
- The Film Classification System should be used as a reference standard for other media.
- The labellings on ratings for the Film Classification System should be reviewed to make it more intuitively understood by the public.

## FILM AND VIDEO CLASSIFICATION SYSTEM

- A PG13 rating should be introduced to provide a stronger signal to parents on the nature of the content and to facilitate appropriate rating of films with some mature content.
- Industry co-regulation should be introduced for videos meant for distribution, up to a PG13 rating.

## R21 CONTENT ON VARIOUS PLATFORMS

- The R21 rating should be retained as the highest rating.
- A calibrated approach should be adopted towards allowing R21 content on various platforms and at Housing Development Board (HDB) estates.
- R21 content should be allowed at HDB estate cinemas with various mitigating measures such as time-belting and restrictions on advertising.
- R21 content should be allowed on subscription TV and VOD with a strong caveat that a simple-to-use parental lock mechanism is available.
- R21 videos should be allowed only when the industry is able to reassure stakeholders of its ability to enforce the restriction of sale to minors.
- An adequate, transparent and enforceable penalty system should be put in place.
- A tripartite relationship between the public, industry and the regulator should be strongly encouraged so that better mechanisms can be put in place to guide and protect the young.

## FILM FESTIVALS

- Current approach of giving greater leeway for films screened at film festivals to encourage film appreciation and audience development for niche performances should be continued; the films should nevertheless meet the fundamental guidelines of not undermining public order or the nation's security, denigrating race or religion or eroding moral values with extreme content.

### MATURE CONTENT ON FTA TV

- Standards for TV PG-rated programmes should be aligned with that of PG-rated films. Content rated under the new PG13 rating should be screened on FTA TV after 11pm, with consumer advice. PG films should be screened after 10pm.
- Further liberalisation of content on FTA TV should be guided by the citizen consultative committees for television programmes following the introduction of PG13 which would make PG-rated films more innocuous than at present.

### VIDEO GAMES CLASSIFICATION SYSTEM

- The current Video Games Classification System which has ratings up to M18 should be retained; but continue to monitor need for a R21 rating.
- A participative forum, with user-driven information system which also provides relevant information to parents and users, should be encouraged; for example, a local version of the Internet Movie Database with information for parents and a local online forum which allows users to edit content.
- The use of local ratings for online games developed locally should be encouraged for greater social responsibility and effective self regulation.
- The MDA to work with the industry to provide more information on video games classification systems of other countries at points of sale.

### PUBLICATIONS

- Existing system of co-regulation with the industry for publications should be continued; there is no need for a detailed classification system.
- Position on adult publications such as *Playboy* should be guided by general social norms. Censorship Review Committee 2010 Survey reflects that a majority continue to oppose the sales of such magazines.
- Same content guidelines should be applied to both foreign and local magazines, with consistent requirements of shrink-wrapping and prominent display of advisories for racier adult lifestyle magazines.
- A clear set of guidelines for self-regulation of magazine covers should be developed and published.

### AUDIO RECORDINGS

- Status quo of self-regulation and voluntary consumer advice for sensitive content for audio recordings should be maintained; online portals should be encouraged to enable user-generated consumer advice.

### CONTENT STANDARDS

- Content standards to continue to be guided by the MDA's citizen committees as judgement on standards requires experience and knowledge.
- A flexible and contextual approach for homosexual content should be adopted.
- More emphasis should be placed on context and impact of usage when assessing coarse language in media content and not to censor such content so long as intent is not to denigrate any race or religion.
- Independent research should be undertaken to establish a firm basis for the full liberalisation of dialect content policies. In the interim, a calibrated approach should be adopted. This could involve allowing for an expansion of the number of subscription and VOD channels with dialect content, and taking a more accommodating approach in approving locally-made films that use dialect in a contextually justifiable way.
- Where content is banned for reasons of public interest, the competent authority should be named for clearer accountability to help build a collaborative tripartite partnership for classification with regulator, industry and community.

### ARTS ENTERTAINMENT

- A term licensing scheme that will be extended to arts groups based on agreed criteria should be implemented. The criteria would be decided by the regulator in consultation with the consultative panels and arts groups. The scheme should include an effective and transparent compliance system.
- The information (including rating and consumer advice) provided to consumers to help them make informed choices should be enhanced. This could be done by engaging advisory committee members and the public to provide their inputs on the sort of content they would find useful in the Arts database.
- The categories of arts entertainment that can be exempted from licensing should be reviewed and expanded. Other means of co-regulation for performances targeted at niche audiences should be explored such as through an online declaration system for content.
- The Broadcast, Publications and Arts Appeal Committee (BPAAC) should be empowered with final decision-making power, as in the case of the Films Appeal Committee.

- Regulator should further enhance its domain expertise as an arts regulator.
- Regulator should engage in more active dialogue with the arts groups and make public the basis of their decisions, as the public is ultimately the judge of what constitutes sound decisions.

### ENSURING COMPLIANCE

- An effective and holistic regulatory system needs to be supported by measures to encourage compliance. This should be supported by educational outreach programmes.
- The range of penalties should be calibrated to include deterrent penalties for persistent breaches.
- The penalty system for each industry segment should be transparent to both industry and the public.
- The MDA should review the manner in which enforcement activities are undertaken to improve their effectiveness, and seek ways to enhance community oversight.
- Greater resourcing of enforcement efforts is required to facilitate the introduction of policy changes towards greater co-regulation.
- Feedback channels should be easily accessible and prominently publicised.

### MEDIA ADVISORY COUNCIL

MICA to consider the need for a body such as the Media Advisory Council (MAC) to undertake the following efforts:

- Be the focal point of community participation by subsuming the committees under the MDA, taking on the responsibility of advising the MDA on content regulations and having oversight of the list of government-blocked websites.
- Aggregate the existing public education efforts and centralise government outreach programmes, acting as a single interface between government and private organisations.
- Undertake research to assist the MDA's media content policy formulation.

### FUTURE CRCs

- Future CRCs should be renamed to reflect the diverse nature of issues involved in media regulations.



# CHAPTER 1

## Overview

1. We live in rapidly-changing times. As download speeds increase, and online content proliferates, more people are turning to new media platforms to read the news, download music and movies, and interact. This is as exhilarating for consumers as it is threatening to old-media companies. It is changing the way people learn, communicate and are entertained. It is also changing the ways by which the citizenry interacts with government. Increasingly, it also challenges the efficacy of some regulations that were put in place as recently as seven years ago.
2. Although we will delve deeper into the regulatory consequences of technological change in a later chapter, a short discussion is necessary to put this review into perspective.
3. Laws and regulations are local, but the Internet is global and pays no heed to our local preferences. A decade ago, it was still feasible to control undesirable content by imposing a ban on its possession, since the main mode of distribution was through physical media such as videotapes and discs. The sheer volume of discs imported today makes it impossible for regulators to certify all content. In addition, the enormous volume of content distributed via the Internet, which bypasses physical media altogether, makes regulation a challenge. Some use paid services such as iTunes; the majority probably use peer-to-peer file-sharing networks. Such downloads, which bypass our regulatory system, will become even more pervasive with the launch of the next generation high-speed broadband services. Setting up systems to control access to the Internet, as in China, can only be done if a society is willing to bear the huge costs, financial and reputational; this is clearly not an option for Singapore.

### Previous Censorship Review Committees

- 1981 – Chaired by Professor S. Jayakumar
- 1992 – Chaired by Professor Tommy Koh
- 2002 – Chaired by Dr. Liu Thai Ker

4. In effect, the Internet has created a parallel channel where the dominant regulatory standards are those practised by overseas online content providers rather than standards shaped by Singaporean community values. Those using file-sharing networks gain access to all manner of unclassified content. YouTube and social media networks enable the dissemination of content beyond Singapore's regulatory reach. For example, a recent Straits Times report discussed the effects in Singapore of the controversial preachings posted on YouTube by an American Muslim.
5. Concurrent with the growing proliferation of content is the growing ubiquity of content. Our regulatory fort was largely built in a simpler era. Regulators only needed to deal with distributors and content providers because content creation, being an expensive process, was in the exclusive domain of professionals. Now, the tools of content production and distribution are in the consumer realm. In the earlier years of the Internet, you could regulate your children's media access by situating the computer in the living room. Laptops started the trend towards mobility, but now we have high-resolution smartphones and digital tablets. Children who want to see what they are missing from an edited film know how to get the saucier version through file-sharing networks, even if their parents are oblivious to the possibility. High-resolution digital tablets can serve as the ideal portal for high-resolution pornography: anywhere, anytime.
6. Our regulatory fort, blasted repeatedly by technological change, will eventually only have its gates left standing, stoically and symbolically defended. It is time to re-examine what we are trying to protect, and to see if there are ways of doing this better.

#### **PARENTS MUST TAKE RESPONSIBILITY**

7. Our most important message is the simplest and most obvious: parents need to take charge, even if some of them don't realise that they should. Some may not know how.
8. The Censorship Review Committee 2010 Survey asked this question: "Who...should be most responsible for protection of minors from inappropriate content?" Only half the respondents pointed first to parents. 31% put government as being most responsible. When second choices were included, 65% hold the government responsible.
9. This is an increasingly unrealistic expectation. The primary responsibility must be with parents. Just as a parent would not let his 12-year-old child into a nightclub, so he should do what he can to prevent his child from accidentally or purposely wandering into a porn site.

10. The government's main role is to set clearer ground rules, invest in public education, and provide parents with simple tools to make appropriate choices for their families. The media regulation system, managed in collaboration with industry and community, should then be focused on keeping out at the margins extremely objectionable content; and segmenting content for age-suitability, with adequate audience advisories. Our report makes various recommendations in all these areas, with one key element being the requirement of a transparent server-level filtering service to replace the token ban on 100 websites.
11. If things work well, there should be, over time, a discernible increase in the percentage of adults who are able and willing to accept the responsibility of protecting our minors.

#### WHAT IS CONTENT REGULATION FOR?

12. Content regulation has two main purposes: to give adults the means to decide on their own media consumption, and to empower them to make the appropriate choices for their children. At the extreme end of the spectrum, it also sets the limits of tolerance for certain forms of content.
13. The government may also impose restrictions where content is deemed to be against the public interest. We have considered the process by which decisions are taken in the public interest, and made recommendations towards greater transparency and accountability.

#### CENSORSHIP

14. Censorship is an emotive word. Yet, even in liberal societies, censorship exists. Germany bans the use of Nazi symbols. Australia blocks a variety of what it deems to be undesirable websites. Censorship marks the boundaries that each society believes should not be crossed, and each society must make its own choices: we cannot import the systems and values of another country without analysing and customising them to our particular culture and situation. China and Australia block many more Internet sites than Singapore, and for different reasons, but that does not mean we should do the same. America espouses complete freedom of Internet content, but we are not starting from the same societal perspective.
15. Censorship is inevitably a restriction on personal freedoms, imposed by the state on behalf of the community. As such it should be applied with reluctance on content that is extreme in nature, and it must be supported by prevailing community values.

16. That is of course easier said than done. Various CRC members expressed concerns that a regulator's scissors might be applied too liberally if content standards are read literally. Context is very important to the censorship decision. Some plays and films probe into sensitive subjects without being particularly polemical, and these should be allowed. The CRC agrees that depiction should not be equated with promotion. Nevertheless, there is a grey area that lies between depicting terrorism, and glorifying the act of terrorism. The regulator's decisions ultimately involve a measure of subjectivity with which not everyone will agree. The CRC has made various recommendations that seek to reduce some of the frictional issues that have bedevilled the artist-regulator relationship, while requiring a greater acceptance of responsibility on the part of artists. It also believes that the reasons for all such decisions need to be clearly articulated.
17. One fear that was raised at some focus group meetings was that censorship tools left in the hands of unscrupulous parties could be abused for political or undesirable social purposes. While this is a potential risk, any such actions would in this day and age be quickly exposed through an Internet channel such as YouTube. Banning a film today is more a statement of disapproval than an effective curb on its propagation.
18. Some see regulatory policy as a continuum advancing incrementally over time, with an absence of censorship being the ultimate goal of a mature, open and developed society. Others hold that censorship is an absolute necessity for the preservation of community values and social harmony. For the majority of CRC members, the process is seen not as a linear progression but a situational negotiation: the correct policy choice in our multi-racial and multi-religious society may involve a complex set of tradeoffs applicable to each set of circumstances.

### **CLASSIFICATION AND CENSORSHIP - WHY THE DISTINCTION MATTERS**

19. In a subsequent chapter, we articulate our principles for classification and censorship. There is more than just semantics involved here.
20. We have used "classification" to refer to the process of defining the age-suitability of media content through a consistent rating system, alongside the provision of sufficient information to empower informed choice. We have defined "censorship" as the restriction of content. There is, of course, some overlap: the classification process includes the refusal of ratings to films which exceed acceptable limits, for example for gratuitous and explicit sexual content, even at the highest rating levels.

21. Classification and censorship decisions are sometimes confused in the public mind. If a movie distributor wishes to broaden the potential audience for a film, he may choose to cut parts of a film to secure a lower age rating. Consumers often think that this is a decision by the regulators to censor the film. The CRC believes that the process of classification should not be directed by commercial considerations, if the rating system is to be a reliable guide for consumer choice.
22. It has been proposed by some that, at the highest rating, everything should be allowed. The CRC does not agree with this position. In all civilised societies, there is a point beyond which content is deemed unacceptable; extreme sadistic violence may be an example. Where each system differs is in the placement of the boundary stones for various types of content, and in the channels for negotiation and debate.
23. In Singapore, the boundary stones are largely set by the MDA with the advice of ten citizen committees that collectively involve more than 250 people. This is supplemented by regular surveys to gauge the evolution of societal trends. Viewed over time since the first CRC, it is clear that content regulations have steadily been relaxed. There are mixed feelings in some quarters about the pace at which this has taken place. There is nevertheless a healthy and continual debate on where the standards should be, with artists, not surprisingly, calling for greater flexibility.
24. It is also not surprising that the CRC received many submissions calling for a lighter hand in the classification of films and plays which contain homosexual themes. Homosexuality and other non-traditional lifestyles remain contentious issues for Singapore. While the MDA's content regulators have to calibrate their decisions on ratings according to the majority, the CRC agrees that minority interests should also be considered and that a flexible and contextual approach should be taken for content depicting homosexuality. At the same time, clear and specific audience advisories should accompany the ratings so that the content issues will warn away those who think they may be offended by such content.
25. In general, however, the CRC agrees that our classification structure is sound, a view reflected in the Censorship Review Committee 2010 Survey. For example, only 14% of respondents felt that the film classifications are too strict; 8% consider them too relaxed; and 68% think they are getting it just right. In response to a question on whether to lower the maximum age threshold for ratings from 21 to 18, there were 57% against and 27% in favour. Responses to other questions are consistent in showing that there is still a significant core of socially-conservative Singaporeans, and our policy formulations must respect this reality.

### THE PRINCIPLE OF INFORMED ADULT CHOICE

26. One of the litmus test questions, used in various censorship surveys by past CRCs, asked if *Playboy* magazine should be allowed for sale in Singapore if wrapped in opaque covers. There has been little material change since the 2002 survey, with 54% against, 39% for and 8% uncertain. However, respondents aged 15-29 are in favour of allowing *Playboy*, with the strongest disapproval registered in the age categories above 40.
27. Overall, it seems clear that younger Singaporeans hold more liberal views than their seniors on a range of issues. While the majority views will set the core standards, sufficient space also needs to be available for the creative and media interests for those who believe differently.
28. From this, we extract an important principle that should be applied across the regulatory framework: adults should have the right to choose what they want or don't want to be exposed to, within clearly articulated limits. These limits should be agreed through a process of public engagement and subject to the laws of the land. Consumers have the right to sufficient information and effective tools with which to make choices appropriate for themselves and their families.
29. Classification enables segmentation. Films which some may find abhorrent are already passed for screening at cinemas, typically with a higher classification and with audience advisories. Someone who might be offended by gore, for instance, should be warned away by the rating and advisories. On subscription TV and Video-on-Demand services, where an active decision needs to be taken to purchase content, there is the possibility of adding specific channels to serve diverse viewing interests, while using advisories and parental-lock mechanisms to control accidental access by minors.

### Thoughts Underpinning the Recommendations of the CRC

The following thoughts underpin many of the recommendations being made by the CRC.

- Parents must accept greater responsibility for their children's media interactions.
- Government must provide better information and tools for adults to make the appropriate choices for their families.
- Government must also deliver an efficient and user-friendly media regulatory system, along with effective public education.
- Classification policies should be simple, consistent and intuitively useful to even the occasional consumer
- There needs to be an effective tripartite relationship spanning regulator, industry and the community, with more responsibilities placed with industry through increased co-regulation, and with the community through enhanced consultation and community engagement.
- "Informed adult choice" should be a key principle to allow for a richer diversity of content choices.
- Censorship is necessary, but it is a tool that should always be wielded with regret, and with clear accountability.
- Don't regulate with a rear-view mirror: the challenges lie ahead.

### KEEP POLICIES SIMPLE, WITH THE OCCASIONAL CONSUMER IN MIND

30. Ideally, a rating should provide an intuitive, consistent and accurate message to all consumers. A consumer would expect an 18-rated subscription TV programme to meet the same content standards as an M18 film at a cinema. This is not necessarily true, because the criteria for each medium are currently slightly different. Magazines provide another example of divergent standards: local magazines are required to be more conservative than imported magazines because they are more widely distributed. This is unhelpful to the casual browser at a newsstand who probably won't realise that there is any distinction.
31. There are good historical reasons for each anomaly. However, as responsibility for content choice progressively shifts towards adults, it becomes more important to iron out inconsistencies wherever possible, so that even a casual consumer who enters a cinema infrequently will grasp what the ratings imply.
32. The CRC does not expect full harmonisation across media platforms – the rating system for arts entertainment, for instance, appears to be working well. Similarly there is no need for a more complete set of ratings for video games, especially as games are progressively migrating online. A community-led portal for video games, both on-line and off-line, may be the most effective way to create a centralised information resource to help parents in choosing the appropriate games for their children. If this works well, the model can be extended to other media forms.

### PROTECTING THE “DIGITAL ALIENS”

33. Regulation is to protect the vulnerable. The children of today are “digital natives” and they can run rings around their parents when dealing with technology and the Internet.<sup>1</sup> Not all parents are technologically sophisticated, and it is likely that many lower-income parents are among the “digital aliens” who most need simple tools to regulate media and Internet access in their homes.
34. One of the CRC's key recommendations is to develop a transparent, server-level filtering service. It should be so simple that a consumer would only need to answer just one yes-no question: “Do you want us to turn on an Internet filter that will block most porn sites from your household?” The current systems available are either too complex, or they are inadequately promoted. Our survey showed that over 60% of households with children did not even know that such filters were available from Internet Service Providers (ISPs).

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<sup>1</sup> Parents Unaware of Web Encounters, The Straits Times – Digital Life, 14 July 2010, pg 4.

35. At the same time, we are recommending that this filter should replace the symbolic ban on 100 websites, most of them pornographic. In reality, there are tens of thousands of pornographic sites, and this symbolic ban was always intended to communicate the government's and society's disapproval of pornography, to "establish in young minds that certain standards of right and wrong exist."<sup>2</sup> The CRC does not dispute the symbolic intent. However, there is also an unintended effect, with some less technologically-adept parents believing that the government does actually protect their children from the possible evils of the Internet.

### **GREATER FREEDOM MEANS GREATER RESPONSIBILITY**

36. In a number of instances, the CRC has recommended an increase in co-regulation, in effect sharing the MDA's regulatory responsibilities with the industry. As one example, the CRC would like to reduce the necessity for word-by-word vetting by the MDA of plays prior to performance, through the implementation of term licensing for arts groups. This requires trust on the part of the regulator, and the acceptance of responsibility on the part of approved theatre groups in ensuring that a play's content does meet agreed content standards. Another recommendation in a similar vein is to allow video distributors to self-classify videos rated up to a PG13 rating.
37. Many artists, including the ArtsEngage<sup>3</sup>, have raised specific episodes where they found script vetting intrusive, arbitrary and/or lacking in transparency. In general, they desire greater freedom for artistic expression, without the need to refer back to a supervisory authority.
38. While term licensing would remove many frictional issues, there is a clear need to build a better working relationship between artists and regulators, within the context of the CRC's call for a tripartite engagement along with consumers. For this to work, there also needs to be clearer accountability for censorship decisions.
39. It is important to allow the media and arts practitioners greater freedom, accompanied by greater responsibility, so that they are empowered to let their creativity flourish. In our view, this is essential if we want to nurture talent and encourage creativity, which are pertinent to the goal of making Singapore a leading cultural capital.<sup>4</sup>

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<sup>2</sup> The Wall Street Journal Millennium (A Special Report), Industry & Economics – Talking About Tomorrow. George Yeo: Singapore's trade minister has some controversial notions about competition in the age of the Internet. 31 December 1999.

<sup>3</sup> The ArtsEngage is a network of arts practitioners from various disciplines coming together to discuss the policies that govern and impact their respective practices. Source: <http://sites.google.com/site/artsengagesg/whois> accessed 1 August 2010.

<sup>4</sup> Report of the Economic Strategies Committee. Source: [www.esc.gov.sg/attachments/ESC%20Main%20Report.pdf](http://www.esc.gov.sg/attachments/ESC%20Main%20Report.pdf) accessed 18 August 2010.

### TRIPARTISM AND “TOTAL DEFENCE” IN MEDIA REGULATION

40. The CRC’s recommendations call for closer co-regulation with industry, and closer engagement with the community. There is a third leg, which is for engagement between industry and community, rather than for both constituencies to look solely towards government for solutions or direction. An effective and more engaged tripartite system will be more able to deal with the growing complexity of media content.
41. This form of tripartism is akin to Singapore’s longstanding national approach of Total Defence.<sup>5</sup> The parallel in the media space is for all three groups to be engaged in developing a robust and flexible media regulatory structure that will support the national objectives of social and psychological defence, and sustain a resilient society and community with a strong sense of identity and belonging.

### ACCOUNTABILITY FOR CENSORSHIP DECISIONS

42. At the present time, almost all censorship decisions are fronted by the MDA. It is clear that the MDA does not have the domain expertise to make certain decisions, particularly those involving national security, and that it is acting in such situations on the advice or instruction of another agency. This reality is not spelt out. When the MDA officers are not in a position to adequately justify a decision to affected parties, and yet have to appear to be accountable for the decision, a toll is inevitably taken on their credibility. This in turn reduces the prospects for effective co-regulation and the building of trust.
43. The MDA, in carrying out its classification role, should be concerned only with the age-suitability of content. Whenever it is acting on the advice of another arm of government, that agency should be identified so that the public can be reassured that a competent authority has been involved, and that the decision was not based on the views of individual MDA officers.

### BETTER RESOURCING FOR BETTER ENGAGEMENT

44. The CRC does feel that there is scope for closer interaction between the MDA and the industries that it regulates, as well as the community it serves. There have been avoidable misunderstandings, some resulting from the lack of clarity in regulatory responsibility referred to earlier. In the course of

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<sup>5</sup> Total Defence provides a framework for a comprehensive and integrated response to deal with all kinds of threats and challenges. Source: [www.mindef.gov.sg/td/](http://www.mindef.gov.sg/td/) accessed 18 August 2010.

our meetings, we were always impressed by the dedication of the MDA content regulation team, their understanding of issues and their articulation of reasons for controversial decisions. While we have not made a detailed study of their organisation, it seems to us that they are under-resourced even for the current scope of work, let alone the time-consuming processes that engagement and co-regulation will require. We encourage MICA and the MDA to look into the appropriate resourcing for this unit. This is especially necessary for the transitional stages when we will also need to concurrently step up public education efforts.

### A MEDIA ADVISORY COUNCIL?

45. The CRC has suggested the formation of a Media Advisory Council. The CRC agrees on three key roles for the MAC: to take over the citizen committees from the MDA's regulatory unit; to centralise, coordinate and champion public education efforts on media issues, including cyberwellness; and to be a focal point for feedback and research. What we could not reach agreement on was whether the MAC should have a role within the regulatory process. Some felt it should remain purely advisory, collaborating with the MDA regulators but with independent governance. Some saw that it could act as a media watchdog, implying a more independent role which could result in it occasionally challenging the MDA's decisions. Others saw it as a new statutory board that would absorb the functions of the MDA's regulatory unit, freeing the MDA to focus on promotion.
46. As we could not come to a single agreed recommendation, we suggest that further study be made to assess the concept of a Media Advisory Council, and to define its terms of reference.

### THE REVIEW PROCESS

47. This report should be read as the collective work of 17 concerned citizens from different backgrounds. The CRC's deliberations lasted nearly a year. We took inputs from public correspondents; from focus groups; from artists, both individually and collectively under the ArtsEngage banner; and from industry participants. We commissioned a media research firm, The Nielsen Company to carry out an extensive public survey. Along the way, many of us changed our minds, sometimes more than once, when faced with practical realities, as well as perspectives which we had not considered. We drew inspiration from the many members of the public who wrote in, and from those who came to focus group meetings to express their concerns and share their ideas.
48. Some correspondents wanted us to go beyond our terms of reference, to opine on matters of a more political nature, or to specifically adjudicate on the merits of certain regulatory decisions.

We did look at a number of the issues raised, and heard the regulators' side of the story as well. Our interest was to understand the process by which decisions were made in the past, and to see how this might have changed. We considered the policy implications of various decisions, and the availability and fairness of channels of appeal. We also looked at what is being done in other countries. All these inputs have fed into our specific recommendations in various chapters.

49. We have not tried to go back and second-guess the work of the regulator and the citizen committees. First, we were not constituted to carry out a forensic review of this nature. Second, regulatory standards continue to change to reflect the evolution of public attitudes. Content which was unacceptable ten years ago would in some cases be passed today.
50. Consumers will ultimately dictate the correctness of our regulatory framework. If they find classification too strict, they will migrate away from regulated media towards unregulated downloads, to the detriment of the local media industry and resulting in the loss of a common space of shared media experiences. One consequence of an unlimited online menu is that many more Singaporeans may eventually seek their news and entertainment from global sources, and this will eventually be felt in the shaping of community values through a smorgasbord of global influences rather than through local media.

#### **GUIDELINES FOR POLICY CHANGE**

51. To guide the evolution of policies in relation to both classification and censorship, the CRC has set out in the following chapters its thoughts on some of the principles which should underlie future policy.



# CHAPTER 2

## Classification Principles

1. Classification is a service to consumers with two main purposes:
  - (i) **Segmentation:** To alert the public to the age-appropriateness of content so that adults can make appropriate and informed decisions for their children. At the extreme end, segmentation also involves disallowing content that goes beyond acceptable limits.
  - (ii) **Information:** To guide adults on the nature of potentially-sensitive content so that they can make media choices according to their personal values and principles.
  
2. The CRC makes the following points about Classification:
  - (i) Classification is a service to guide and empower consumer choice. Policy decisions should therefore be based on their utility to consumers.
  - (ii) To be effective, classification criteria should be easily grasped even by occasional consumers, and should be as simple and consistent as possible across different media platforms.
  - (iii) Ratings should be accompanied by sufficient information to empower informed decision-making, and this information should be readily accessible to consumers through various platforms.
  - (iv) Classification boundaries must be set according to community standards determined via an engagement process involving the regulator, community and the industry. In this regard, the various citizen committees play a very important role in calibrating regulatory benchmarks.
  - (v) Even where there is a significant majority favouring a particular approach, the values and beliefs of minority groups should be respected on the understanding that these are within legal bounds. Audience advisories are the best way to ensure effective audience segmentation, so that those who think they may be offended will be warned away.
  - (vi) The consumer has the right to expect excellent service, and the key performance indicators for regulators should be developed to reflect this as an objective.
  - (vii) In time, there should be increased opportunities for self-regulation and co-regulation. These solutions should be tried out with open minds on the part of all parties.
  - (viii) Effective enforcement is a necessary part of regulation.
  - (ix) Resources commensurate with the needs of a more intensive tripartite engagement should be made available.



# CHAPTER 3

## Censorship Principles

1. Based on current practice, censorship is applied against:
  - (i) circulation of objectionable content, such as hardcore pornography;
  - (ii) circulation of explicit content, for example, detailed or gratuitous depictions of extreme violence;
  - (iii) the promulgation of ideas which may incite social unrest in our multi-religious and multi-racial society;
  - (iv) the incitement of illegal activities, including terrorism;
  - (v) the promotion of lifestyles inconsistent with community standards;
  - (vi) 100 websites as a token gesture of disapproval;
  - (vii) the widespread use of Chinese dialects in cinemas and broadcast media in support of the national Speak Mandarin campaign.
  
2. The CRC also observes that while the final authority for a censorship decision under the various media legislations is the Minister of MICA, the expertise for certain issues clearly resides with other ministries, such as the Ministry of Home Affairs (MHA) for national security concerns.
  
3. The CRC makes the following points about censorship policy:
  - (i) Censorship is a necessary tool, but a blunt one. Its application, while with determination, should be with regret.
  - (ii) Censorship is a restriction on personal freedoms, imposed by the government but reflecting the will of a substantial majority of the people. To be accepted as valid, it must be seen to fairly reflect widely-held sentiments.
  - (iii) The boundaries of censorship, being subjective, should be set through an ongoing engagement with the public.
  - (iv) Censorship decisions should be sensitive to context. Depiction is not necessarily promotion, and discussion is not necessarily incitement.
  - (v) There should be clear accountability for censorship decisions. The competent authority should be identified when a decision is taken to disallow or censor.

- (vi) Greater emphasis should be placed on education, awareness and parental empowerment as the Internet revolution has rendered some forms of censorship ineffective. For example, the proliferation of film content on the Internet has made the disallowing of a film primarily a statement of disapproval rather than an effective means of preventing the film's propagation.
- (vii) Token gestures should be replaced by more effective tools for adults to exercise control over content access for themselves, and for their families.



# CHAPTER 4

## Internet and the Future Media Landscape

### Recommendations

- The MDA should undertake an in-depth expert-led study to design and eventually implement a robust and consistent regulatory framework that could be applied on any new media forms, and which is clear and transparent to both the industry and consumers.
- Classification systems and content standards governing the different media platforms should be harmonised wherever possible so that consumers are better able to understand and utilise the ratings to make informed decisions.
- Existing content codes governing broadcast services should be extended to mobile-only content services. Content that is freely accessible to all mobile service subscribers only via mobile devices and not via the Internet should be subject to FTATV content standards. Those offered on a subscription/on-demand basis to mobile service subscribers only via mobile devices and not via the Internet should be subject to subscription TV/VOD standards.
- The symbolic 100-website ban imposed by the government should be replaced with a transparent, server-level filtering service, combined with a simple and well-highlighted choice to opt in at the point of subscribing to or renewing the Internet service.
- Government should retain its power to ban websites on the grounds of national security. However, some form of checks should be put in place to ensure transparency and accountability of such government actions.
- Public education efforts on media literacy and cyberwellness should be enhanced to ensure that the public is equipped with updated information and knowledge to deal with the emergence of new media forms and the attendant evolution of media regulations. This will enable parents to take frontline responsibility for their children's explorations in cyberspace and ensure that children can deal with any undesirable content they may encounter.

1. Currently, Singapore takes a light-touch policy towards content on the Internet via the Internet Class Licence Scheme.<sup>6</sup> This is an automatic licensing framework covering both Internet content and service providers, under which licensees do not need to obtain prior approval from the MDA to operate a website.<sup>7</sup>
2. Under the Class Licence Scheme, licensees need to observe the Internet Code of Practice which requires them to ensure that “prohibited material is not broadcast via the Internet to users in Singapore”<sup>8</sup>. In addition, other Singapore laws which are applicable to offline content and speech are equally applicable to online content.
3. The government has also put in place other measures to help safeguard the interest of the public, especially minors, in the face of potentially harmful content or contact over the Internet. These include the addition of Section 376E to the Penal Code in 2007 to criminalise sexual grooming of a minor under 16; the move in 1998 to encourage ISPs<sup>9</sup> to offer an optional content filtering service (known as Family Access Network or FAN)<sup>10</sup> to their subscribers to filter out pornographic material and other undesirable content such as extreme violence, hate or terrorist websites. Furthermore, since the mid-1990s, the

## Internet Code of Practice

4.(1) Prohibited material is material that is objectionable on the grounds of public interest, public morality, public order, public security, national harmony, or is otherwise prohibited by applicable Singapore laws.

4.(2) In considering what is prohibited material, the following factors should be taken into account:-

- (a) whether the material depicts nudity or genitalia in a manner calculated to titillate;
- (b) whether the material promotes sexual violence or sexual activity involving coercion or non-consent of any kind;
- (c) whether the material depicts a person or persons clearly engaged in explicit sexual activity;
- (d) whether the material depicts a person who is, or appears to be, under 16 years of age in sexual activity, in a sexually provocative manner or in any other offensive manner;
- (e) whether the material advocates homosexuality or lesbianism, or depicts or promotes incest, paedophilia, bestiality and necrophilia;
- (f) whether the material depicts detailed or relished acts of extreme violence or cruelty;
- (g) whether the material glorifies, incites or endorses ethnic, racial or religious hatred, strife or intolerance.

<sup>6</sup> Broadcasting (Class Licence) Notification, Broadcasting Act (Chapter 28), Section 9.

<sup>7</sup> However, under the Class Licence, the following groups of people will have to register with the MDA: (a) A political party registered in Singapore providing any programme on the Internet; (b) A body of persons engaged in the propagation, promotion or discussion of political or religious issues relating to Singapore on the Internet; (c) An individual providing any programme, for the propagation, promotion or discussion of political or religious issues relating to Singapore, on the World Wide Web through the Internet if directed to do so by the MDA in writing; (d) An Internet Content Provider in the business of providing through the Internet an on-line newspaper for a subscription fee or other consideration if directed to do so by the MDA in writing; and (e) Anyone who provides an audiotext service.

<sup>8</sup> Internet Code of Practice. Source: [http://www.mda.gov.sg/Documents/PDF/licences/mobj.981.Internet\\_Code\\_of\\_Practice.pdf](http://www.mda.gov.sg/Documents/PDF/licences/mobj.981.Internet_Code_of_Practice.pdf), accessed 18 July 2010.

<sup>9</sup> Currently, StarHub provides server-level filtering service to its subscribers.

<sup>10</sup> In March 1998, following feedback from parents and schools on possible dangers found on the Internet especially for the young, Internet Access Service Providers (IASPs) in Singapore are urged to provide optional family access networks that parents can subscribe to for their children. The services, known as Family Access Networks (FAN), filter out more pornographic as well as other undesirable sites and provide an optional, hassle-free network solution to parents who are unfamiliar with the use of stand-alone filtering software. Source: <http://www.mda.gov.sg/NewsAndEvents/PressRelease/Archives/Pages/21022001.aspx>, accessed 18 July 2010.

government has imposed a ban of 100 mass-impact objectionable websites which comprise mainly pornographic sites and several religious hate sites as a symbolic gesture to reflect the society's values and disapproval of such content.

4. However, most of these measures were put in place in the 1990s when the Internet was still in its infancy, and content on the Internet was still very much limited to text and pictures. Things have changed vastly since then. Even as the CRC was mulling over how Internet-enabled media delivery modes are posing fresh challenges to the current media regulatory framework, new gadgets such as Google's "Smart" TV<sup>11</sup> and Apple's iPad<sup>12</sup> were being launched in quick succession. The former will allow consumers to surf the Internet and play any media content from cable, satellite, online, and more all in one place, while the latter promises consumers a myriad of media content and entertainment on the go.
  
5. As observed in a 2008 Organisation for Economic Cooperation and Development (OECD) report, "the digitalisation of content, the emergence of IP (Internet Protocol) and the increasing adoption of high-speed broadband by end-users, has enabled the convergence of networks, services and devices we are experiencing today."<sup>13</sup> Media convergence is a living reality. Media content is increasingly being unhinged from its traditional distribution platforms and finding different routes to the consumers. Coupled with the advent of wireless technology, it is now possible to access the same piece of content via a broadcast TV or radio, a cable channel, on a computer, on a video game console and on a variety of Internet-enabled mobile devices. Consumers can increasingly dictate when, where and how they consume media content.
  
6. In addition, seeing high speed broadband as a cornerstone of a knowledge economy, many developed countries are investing in the Next Generation Broadband infrastructure to ramp up their bandwidth. In Singapore, the government is building the Next Generation Nationwide Broadband Network or NGNBN, a nationwide all-fibre ultra-high speed network that promises to support speeds of up to 1Gbps. According to the Infocomm Development Authority of Singapore (IDA), as of June 2010, the NGNBN has covered about 35% of homes and buildings in Singapore. It is expected to reach 60% coverage by the end of the year, and further reach 95% coverage by 2012.<sup>14</sup> Once in place, accessing, streaming and downloading high definition media content will

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<sup>11</sup> Google Launches "Smart" TV, Today, 22 May 2010.

<sup>12</sup> iPad Fever Hits Singapore, MyPaper, 22 July 2010.

<sup>13</sup> OECD Policy Guidance on Convergence and Next Generation Networks, OECD, 2008.

<sup>14</sup> Briefing by RADM(NS) Ronnie Tay, Chief Executive Officer, Infocomm Development Authority of Singapore, at iN2015 Media Conference at imbX 2010, Singapore Expo. Source: <http://www.ida.gov.sg/News%20and%20Events/20050712153905.aspx?getPagetype=21>, accessed 10 August 2010.

become a breeze for consumers, and many more are likely to eschew traditional media services for the Internet.<sup>15</sup> According to The Nielsen Company, there was a significant increase in the number of people watching movies/TV programmes online from 2007 to 2008. Among those aged 15 to 17, only about 20% indicated they watched movies/TV programmes online in a study undertaken in 2007. This figure jumped to 72.1% in 2008 and remained high at 71.8% in 2009. Similar trends are observed across all other age groups.<sup>16</sup>

7. With new media services being launched and traditional media (TV, radio, print, etc.) services increasingly moving into the cyber realm, the Internet is likely to transform into the main delivery infrastructure for mass media content. What this means for the regulator who is seeking to protect the public's interest is that content regulations and standards which have hitherto been imposed mainly on traditional media are fast becoming redundant, while new Internet-enabled services remain largely unregulated. Regulations only work within our borders, but the Internet transcends borders and calls into question the efficacy of many historical modes of regulation.
8. The challenge that the Internet poses to regulators is an immediate and difficult one. The futility of content regulation and censorship in the face of a borderless and amorphous digital world is an oft-cited argument by opponents of Internet censorship, and of censorship in general. The CRC acknowledges that with technological advancements, those who are technically savvy are able to circumvent any regulations to access any content. However, the CRC feels that this should not detract from the fact that there are sections of the population who do need and still want<sup>17</sup> some form of assistance to guide their media consumption, or the media consumption of their dependants. In addition, while demanding greater choice, most consumers would continue to favour some form of content regulation so that they would not be bombarded by explicit media content against their will.
9. To address the challenges wrought by the Internet, the CRC emphasises a tripartite approach which stresses on building a strong relationship between the government, the industry and the public to put in place mechanisms to help consumers navigate the new media landscape.

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<sup>15</sup> This in no way implies the demise of traditional media services. As observers pointed out, many traditional media services are leveraging on the new media to reinforce their audience base. Today, Long Live TV and Print, 24-25 July 2010, pg 14.

<sup>16</sup> Data source from The Nielsen Company.

<sup>17</sup> The Censorship Review Committee 2010 Survey shows that a majority of the population agrees with the level of content regulations across most of the media platforms, with a relatively high percentage of 31.5% indicating that they feel that the current regulations on the Internet are too relaxed.

10. In line with this tripartism, the CRC further holds the view that in the long run, the regulator will need to review and modify, and if need be, revamp the existing regulatory structure such that it would become robust enough to handle any new media services. In the meantime, some immediate issues such as regulation of mobile content need to be addressed, and existing measures such as the 100-website ban and the FAN service should be reviewed in light of their effectiveness thus far.

### A ROBUST REGULATORY FRAMEWORK FOR THE FUTURE

11. The current regulatory framework for traditional media is hinged on a basic structure that was set in place before the dawn of the Internet age. It was then tweaked and amended to deal with new media forms that emerged along the way. The CRC recommends that the MDA undertake an in-depth expert-led study to reassess the current framework from the perspective of what is technically possible, to develop a robust and consistent new framework that can be applied on any future media forms and which is clear and transparent to both the industry and the consumers. This may mean abandoning some historical modes of regulation which have been rendered ineffective, and to prioritise resources more strategically.

### HARMONISATION OF CONTENT STANDARDS

12. As a concrete first step towards achieving a robust regulatory framework for the future, the CRC recommends that the content standards and classification systems governing different media platforms be harmonised where possible, to avoid having different ratings for the same content appearing on different platforms.

## An Ideal State of Affairs?

The CRC is mindful that it does not have the expert domain knowledge to make recommendations for the specific design of a future-proof regulatory framework. However, in its meetings, some members expressed their views on the elements of a robust regulatory framework. Some of the characteristics are described below:

- The regulatory framework should be hinged on classification of content with the focus on helping consumers make informed decisions;
- Classification should be consistent, with the individual ratings having the same standard, irrespective of the platform on which the content is made available. For example, a Mature18 rating should represent the same standard whether it is applied to a film meant for the cinema or one meant for a video-on-demand service;
- Classification decisions should be based solely on the age-suitability of content;
- The concept of media reach should be used to limit the maximum rating allowed for any particular platform. For example, FTA TV could have a maximum rating allowable of PG13 while media where choice needs to be exercised can have a maximum rating of R21;
- For platforms with content that may be too diverse and unwieldy to classify (e.g. the Internet), other measures (such as an Internet filter) should be put in place for the protection of minors and to empower adults who do not want to be exposed to certain forms of content;
- Classification of content should increasingly be handled by a community-led organisation rather than a government body to ensure relevance of standards, raise awareness and obtain buy-in by the citizenry for responsibilities undertaken for the citizens.

13. The current content regulatory approach is a medium- and-platform-specific one which calibrates its content standards based on the principle of reach and impact. Audio-visual media such as TV, film, video and video game are generally subject to stricter content standards and greater regulations as compared to the print medium because of the greater impact moving images are deemed to have vis-à-vis printed words and visuals. At the same time, delivery platforms which have wider reach, such as FTA TV are subject to stricter content standards than film and video. For example, while mild and infrequent use of coarse language is allowed for PG-rated content on film, this is not allowed for PG-rated content on FTA TV. In addition, different media platforms are governed by different classification systems. For example, the film classification system has five tiers of ratings while arts entertainment has a three-tier system.

14. Under the current framework, multi-platform owners are subject to different classification requirements for the same content on different platforms. For example, if a distributor owns the rights for a film on both cinema and FTA TV, the film would be subject to two different sets of classification standards. The CRC

feels that the current differences in content standards and classification systems have created additional operational burdens on the industry, and are confusing for the consumers.

15. Therefore, the CRC recommends that the regulator should adopt a platform-neutral approach by harmonising content standards and, where possible, standardising the classification system across all media platforms.<sup>18</sup> This would not only reduce the operational burden on multi-platform owners and encourage greater use of the classification system by the consumers, but it is also expedient in a convergent media environment where we see more content crossing over from one platform to another.

## Media Classification Systems

### Pay-TV:

16  
18

### Films:

General (G)  
Parental Guidance (PG)  
No Children Under 16 (NC16)  
Mature 18 (M18)  
Restricted 21 (R21)

### Videos:

General (G)  
Parental Guidance (PG)  
No Children Under 16 (NC16)  
Mature 18 (M18)

### Video Games:

Age Advisory  
Mature 18

### Arts Entertainment:

General  
Advisory  
Restricted 18 (R18)

<sup>18</sup> Further discussions on the harmonisation of classification systems can be found under Chapter 8 – Classification Policies and Standards.

16. While arts entertainment is currently regulated by the MDA and also subject to classification, the CRC recognises that it is an entertainment form that is vastly different from media platforms such as TV and film in terms of its impact and reach.<sup>19</sup> Therefore, the CRC does not propose including arts entertainment in this harmonisation exercise.

### MOBILE CONTENT

17. Currently, mobile operators offering 3G mobile TV content on mobile handsets are regulated under the Class Licence scheme as part of broadcast data services. With the increasing pervasiveness of mobile phones, such content is becoming easily accessible by children. While operators have stated that they are currently offering mostly innocuous content that is suitable for consumers of all ages, in view of the likely increase in the number of content providers coming into the market, the CRC feels that more specific and formal guidelines should be introduced. The Censorship Review Committee 2010 Survey also shows that close to 70% of respondents feel that content via mobile phones should be subject to some form of content rules.
18. Therefore, the CRC recommends extending the existing content codes governing broadcast services to mobile-only content services. That is, content that is freely accessible to all mobile subscribers via mobile devices and not via the Internet, should be subject to FTA TV content standards; content offered on a subscription/on-demand basis only via mobile devices and not via the Internet should be subject to subscription TV/VOD standards.

### Another Point of View

There should only be one type of classification system for content across all media, including arts entertainment.

The fact that we have different classification systems for different media is a result of the evolution of the media and the classification agency's response; and is not necessarily a result of cohesive design.

The main purpose of content rating is to give adults a simple tool to manage the content consumption of children. As such, content ratings could be viewed as a form of language to communicate age-suitability of content, with respect to a set of articulated social norms. Today, parents have to read and understand the numerous ratings used for films, DVDs, live performances, video games, mobile content, music, etc. We can significantly simplify the situation for parents if, for example, a "16" rating in a film, or DVD, or a live performance, or CD, all refer to the fact that this content is not suitable for children below 16 years of age, by some set of articulated criteria.

At the advisory levels, parents can even choose to guide the exposure of their younger children to higher level ratings (e.g. exposing 14-year-olds to "16" ratings) - with full understanding of what the "16" rating means or even prevent their children from viewing lower rated content. These choices, and more importantly, a simple way to guide children's consumption of content, is only possible if there is a simple "language" used to communicate to parents and society. Exempting any medium from being part of this "language" needlessly complicates a parent's task.

<sup>19</sup> Further information on the reach and impact of arts entertainment can be found under Chapter 9 – Arts Entertainment.

### 100-WEBSITE BAN AND INTERNET FILTERS

19. The Censorship Review Committee 2010 Survey shows that 67% of the respondents support retaining the 100 website ban or expanding it to cover more websites. This corresponds with the finding that close to one-third of the respondents feel that the current regulations governing the Internet are too relaxed. These are clear indications of the public's anxiety and a desire for more control or protective measures against the possible ills purveyed through the Internet.
  
20. In this regard, the CRC emphasises that it is important to implement and sustain effective measures to meet the challenges of the new media environment. It is of the view that while the 100-website ban was an important symbol of community values in the 1990s when the Internet first emerged, the increased rate of content proliferation has eroded the value of such symbolic censorship over the years. Instead, more effective public education would better serve the purpose. Therefore, the CRC recommends that the 100-website ban be retired and replaced with a transparent server-level filtering service to empower parental choice.
  
21. The CRC notes that the Advisory Council on the Impact of New Media on Society (AIMS) had also discussed the issue of the 100-website ban in detail in its report.<sup>21</sup> The CRC agrees that there are better solutions than to ban a very small fraction of objectionable sites, while allowing access to thousands of similar sites. The token ban may create a false sense of security

### Then Minister for Information and the Arts on Symbolic Censorship of the Internet (1999)<sup>20</sup>

**Question:** In your role as minister of culture, you had censorship duties. Why should censorship exist when the pendulum swings toward the open and free? Is censorship even possible today?

**Mr. Yeo:** Well, censorship is part of education. We are not trying to prevent young children physically from accessing pornography. They will always be able to find it in college or from their peers. It is on the Net. You can't stop it. But do you condone it? Do you sanction it? There is always a certain amount of hypocrisy involved in all of this. But then, as they say, hypocrisy is the compliment which vice pays to virtue.

Through symbolic censorship, you establish in young minds that certain standards of right and wrong exist. We will always fall short of those standards, but we must have them. If you access a porn site on the Internet in front of your teacher, you will be rebuked and punished. Now, is that censorship? It is a form of censorship. The teacher is completely aware that when the child is on his own, he is going to access the same site. But not in front of me, please, and not blatantly and not in school and not in the public library. Because if you do it in school or the public library, there will be a negative reaction. In this way, the norms of a culture are established, in the tribe or the community -- which is necessary. In the end, you must still have a sense of what is right and wrong.

<sup>20</sup> The Wall Street Journal Millennium (A Special Report), Industry & Economics – Talking About Tomorrow. George Yeo: Singapore's trade minister has some controversial notions about competition in the age of the internet. 31 December 1999.

<sup>21</sup> Engaging New Media, Challenging Old Assumptions: A Report by the Advisory Council on the Impact of New Media on Society, AIMS, Dec 2008.

in the minds of some parents about cyber safety, and it imposes additional administrative burdens on the regulator without achieving any significant benefits. The CRC examined Australia's recent efforts to block extremely objectionable websites and noted that this would entail considerable government spending, while generating a lot of protest. This and similar efforts should be monitored, but the CRC does not see this approach as being appropriate for Singapore at this point in time. All filters, including our current 100-website ban, can be circumvented easily. While the recommendation to remove the 100-website ban may seem to go against the wishes of a majority of survey respondents, the CRC believes that a better system can be put in place that is at once more comprehensive, and which also empowers adults to make the choices they consider appropriate for themselves and their families.

22. The CRC recommends that the removal of the 100-website ban be complemented with the introduction of a mandatory requirement for ISPs to provide an easy-to-use, optional server-level filtering service, along with enhanced public education efforts to raise the public's awareness of how protective measures can be taken against content they find objectionable. This would mark a shift from dependency on the government (over a third of respondents currently consider government to have the prime responsibility for keeping children away from objectionable sites) towards the empowerment of adults to make appropriate choices for their families. This is consistent with the CRC's broad principles to empower informed adult choice and enhance parental responsibility.

## Internet Filters

### Client-Based Filters

These are filtering software designed for home computers. They are installed directly on the home computer (or computers) and may be configured to provide differing levels of filtering for different users. Just as with anti-virus software, what a computer can access is determined by a "master" user, e.g. a parent. Typically, the service enables updates to one or more blacklists that the user can choose to adopt (or not). These filters require the consumer to be reasonably savvy about computers; but are also not so effective as minors can find ways around them.

### ISP Server-Level Filters

Filtering solutions can also be implemented at the server-level in an ISP. The filtering software is installed on a server (sometimes a network router) within the ISP's network and the filtering occurs upstream of the user. The ISP will probably use a black list to determine which websites are to be filtered. The ISP can choose to depend on a public open source black list of websites unsuitable for minors, and it can augment the black list with the assistance of user communities it helps to build.

### Third-Party Filters

Filtering and blocking can be deployed on a server or router hosted by a third party. This requires the third party server to be in the path for either Web requests initiated by a user, or delivery of content in response to a request. This is often used by an ISP that wishes to outsource content filtering for its customers.

### Search-Engine Filters

Most major search engines such as Google and Yahoo! offer filtered search capabilities that enable customers to manage their own access to content. Parents can use tools embedded in these search engines to block a great deal of potentially objectionable content that their children might accidentally stumble upon during their searches. However, access to these sites are still not blocked.

23. Currently, most ISPs are already offering an optional filtering service to their subscribers. StarHub provides an ISP-level filtering service which delivers a “clean” feed into its subscribers’ computers while SingNet’s version is in the form of bundled downloadable software to be installed on their subscribers’ computers. In the case of StarHub’s filtering service, the list of blocked sites is created and maintained by its external vendor and applied to all its filtering service’s subscribers’ Internet connection while SingNet’s version allows for some degree of customisation by the user. The CRC notes that there has been minimal marketing and take-up of these services<sup>22</sup>, and the Censorship Review Committee 2010 Survey shows that a large proportion of the population does not even know of the existence of such services. The CRC believes that having a transparent, server-level filtering service, combined with a simple and well-highlighted choice to be made at the point of subscribing to or renewing the Internet service<sup>23</sup>, would encourage subscription to the service by those who want it, and in particular enable parents to easily prevent minors from accessing most websites with unsuitable content. Further, the cost of the filtered Internet connection to a consumer should not be more than that of an unfiltered connection.
24. While recommending that the government remove the 100-website ban, the CRC maintains that it should still retain its power to ban websites on the grounds of national security, such as websites promoting terrorism or extreme racial/religious hate sites. For this purpose, the infrastructure that ISPs had put in place for the current 100-website ban should be retained. However, in the spirit of transparency and accountability, there should be some forms of checks on a decision to ban any website.
25. Finally, the CRC wishes to emphasise that while Internet filtering will help to limit chance exposure to inappropriate and objectionable content especially by children, it is not fool-proof, since no filtering service can block out all websites that contain such content. Therefore, the recommendation for the introduction of a transparent, optional server-level filtering service should only be taken as a part of a holistic approach to content regulation, coupled with increased efforts in public education on media literacy and specifically cyberwellness. This is discussed at length in the following chapter on Public Education and Parental Empowerment.

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<sup>22</sup> The Censorship Review Committee 2010 Survey shows that only 8% of the population subscribe to FAN service, and less than half of the population is aware of the service.

<sup>23</sup> For example, the options provided to the consumer at the point of subscription or renewal of Internet service could be: (a) I have minors using this Internet connection and I would like unsuitable materials filtered; (b) I do not want my Internet connection filtered.



# CHAPTER 5

## Public Education and Parental Empowerment

### Recommendations

#### Public Education

- A sustained cyberwellness programme for all primary and secondary students, which is consistent across all schools, should be incorporated into the curriculum by MOE. Such a programme should be made compulsory for all schools.
- Schools should continue to engage the services of community groups for additional cyberwellness initiatives.
- A single, permanent and properly resourced body should be tasked to oversee and coordinate all media literacy and cyberwellness programmes across ministries.

#### Parental Empowerment

- The aggregating body of public education efforts should work with the National Family Council (NFC) to strategise, coordinate and implement effective outreach programmes for parents to increase their level of awareness, understanding and skills in mitigating potential risks of media on their children.
- There should be greater promotion of tools such as Internet filters, parental lock mechanisms, the media classification systems and so on through public education to facilitate parents in guiding their children's media consumption.
- If R21 content is introduced on subscription channels and VOD, operators should set the parental locks on by default.
- The MDA should simplify the nomenclature of ratings across all classification systems to facilitate intuitive understanding and promote greater usage of the classification systems.
- For FTA and pay-TV programmes, the classification advisory logos should be displayed on screen for the entire duration of the programme.
- Classification advisories should be accompanied by consumer advice in press/publication/website programme listings as well as during the introduction of the programme.

1. When media content was mostly physical in form, it was possible for citizens to rely on the state to prevent their children from getting their hands on pornography and other inappropriate materials. The Internet has forever changed this. As download speeds accelerate, content of all sorts is now immediately accessible on many different platforms. The dizzying pace of change has left many adults dazed, while their children are completely at home with new technologies. Many parents are ill-equipped to either monitor or guide their children as they explore, play and learn using new media. The CRC believes that an increased emphasis must be placed on public education and parental empowerment. This chapter examines the status quo and makes some recommendations towards a more robust, holistic approach involving parents, government and the industry.
2. Internet-enabled media provide a plethora of opportunities for children and the young to explore, learn and have fun. However, along with the enormous entertainment and educational benefits come concerns over our children's easy access to potentially harmful content, inappropriate and potentially dangerous social contact over the Internet as well as Internet addiction.<sup>24</sup>
3. In Singapore, while there are laws to criminalise online sexual grooming<sup>25</sup> and a token ban on 100 websites, these do not serve as effective measures to protect young people from being confronted with online sexual predators, cyber bullies or objectionable and inappropriate content. Technologically, it is impossible to block out anything completely on the Internet.
4. In addition to these potential dangers, the digital age has also led to a widening generational digital divide between parents and children, resulting in many parents feeling ill-equipped and thus anxious about helping their children navigate safely in the digital world.
5. The CRC emphasises a holistic approach in which the government, the industry and the community work together to find solutions, implement measures and most critically, partake in wide-ranging public education efforts to ensure the effective protection of children from potential harm in the digital world.

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<sup>24</sup> Engaging New Media, Challenging Old Assumptions: A Report by the Advisory Council on the Impact of New Media on Society, AIMS, Dec 2008.

<sup>25</sup> Penal Code (Chapter 224). Section 376E. The section was added to the Penal Code in 2007 to criminalise sexual grooming of a minor under 16.

6. While emphasising the need for a multi-faceted public-education effort to ensure effective protection of children, the CRC maintains that parents have the primary responsibility of teaching their children and keeping them safe. They are the “best filter against sex predators” on the Internet.<sup>26</sup> The Censorship Review Committee 2010 Survey results show that more than half the respondents agree with the proposition, but over 30% still believe that the main responsibility rests with the government to protect their children. It must be made clear to all that the government’s ability to regulate a child’s Internet access is inherently limited.<sup>27</sup>
7. The CRC recognises that parents need to be properly empowered with information and tools. They need to develop basic media literacy; they need ongoing information on cyberwellness<sup>28</sup> issues; and they require more detailed audience advisories to help them make the right choices, for instance when buying a DVD. Parents also need simple, effective and affordable tools, such as parental locks and filtering software. Finally, they need to be supported by efforts undertaken at schools.
8. In sum, the CRC views public education and parental empowerment as cornerstones of a holistic, total defence approach to the protection of minors.

## A “Total Defence” Approach to Protecting Children

“Total Defence” has been a highly successful programme to inculcate a holistic multi-channel approach to Singapore’s defence. A similar approach is needed to build resilience in our children towards the negative aspects of the Internet revolution.

There are many good cyberwellness programmes already undertaken, but this is done through various ministries and agencies, without sufficient coordination. Good ideas are not being replicated efficiently.

We need a national-level programme that holistically addresses both the need for greater parental awareness and education; the availability of information and tools to empower parental responsibility; a consistent and effective regulatory system that empowers informed choice and is supported by government, industry and the community; and the incorporation of well-structured cyberwellness programmes as an integral part of school curricula.

<sup>26</sup> Parents Best Filters Against Sex Predators, Straits Times, 26 March 2010, pg A21.

<sup>27</sup> The survey question asks respondents to indicate who they feel is most and 2nd most responsible for protecting minors from inappropriate content. The four options given were “parents”, “government”, “industry players” and “citizen committees”. 53% chose “parents” as being most responsible, followed by the “government” at 31% and “industry players” at 14%.

<sup>28</sup> Cyberwellness refers to the positive well-being of Internet users and a healthy cyber culture for the Internet community. It involves an understanding of the risks of harmful online behaviour, an awareness of how to protect oneself and other Internet users from such behaviour, and a recognition of the power of the Internet to benefit oneself and the community at large. Source: <http://www.mda.gov.sg/Public/Pages/CyberWellness.aspx>, accessed 2 July 2010.

### ONGOING PUBLIC EDUCATION EFFORTS

9. Existing efforts to address concerns over children's media use include measures to facilitate guided access to media content, such as the use of ratings and consumer advice in content classification; technical filtering solutions preventing access to inappropriate materials offered by the ISPs; and government and/or community-led public education programmes on cyber-safety and general media literacy. The government also established the Internet and Media Advisory Committee (INMAC) in 2007 to provide feedback and advice on the MDA's policies, regulatory framework and strategies to further public education efforts for the Internet, new media and related services.
  
10. In addition, in the specific area of cyberwellness, the CRC notes that efforts have been taken by the MDA and MOE to develop public education programmes and materials for various target audiences. MOE has embarked on a series of initiatives to implement and support cyberwellness education in primary and secondary schools. It further notes that AIMS has made extensive recommendations on the matter as part of its report released in December 2008. As a result of the AIMS report, the government set up the Inter-Ministry Steering Committee on Cyberwellness (ICSC) in 2009 which is co-chaired by MOE and MICA.

### AIMS 2008 Report

AIMS made the following recommendations to the government pertaining to the protection of minors in the digital age:

- Establish an annual national fund to finance cyberwellness-related activities;
- Establish a dedicated coordinating agency to formulate strategies for cyberwellness in Singapore, to coordinate activities and resources across different stakeholders and to administer the national fund;
- Focus on education to give parents and minors a firm grounding in media literacy so as to develop a more informed and self-sufficient population;
- Lift the ban on 100 websites when satisfactory programmes have been put in place;
- Help parents monitor and control children's Internet usage by having the government and industry pay for Family Access Network (FAN) service so that it can be provided free to households that wish to have it;
- Develop research capabilities;
- Greater collaboration with overseas organisations that are facing similar challenges;
- Encourage a spirit of volunteerism as cyber safety is more effectively tackled with community participation.

The government accepted most of the AIMS' recommendations, leading to the establishment of the ICSC which is co-chaired by the Deputy Secretaries from MICA and MOE.

11. With regard to public education, the CRC observes that efforts are spread across various government bodies like the MDA, MOE and MICA. Different community groups such as Touch Community Services, Fei Yue Community Services etc. conduct programmes which are funded on a short term or project basis. With the INMAC serving mainly an advisory role to the MDA and the ICSC charged specifically to look only at cyberwellness initiatives, responsibility for the fundamental tasks of public education and parental empowerment seem to be spread across too many agencies. Opportunities for synergy and sharing of resource materials may have been missed because of this diffused structure.
12. Parental empowerment on the other hand requires enhancing the tools available to parents to control media access within their households. Feedback from focus group discussions alerted the CRC to the fact that only a minority of parents attend cyberwellness programmes, and that the same faces repeatedly appear. Many working parents do not have the time, or even personal familiarity with Internet issues, to be able to guide their children effectively.
13. Following the earlier discussion, the two areas of focus for the CRC's recommendations are therefore firstly public education, and secondly parental empowerment.

## INMAC and ICSC: Terms of Reference

### INMAC

The Internet and Media Advisory Committee (INMAC) is an advisory and consultative council that looks into media literacy, cyberwellness and related policies, issues and programmes.

Its terms of reference include:

- Consult the public and provide feedback to the MDA and the Inter-Ministry Steering Committee on Cyberwellness (ICSC) on cyberwellness, media literacy, and related policies, public education programmes and research;
- Advise and make recommendations to the MDA and the ICSC on key issues to address and how to address them, including the kinds of programmes needed;
- Facilitate and promote cyberwellness and media literacy public education programmes in Singapore.

### ICSC

The ICSC is an inter-ministry committee comprising representatives from the Ministry of Information, Communications and the Arts (MICA), Ministry of Education (MOE), the Ministry of Community Development, Youth and Sports (MCYS), Ministry of Defence (MINDEF), Ministry of Home Affairs (MHA), Infocomm Development Authority of Singapore (IDA) and Media Development Authority (MDA). The committee is co-chaired by MOE and MICA.

Formed in February 2009, the ICSC has been given a funding of \$10 million over the next five years. It is tasked to improve coordination across the various government agencies and partners from the people-private sectors on cyberwellness. It is also guided by a mandate to reach out to youths who are defined as age 21 years and below. As such, the ICSC's public education efforts focuses on this target group.

The ICSC's terms of reference are:

- Formulate strategies for cyberwellness in Singapore;
- Coordinate activities and resources across the various government agencies, and work in partnership with industry and bodies like INMAC to achieve the goals of ICSC; and
- Support and implement key cyberwellness initiatives.

## ENHANCING PUBLIC EDUCATION

14. MOE has guidelines and a cyberwellness framework for the incorporation of the topics into schools' programmes, but schools are given flexibility in its actual implementation. This inevitably leads to some unevenness in the quality of programmes across different schools. The CRC notes that this was also an issue that was brought up by AIMS.<sup>30</sup>
15. In view of the importance of cyber safety awareness and related skills, the CRC recommends that MOE establishes a sustained cyberwellness programme, which is consistent across all schools, for all primary and secondary schoolchildren. To complement this mandatory programme, the CRC also suggests that schools continue to engage the services of community groups for additional cyberwellness initiatives.
16. An observation during the CRC focus group discussions was that it is important to involve parents in their children's media usage and to emphasise the key role that they play. However, reaching busy parents with many competing demands on their time is an issue. Thus, this CRC recommends that special efforts be made to go beyond the parents' associations in schools to reach those who are not active participants. This is the more difficult but crucial task that must be undertaken.
17. The CRC acknowledges the work that has been done by both the INMAC and ICSC, as well as by various other agencies. It is, however, concerned that there appear to be significant overlaps among agencies, as well as a lack of clarity on the part of the public as to the roles and responsibilities of each.
18. To provide leadership and a clearer focus and sustainability in media literacy and cyberwellness programmes, the CRC recommends that a single body be tasked to oversee and coordinate all relevant public education efforts across all ministries and agencies. To this effect, the CRC has proposed a MAC which is discussed in greater detail in a later chapter.

### Comments on Cyberwellness Programmes<sup>29</sup>

- A participant said that current cyberwellness programmes offered in schools were mainly attended by parents who were interested in these programmes and who were already engaged and involved in their children's Internet activities. He added that there was a need for better organisation of such activities to reach all parents. The programmes should also be better delivered at the various contact points to capture the greatest number of parents.
- Another participant suggested that the cyberwellness programmes conducted in schools be evaluated to ascertain whether the children had actually imbibed the messages.
- A member of the Films Consultative Panel (FCP) suggested using the schools and their structures to educate the parents. She added that it would be good to have an inter-ministry website to promote cyberwellness.

<sup>29</sup> Comments by participants of the CRC focus group sessions.

<sup>30</sup> Engaging New Media, Challenging Old Assumptions: A Report by the Advisory Council on the Impact of New Media on Society, AIMS, Dec 2008, pg 95-96.

19. This body should be permanent and properly resourced so that it is able to have a long-term view and strategy. It should have in place a proper system of performance measurement to track the effectiveness of its programmes.
20. To engage the public and provide them with relevant information to empower them as informed consumers and parents, the CRC suggests that the coordinating body devise effective and interactive online channels.
21. More importantly, the CRC stresses that efforts should not be merely tactical but need to conform to the long-term strategic objective, which is to equip a media-literate population to deal with the growing deluge of media sources and media content.

### **PARENTAL EMPOWERMENT**

22. To ensure that all parents are sufficiently aware of the issues pertaining to their children's media consumption, the CRC sees a need for public education efforts targeted specifically at parents. This is particularly necessary for parents who are not Internet-savvy.
23. To achieve this, the CRC recommends that the coordinating body for public education efforts work closely with the NFC<sup>31</sup> to strategise, coordinate and implement effective outreach programmes and initiatives for parents to increase the level of awareness and understanding of the issues involved, as well as to enhance their skills in mitigating the potential risks. This could include the production of an easy-to-use guide for parents on understanding and undertaking cyber safety measures. Another example could be a central online information resource containing information on ratings and reviews.
24. The CRC also recommends greater promotion for tools that facilitate parents in guiding their children's media consumption. These would include access management tools such as Internet filters and parental lock mechanisms, and information tools such as the media classification systems and the use of consumer advice.
25. The CRC recognises the value of access management tools in helping parents to manage their children's media access and prevent accidental exposure to inappropriate media content.

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<sup>31</sup> The National Family Council was established in May 2006 to be a champion and advocate for the Singaporean family. The aim of the Council includes consulting the public and providing feedback to the Government on family policies, family education, research and services and engaging key stakeholders in the people, private and public sectors to create conducive environment for families. Source: [www.nfc.org.sg](http://www.nfc.org.sg) accessed on 2 July 2010.

26. Currently, pay-TV operators SingNet and StarHub, provide parental locks for their subscription channels and Video-on-Demand channels. As for Internet access, ISPs are offering optional filtering services to block objectionable websites.
27. Findings from the Censorship Review Committee 2010 Survey show that both the take-up rate and level of awareness of these services are low. This trend persists even among users of these media who are parents with young children as only slightly more than half indicated that they are aware of these tools. The CRC notes that the Advisory Committee for Chinese Programmes (ACCESS) had also highlighted the lack of awareness for the parental lock mechanism on pay-TV in its biennial report that was released on 20 July 2010.<sup>32</sup> The ACCESS therefore urged pay-TV operators to step up public education efforts to generate greater awareness of their parental lock mechanisms that protect children from mature content.
28. Comparatively, the level of usage of the various media classification systems is higher. The CRC found that more than 60% of parents with younger children (aged 0-10 years old) do use the ratings and consumer advice to guide their children's media consumption especially on media with greater reach such as video/DVD/VCD, FTA TV and film. Therefore, this remains an important information tool for parents.

## Survey Findings<sup>33</sup>

### Awareness and Usage of Parental Lock/ Control Mechanism on Subscription TV and VOD

- 34% of general respondents are aware of the availability of parental-lock for subscription TV and VOD.
- Among Subscription TV/VOD subscribers who are parents with young children (0-10 years old), 54% are aware of the parental locks mechanisms. Within this group of subscribers, only 24% subscribe to the service.

### Awareness and Usage of Family Access Network Services

- 39% of general respondents are aware of FAN services.
- Among Internet users with children between 0-14 years old, 54% are aware of the FAN service. Only 17% of Internet users with children between 0-14 years old subscribe to FAN.

### Usage of Media Classification System and Consumer Advice Among Parents with Young Children (0-10 years old)

1	Video/DVD/VCD	83%
2	FTA TV	78%
3	Cinema/Movies	71%
4	Subscription TV	62%
5	Video Games	45%
6	Plays/Drama performances	30%

<sup>32</sup> Source: <http://www.mda.gov.sg/NewsAndEvents/PressRelease/2010/Pages/20072010.aspx>, accessed 26 July 2010.

<sup>33</sup> Findings from Censorship Review Committee 2010 Survey.

29. These tools provide parents with an effective means of managing their children's media access. The CRC believes that their use should be actively encouraged through public education. However, there is also a need to simplify them, so that all parents, even those who are less familiar with new technology, can make use of them.
30. For Internet filters, the CRC recommends that all ISPs in Singapore be required to offer an optional, transparent, server-level filtering service to households with children. Currently, the filtering service provided by each ISP differs. SingTel provides a customisable filter bundled together with other features such as anti-virus and anti-spam under the SingTel Security Suite. Subscribers need to download this bundle of software from the SingTel website and pay a monthly fee of \$5. StarHub, on the other hand offers a non-customisable ISP-level filtering service called SafeSurf. Subscribers need to sign up for this service on the StarHub website and depending on their Internet subscription plan, either get the service for free or pay a monthly fee of \$2.68. The CRC is of the view that the current filtering services are not sufficiently easy to use. There is little or no active promotion of the filtering service, even though the information is available on the respective company's website. In the two years since the release of the AIMS Report, which recommended increasing awareness and use of filtering system, this CRC notes a lack of progress; this should be rectified expeditiously.
31. For parental lock/control mechanisms on subscription channels and VOD, the CRC recommends that these mechanisms be set at a default-on mode for R21 content on pay-TV if its recommendation for mature content to be allowed on pay-TV is accepted.
32. As for the content classification systems, the CRC recommends that the MDA explore ways to simplify the nomenclature of ratings across all classification systems to facilitate intuitive understanding and therefore greater usage. Some of the suggestions that the CRC had discussed include using number indicators to reflect age suitability and restriction and standardising rating labels for different media classification systems.<sup>34</sup>

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<sup>34</sup> This is discussed at greater length in Chapter 8 – Classification Standards and Policies.

33. To enhance the visibility and usability of ratings and consumer advice for FTA TV and pay-TV programmes, the CRC recommends making it mandatory for the rating logo to be displayed on screen for the entire duration of the programme. In addition, it recommends that the rating must be accompanied by consumer advice in programme listings in all media (press, publication and website); and consumer advice should also be displayed during the introduction of programmes.



# CHAPTER 6

## Engaging the Community

### Recommendations

- Progressively move towards a tripartite engagement involving regulator, community and industry. More resources should be devoted to facilitate this so as to ensure deeper engagement with the community and the industry.
- A youth panel should be set up to reach out to the younger generation by communicating and garnering their views on content and media issues.
- Emphasise public consultation as an essential process in policy and regulatory reviews.
- Increase the transparency of regulatory processes to the community by increasing the information made available to the public. This could include developing a database of public complaint cases and the publication of survey findings, policy reviews and content guidelines.
- Evaluation and measurement mechanisms should be developed to track the success of community engagement efforts.
- Improve the transparency of the membership selection process of the various citizen committees advising the MDA on content issues. MICA to take the lead in drawing up a set of principles, objectives and criteria to guide the nomination and appointment process for members of these committees.
- Broaden public participation in the regulatory process by allowing for public nomination for a proportion of the advisory committee positions. The MDA to have a correspondingly reduced role in the direct selection of citizen committee members so as to enhance the committees' independence and credibility. The MDA should publicise the opportunity to serve on committees through advertisements and on government websites, with sufficient information on the commitment and qualifications required.
- Increase industry representation on the citizen committees for better sharing of insights and concerns.
- To eventually distance the MDA from the selection of appeal committee members since the latter is set up to consider appeals against the MDA's decisions.
- The Broadcasting, Publications and Arts Appeal Committee should be given the final decision-making power to align the powers of this committee with that of the Films Appeal Committee.

1. The Internet revolution makes community involvement in media content regulation even more pertinent and urgent. The community has to share the responsibility with the government and the industry to prevent the proliferation of undesirable content or acts (cyber-stalking, cyber-bullying, etc.) as well as to inoculate the young so that they are well-prepared to deal with inappropriate content. This is in line with the total defence approach to the regulation of content as well as the government's overall thrust to encourage active citizenry.<sup>35</sup>
2. Community engagement is essentially about bringing the views of citizens to bear on the development of public services. In this sense, it is about citizen empowerment.
3. Community engagement is especially relevant in the area of media content regulation since one of the key principles underpinning the content regulatory framework is the need to uphold community values.<sup>36</sup> As the community is not a homogenous monolith but consists of different interest groups with varying and sometimes opposing values, the recognised set of "community values" is often established through a general consensus reached by the community. Community engagement can help to create the right environment for an open discourse on divisive issues, and to build tolerance for the interests of minority groups.
4. While certain values may remain largely unchanged, for example, the abhorrence of paedophilic acts and child pornography, others such as the tolerance level for violence and coarse language will evolve as the community changes over time. The rapid pace of change in new media increases the need for the regulator to be aware of community values, to ensure that content regulations remain effective and widely accepted.
5. Research by the UK Home Office<sup>37</sup> has found that successful engagement comprises two key components:
  - (i) that public agencies are willing, able, structured and managed, so as to engage citizens in as open and constructive a way as possible; and
  - (ii) that citizens are willing, able and supported to get involved.

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<sup>35</sup> The government set up REACH (reaching everyone for active citizenry@ home – Source: <http://www.reach.gov.sg/>, accessed 15 June 2010) in October 2006 to become the lead agency for engaging and connecting with citizens. REACH is targeted at encouraging and promoting public participation in shaping government policies as the government recognizes that allowing citizens to do so would also serve to enhance their sense of commitment and belonging to Singapore.

<sup>36</sup> The other two are to protect the young while providing more choice for adults and to safeguard national/public interest. Source: <http://www.mda.gov.sg/PUBLIC/CONSULTATION/Pages/ConsultationwithCommittees.aspx>, accessed 15 June 2010.

<sup>37</sup> Rogers, E & E Robinson, *The Benefits of Community Engagement: A Review of the Evidence*. UK Home Office, London, UK, 2004. Source: [www.communities.gov.uk/documents/communities/pdf/151525.pdf](http://www.communities.gov.uk/documents/communities/pdf/151525.pdf), accessed 1 June 2010.

6. In this chapter, we examine existing platforms for engagement and various opportunities to engage the community in creating a safe media environment for all.

### CURRENT ENGAGEMENT EFFORTS

7. We are not starting from ground zero. The MDA has, over time, developed its own feedback, advisory and appeal structures. The CRC notes that currently, the regulator engages the community through consultation with its citizen-based content advisory panels and appeal committees, and by conducting public surveys and focus group sessions. In addition, the MDA also receives and responds to feedback through letters to the media, direct feedback via its website or through other feedback channels such as REACH.

### NOMINATION OF CITIZEN COMMITTEE MEMBERS

8. While consultation with the citizen committees is the regulator's key mechanism of community engagement, one of the common questions raised in feedback to the CRC with regard to this process is how the committee members are being selected.
9. The previous CRC had recommended for direct public nomination of one third of the committee members.<sup>38</sup> In implementing this recommendation, the government had opted for organisation nomination instead of direct public nomination.

<sup>38</sup> Report of Censorship Review Committee 2003, Part III: Community Involvement, Pg 59, MICA, 2003.

## The Committees

There are a total of 11 committees through which the MDA seeks feedback.

Feedback and inputs on media content issues are gathered from the community through its eight citizen committees and two appeal committees.

### Citizen Committees

- Advisory Committee for Chinese Programmes (ACCESS)
- Programme Advisory Committee for English Programmes (PACE)
- Indian Programmes Advisory Committee (IPAC)
- Malay Programmes Advisory Committee (MPAC)
- Arts Consultative Panel (ACP)
- Publications Consultative Panel (PCP)
- Films Consultative Panel (FCP)
- Political Films Consultative Committee (PFCC)

The citizen advisory committees meet on a regular basis and advise the MDA on content standards and guidelines, suggest improvements to the regulatory framework and on public education efforts.

### Appeal Committees

- Broadcast, Publications & Arts Appeal Committee (BPAAC)
- Films Appeal Committee (FAC)

The appeal committees are convened when there are appeals against the MDA's decisions.

The FAC provides an alternative channel for filmmakers and distributors who wish to appeal a classification decision by the Board of Film Censors (BFC); while the BPAAC advises MICA Minister on appeals against the MDA regulatory decisions on publications, arts entertainment and penalties imposed for breaches of the broadcasting codes.

For matters pertaining specifically to cyberwellness and media literacy matters, the MDA seeks advice and feedback from the **Internet and Media Advisory Committee (INMAC)** which consists of 24 representatives from the public and private sector.

10. With one-third of the members nominated via organisations, and the remaining two-thirds selected by the MDA, there is a general sense that the regulator may be able to exert too much control over the membership of the committees, leading to doubts about the representativeness of these committees.

11. The CRC has seen nothing to suggest that this process has not been carried out fairly; the composition of the existing committees is broadly representative. However, the CRC sees merit in implementing a more robust process that eventually distances the MDA from the selection of appeal committee members altogether (since appeals would be made against the MDA's decisions), and reduces the MDA's role in the selection of citizen committee members. The aim of this recommendation is to ensure the diversity and representativeness of the committees over the long term, and enhance their independence and credibility. The government should also explore ways to increase the level of public participation in the nomination process for citizen committee members.

## Selection of Citizen Committee Members

- One-third of these committee members are selected through nomination by both private and public sector organisations including grassroots organisations (e.g. People's Association and Senior Citizens' groups).
- Two-thirds are selected by the MDA, based on recommendations by existing committee members as well as the MDA's own research.
- Considerations for candidate selection by the MDA to ensure representation of cross section of the community include:
  - demographic factors (e.g. race, age and religious affiliations, marital status)
  - professional background
  - level of community involvement by candidates
  - their interest and knowledge about the media
  - ability to contribute their time
- The short-listed candidates are appointed to the committees by MICA Minister.
- The membership term for the citizen committees is for two years (three years for appeal committee members) and is renewable after the term expires.

12. In line with this, this CRC had reconsidered the 2003 CRC's recommendation for direct public nomination. However, some CRC members expressed a concern that this may lead to the appointment of some people with vested interests, who could then influence regulatory decisions in ways that are not in line with public interest. To address this, this CRC feels that the government should examine carefully the best practices on direct public nomination adopted by similar regulatory agencies. For a start, MICA and the MDA could consider including in the citizen committees a mix of appointed and volunteer members representative of the general population until a time when the culture of volunteerism for the committees becomes entrenched.

13. In addition to increasing the level of public participation, the CRC feels that the process of appointment of members for the various citizen committees should also be guided by a published set of principles, objectives and criteria, and that MICA should take the leadership in doing this. This document would make it clear that the committees should as far as possible have a balanced

composition that is broadly representative of the community. The process adopted by Australia<sup>39</sup> in the selection of members of the Classification Review Board is worth considering, though not in all its specifics.

14. To further raise the level of transparency, the MDA should publicise the opportunity to serve on committees through advertisements and on government websites, with sufficient information so that applicants would be well aware of the commitment required.
15. The CRC further recommends that there should be more industry representation on the citizen committees. This would allow the industry to be involved in the engagement process as part of the community as well as strengthen the credibility of the committees' recommendations as they would be informed by both the community views as well as industry insights.<sup>40</sup>

### REACHING OUT TO THE YOUTHS

16. While the existing citizen committees comprise members from a cross-section of the society, the CRC notes that youths are unrepresented as the current membership of these committees is limited to people age 21 and above. However, since one of the main concerns of media regulation is the protection of minors from inappropriate and potentially harmful media content, the CRC feels that it is important for the regulator to understand the issues from the youths' perspective.
17. As such, the CRC recommends that the MDA establish a wide-based youth panel, comprising representatives from secondary schools to tertiary institutions (13 to 20 years old) to communicate regulatory policies and garner feedback from representatives of the youth community. This will enable the regulator to understand the concerns of the youths and ensure that media regulations remain relevant to the need of minor protection. However, to effectively reach out and engage the youth community, the MDA will need to be creative in its engagement approach. In this regard, it could look at some of the existing youth outreach efforts by organisations such as REACH.<sup>41</sup>

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<sup>39</sup> Source: [http://www.ag.gov.au/www/agd/agd.nsf/Page/Classificationpolicy\\_Nationalclassificationscheme#section11](http://www.ag.gov.au/www/agd/agd.nsf/Page/Classificationpolicy_Nationalclassificationscheme#section11), accessed 18 July 2010. The document spells out the principles, selection criteria, selection procedure for the Classification Review Board. While all aspects of the documents would not be suitable for the Singapore context, the spirit of the transparency and clear engagement of the committee can be adapted to the local context.

<sup>40</sup> More details can be found in Chapter 7 on Engaging the Industry.

<sup>41</sup> The REACH Youth Ambassadors programme was launched in 2008, involving 70 youths from 14 schools as a pilot. The programme aims to encourage youths to reach out and promote a feedback culture among their peers. The programme was expanded in 2010 to involve more than 140 youth ambassadors from 24 schools, including tertiary institutions. Source: <http://app.reach.gov.sg/reach/AboutUs/REACHYouthAmbassadors/tabid/155/Default.aspx>, accessed 18 July 2010.

### **BPAAC TO HAVE FINAL DECISION-MAKING POWER**

18. Currently only the Films Appeal Committee is given a final say in appeal cases, while the BPAAC performs an advisory role.
19. The CRC notes that while more than half of the Censorship Review Committee 2010 Survey respondents (56%) feel that appeal committees should have the final decision-making power, 40% hold contrary views. This implies that while a slight majority of the population feels that the community is ready to take on greater responsibility, a sizeable portion of the population may still be uncomfortable with that notion.
20. However, in line with the government's thrust of encouraging active citizenship, the CRC recommends that the BPAAC's decision should be deemed final, as is the case for the Films Appeal Committee.
21. In making the above recommendation, the CRC is mindful that the BPAAC was set up to consolidate the efforts of 3 committees which had previously focused on the specific areas of broadcast content, publications and arts performances. Consolidation was made possible by the fact that these bodies were administratively appointed. Entrusting the committees with final decision-making power may thus require legislative changes, which would take time to effect.

### **STEP UP PUBLIC CONSULTATION WITH THE WIDER COMMUNITY**

22. The CRC notes that many government agencies have adopted the practice of conducting public consultation exercises by publishing consultation papers to seek public inputs on policy and regulatory changes. While the MDA has also sought industry feedback on some issues<sup>42</sup>, the CRC recommends that it should emphasise public consultation as an essential step in its policy and regulatory review. As content regulatory matters touch on every citizen, consultations on these guidelines must include a process of seeking views from the wider community, in addition to consultations with citizen committees and industry representatives. With this, the community could in time become truly engaged with the process and be an active partner in the establishment of community standards.

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<sup>42</sup> Industry consultations are carried out on issues directly impacting on the industry such as changes to submissions procedures, fees revisions, and content guidelines, etc. while the citizen committees are largely consulted on content matters and revisions to the guidelines.

23. In order for such public consultations to be meaningful, the CRC emphasises the need for due process to be observed, including clear communication of objectives from the outset, ensuring sufficient time for the process so that the public feedback can be properly factored into the final decision, as well as providing clear information on how the feedback is being used.

### **MOVE TOWARDS GREATER AND BETTER TRIPARTITE ENGAGEMENT**

24. While public consultation is a crucial means of gathering views from the wider community and an important first step towards an inclusive decision-making process, it is still essentially a government-driven dialogue limited to the regulator and the community. As emphasised earlier in this chapter, the increasing complexity of the media environment calls for a closer tripartite relationship between the regulator, the community and the industry to effectively identify issues, and devise and implement measures to meet the new challenges emerging as a result of new media forms and services. This requires a move from just consultation to engagement with the community and industry.
25. Simply explained, engagement means that “government must transfer some of the ownership of and responsibility for solving complex issues and achieving societal goals back to the public – and the public must agree to take this on”<sup>43</sup>. Applied to the context of media regulation here in Singapore, this means that there needs to be an active three-way dialogue between the regulator, the industry and the community, where all parties have an equal ability to initiate a discussion on any media regulatory matters. In line with this, the CRC recommends that the government devote resources to ensure deeper engagement with the community and the industry. This may entail the creation of new platforms and avenues for a three-way dialogue, as well as efforts to encourage greater interaction between the community and the industry.

### **MORE INFORMATION AND GREATER TRANSPARENCY**

26. For the community to be able to comment on regulatory policies and issues, it would need to understand them. That is, the community must have the capacity to be properly engaged. In this regard, public education aimed at raising the public’s media literacy and knowledge is important.

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<sup>43</sup> Listen, Learn and Act. A New Model for Public Engagement – The Final Report of the Public Engagement Initiative, Province of New Brunswick, April 2008, pg 8.

27. In addition, the CRC recommends that the regulator increase the transparency of its workings to the community which may be achieved by increasing the information made available to the public. Developing a database of cases handled would help the public understand the guidelines and the complexity of the issues involved. For example, the regulator could consider publishing public complaints along with follow-up actions on its website. The regulator may also consider publishing the cases that had been referred to the consultative panels, the committees' deliberations and the eventual outcome of each case. Sharing of such information would add to the public education efforts while increasing the transparency of the regulator's workings to the public.
28. Quantitative and qualitative surveys have been undertaken by the regulator to guide its decisions on policy reviews and content guidelines. In the spirit of engaging the community further and promoting greater transparency, the regulator should make these surveys available to the public for a better understanding of community values.

#### **ACCOUNTABILITY FOR COMMUNITY ENGAGEMENT**

29. The regulator must be committed to the process of engaging the community in the development or review of media content regulatory policies and guidelines. One way to ensure this is to introduce accountability measures for its efforts in this area. Towards this end, the CRC recommends that regulator develop evaluation and measurement mechanisms to track its performance in effective community engagement.



# CHAPTER 7

## Engaging the Industry

### Recommendations

- Regular formal consultations with the industry should be introduced to provide a framework/channel for industry to propose changes to policies and guidelines.
- Promote greater Industry-Community dialogue and interactions.
- Increase representation of industry practitioners on content advisory committees.
- Industry practitioners should be allowed to make direct representations to the advisory committees to facilitate Industry-Community dialogue.
- An inclusive term licensing scheme for arts entertainment should be introduced expeditiously.
- An online self-declaration system for niche arts performances should be introduced so that such performances do not have to go through the pre-vetting process.
- Co-regulation of video content up to PG13 rating should be introduced.
- Industry should support the regulatory framework and be encouraged to assist in ensuring greater compliance by all parties.
- Industry should be encouraged to participate in the setting up and maintenance of a community-wide focused online media portal.
- For mediums, such as audio recordings, that are not mandated to provide consumer advice, industry players should be encouraged to take on their social responsibility by voluntarily providing consumer advice on explicit and mature content.

1. As discussed in the earlier chapters of the report, the increasingly complex and amorphous media landscape necessitates the adoption of a holistic approach by the media regulator. It is unrealistic to expect the government to be the sole or even the primary gatekeeper against undesirable content. A tripartite effort is called for, with responsibility shared with the community as well as industry. In this chapter we focus on the relationship of the regulator with the professionals working in the media industry in the development of a holistic regulatory framework that would serve to provide greater choice for adult consumers while offering protection to those who need it.
2. As engagement is a two-way process, the CRC also wishes to encourage the media industry to be responsive and pro-active so that a meaningful partnership between the government and the industry can be formed. Just as importantly, there should be a healthy relationship between the industry and the community, and the industry must recognise the important role it plays in supporting the society that it chooses to operate and thrive in. This effort will serve to build trust and contribute towards a collaborative relationship with the community.
3. Based on the Censorship Review Committee 2010 Survey findings, the CRC notes that among the respondents who said they would take action when they are unhappy about certain media content, about two-thirds (62%) would contact the media owners directly, while half (54%) would send their feedback to the MDA.<sup>44</sup> This shows that while most of our consumers expect media owners to take responsibility for the content they put out, a significant portion would still go through the MDA as an intermediary rather than approach the media owners directly. The CRC is glad to note that the majority of consumers would approach media owners directly as it signifies that the consumers have built up enough trust in the industry's responsiveness and sense of responsibility. We view this as a positive step towards a holistic approach of co-regulating the media environment, and hope to see this trust grow over time.

### CURRENT ENGAGEMENT

4. Over the years, the regulator has deepened its linkage with the industry to the benefit of the industry and the consumers. For example, prior to 2005, print publicity materials were required to be submitted to the MDA for clearance. With the introduction of co-regulation, the industry has been issued a set of guidelines which it can rely on in its choice of publicity materials. The video games classification system where the industry declares the content of the games is another example of industry co-regulation. Such efforts are to be commended as it builds trust between the regulator and the industry.

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<sup>44</sup> The question in the Censorship Review Committee 2010 Survey on "how they would go about giving feedback" allowed respondents to choose multiple options.

5. The CRC notes that currently the MDA engages the industry in two main ways: it co-regulates certain media platforms with the industry players through the use of codes and guidelines; and secondly, it conducts dialogues with the industry to seek their inputs to fine-tune the respective regulations and policies.

### LEVERAGING AS PARTNERS

6. While co-regulatory efforts have been extended to all areas of the media industry, with the exception of the film and video sector, the CRC sees a need to step up these efforts. In engaging the industry, the MDA would be able to leverage on some of their attributes and resources:
- **Market information and domain knowledge:** Industry players will be able to pull together their collective knowledge to provide a well-rounded view of the media landscape if a third party, such as the MDA, can provide a neutral platform for the industry players to come together.
  - **Increased resources:** The pooling of resources by the regulator and the industry to regulate content in the interest of the community will lead to more efficient and better strategised efforts as well as better utilisation of limited resources. The interests of the regulator, industry and community to promote a healthy and thriving media landscape overlap considerably. Much more can be accomplished through cooperation than each going out on their own to re-invent the wheel.
  - **Operational efficiency:** Given the bottom-line focus and domain expertise of private media companies, many have developed operational and logistical

## Examples of Co-Regulation<sup>45</sup>

### Radio and TV

For media platforms like radio and TV (both FTA and subscription broadcasters), the MDA issues content codes and guidelines for content providers' compliance. The codes and guidelines are drafted in consultation with the industry as well as the citizen committees, to ensure that they are in line with community standards.

### Publications

For foreign publications, the Registered Importers Scheme was introduced in 1997 to allow importers to co-regulate. Under this scheme, registered importers co-regulate and assess the suitability of materials for local distribution according to the MDA's guidelines.

Local publications are not pre-vetted, but publishers are expected to ensure that the content adheres to the MDA's content guidelines.

### Video and Video Games

Certain categories of videos such as children's programmes, arts and cultural performances, and quiz and game shows are exempted from classification. Video companies declare that the content of their videos is not objectionable and that it meets the guidelines issued by the BFC for exemption.

For video games, distributors who bring in titles that do not fall into the M18 rating do not need to submit them to the MDA. They need only declare that the nature of the content adheres to the content guidelines set by the MDA for non-restricted games.

<sup>45</sup> Source: <http://www.mda.gov.sg/Policies/Pages/CoRegulationwithIndustry.aspx>, accessed 17 August 2010.

processes that help them execute large and complex projects with comparatively lower costs and fewer resources. It will serve the regulator well to tap into and perhaps also learn from some of their expertise.

7. Apart from capitalising on the strengths of the industry, engagement with the industry is also essential for a healthy relationship between the regulator and the industry, without which we will not be able to build a robust and holistic regulatory framework for media access and content.
8. The MDA and the industry must recognise their symbiotic relationship. The industry should understand and support the need for sound and reasonable regulations. For example, in their daily encounter with customers, media retail shops are often subject to queries by concerned parents on the suitability of various media products for children. The retailers are able to allay the consumers' anxiety by making reference to the products' ratings that are determined by a set of consistent and transparent content standards set by the MDA in consideration of community norms.
9. On the other hand, the MDA must seek to create a level and open playing field for the industry players by ensuring that all policies and regulations governing the industry are transparent and enforced fairly. For example, content classification rules and guidelines should be applied objectively regardless of whether the content is produced locally or overseas. Should there be any public perception to the contrary, the regulator should take effort to dispel such misconceptions.
10. Through its focus group discussions and feedback received from the various industry groups, the CRC has noted a perceived lack of dialogue and communication between the industry and the MDA.
11. In view of this, the CRC emphasises the need for meaningful dialogue, as well as transparency and consistency in the application of regulations. The CRC notes that the recent enhancements to the MDA website to provide substantially more information are significant steps towards greater transparency, and encourages that such efforts be continued<sup>46</sup> and further improved to meet public expectations for more information on media content. It would be beneficial if such efforts were carried out with the participation of and coordination with the media industry.

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<sup>46</sup> The MDA launched its revamped website in February 2010. Information such as the Film Classification Guidelines, and information on the classification deliberation and decision of film and video games titles classified from 1 February 2010 onwards are now available on the website as part of the databases.

12. The CRC notes that one reason for insufficient dialogue to date may stem from under-resourcing at the MDA, with its staff stretched by the steep increase in the volume of media content and regulatory work in recent years. This under-resourcing should be addressed as soon as possible. Given that the industry is a critical partner to the regulator's bid to create a safe but vibrant media environment, it is important for the MDA to explore more ways to engage the industry. It is also important that the MDA be given sufficient and appropriate resources to do so.

#### **FORMAL AND REGULAR CONSULTATIONS WITH THE INDUSTRY**

13. While the MDA currently holds ad-hoc dialogues with the industry to seek feedback and inputs on its periodic guidelines and content policy reviews, the CRC feels that more active and consistent dialogue between the regulator and the industry is necessary. Such dialogues will serve to communicate the regulator's concerns and provide certainty to the industry. It will also address some of the misperceptions that build up over the basis for decisions.
14. Towards this end, the CRC recommends that regular formal consultations with the industry be introduced. Currently, there is no formal framework for the industry to propose changes. The CRC notes that industry practitioners had expressed the desire to be engaged more extensively as they would like to contribute their perspectives to help make new rules more effective and robust. In addition, they have requested for greater transparency in the consultation process to give the various industry parties the opportunity to comment on all views received. Finally, feedback should not only be collated but also shared with the industry in a timely manner.
15. As far as possible, the MDA should include formal consultation in the development and review of policies and guidelines. To show its commitment to the engagement process, it should allocate sufficient time and resources to ensure that industry views will be properly considered and factored into the final decisions of any review.

16. Where such consultation is not possible, the MDA should continue to endeavour to give sufficient lead time prior to the implementation of any policy or guideline changes so that the industry is able to make adjustments in their business practices to respond to the changes.

#### **INCREASE REPRESENTATION OF INDUSTRY PRACTITIONERS ON CONTENT ADVISORY COMMITTEES**

17. Currently, there are eight citizen committees which advise the MDA on content standards and guidelines. Their role extends to making recommendations for improving the regulatory framework. In another chapter, the CRC is recommending allowing for public nomination of a proportion of citizen committee members so that these members will be as broadly representative as possible.
18. The CRC notes that current citizen committees either have a small number of industry participants, or none at all. This situation is not unique to Singapore; similar committees in the U.S. or Australia exclude industry professionals, as these committees are set up to provide community perspectives on content standards. Nevertheless, the CRC believes it would be beneficial for more industry participants to be included within these committees, though the number should not constitute more than a small minority. There are three main advantages to increased participation. First, it would provide the committees with additional perspectives on content, from the point of view of individuals who are actively involved in content creation. Second, it would give industry participants a better understanding of and active role in the regulatory process, helping to improve trust through engagement. Third, it would give industry practitioners a better first-hand appreciation of community concerns.
19. Therefore, the CRC recommends more industry representatives should be invited to sit on the various citizen committees.

20. In its deliberations on this recommendation, some CRC members had expressed their objection to it. They argued that such committees were set up to derive feedback from non-industry members, and that industry feedback can be derived more effectively through separate industry associations. This view is elaborated in the sidebar.

#### **ALLOW INDUSTRY PRACTITIONERS TO MAKE DIRECT REPRESENTATIONS TO THE CITIZEN COMMITTEES**

21. In order for society to be able to deal effectively with content concerns, a tripartite effort is crucial. This requires a robust relationship based on trust among the regulator, the industry and the community.
22. While this report has focused on the bilateral connections between regulator and industry, and regulator and community, the third leg of the triangle is equally important. A closer relationship between industry and community must also be fostered. It would help the industry keep in tune with community sentiments and in turn help in their exercise of social responsibility. While the CRC believes that the engagement process between the industry and the community should develop organically with minimal government intervention, there are things which the government can do to facilitate and promote such engagement efforts. In some cases, being a neutral third party, the authorities are well-positioned to provide unbiased mediation between contentious views as well as a common framework upon which to build efforts.
23. In line with this, the CRC recommends that the regulator allow industry practitioners to make direct representations to the citizen committees. This would then provide a forum for industry to directly address community representatives on controversial content before the citizen committees render their advice.

### **Another Point of View**

The *raison d'être* for citizen consultative committees is for non-industry members to express concerns they may have about the industry.

They are also set up to advise the MDA on the appropriateness of content from the perspective of potential audiences.

Taking the example of the Films Consultative Panel (FCP), the primary stakeholders are consumers and parents who may use the ratings and advisories to make their film choices. It is thus important that the 60-odd members of the FCP provide a reasonable approximation of its stakeholders' base.

The concerns of the industry would be better expressed by industry bodies such as the Association of Independent Producers (Singapore), which could lobby the MDA and also make representations to citizen committees to provide alternative perspectives, if needed. This would allow these bodies to speak from a position of strength and unity rather than be greatly outnumbered in a citizen committee. The MDA, in its efforts to foster greater engagement with industry, could meet regularly with industry organisations to keep abreast of issues that are of concern to industry.

It may, however, be beneficial to have practitioners from disciplines other than the one being overseen by the committee in question. Filmmakers who may themselves make submissions for classification should not be included in the FCP, but they may be appropriate for inclusion in, for example, the Arts Consultative Panel.

### CO-REGULATING WITH THE INDUSTRY

24. In a world where the amount of media content easily accessible to all is increasing exponentially, co-regulating with the industry is the only feasible way for any attempt at creating a safe but vibrant media environment. The CRC notes that the MDA recognises this and is allowing more practitioners to move towards self-regulation and co-regulation. The CRC recommends that MDA should expand co-regulatory efforts with the industry wherever practical and practicable.
25. The CRC has identified two areas in which it feels co-regulatory efforts could be enhanced and expedited.

### Arts Entertainment: Term Licence & Self-Declaration for Niche Performances

26. Currently, except for those exempted from licensing requirements<sup>47</sup>, arts entertainment is licensed on an event basis. The 2003 CRC Report had called for the implementation of a Term Licensing Scheme under which responsible arts groups with good track record could be granted a two-year term licence.<sup>48</sup> Term licensing is essentially a co-regulatory scheme as it allows the arts groups to take over the responsibility of ensuring that they stay within clear guidelines set by the MDA.
27. This CRC understands that the government is currently working on the implementation details of the proposed Term Licensing Scheme. In view of its increasing relevance, the CRC recommends that its implementation be carried out expeditiously. It further recommends that the scheme should not be overly restrictive, for it is only when more industry players are diligent in exercising their responsibility that co-regulation with the industry can truly take off. Such efforts will be crucial in empowering the industry and enabling them to be in closer touch with community sentiments.
28. In addition to term licensing, the CRC recommends that an online-declaration system be set up for arts performances that are targeted at very niche audiences, e.g. poetry recitals. This removes the need for pre-vetting of very fringe events by the MDA, except in cases where there may be concerns over religious and racial sensitivities.

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<sup>47</sup> Please refer to Chapter 9 – Arts Entertainment for details on exemptions.

<sup>48</sup> Censorship Review Committee Report of 2003, MICA, 2003, pg 42.

### Video Classification: Co-Regulation of Video Content Up to PG13 Rating

29. The CRC recommends that the video industry be allowed to self-classify video titles which fall within a General (G) or a Parental Guidance (PG) rating today. This is akin to the current practice for the video games industry where distributors make an online declaration for the titles they bring in, and are only required to submit titles that are deemed to contain mature content to the MDA for further evaluation. This will entail communicating and training the industry on the content standards and guidelines for these categories of content. When the industry self-classification system has stabilised, the MDA could consider adding the PG13 rated titles, once the rating is introduced into the Film Classification System.
30. There is a relatively high volume of G and PG video content being submitted for classification every year. According to figures provided by the MDA, the BFC classified a total of 50,000 hours of film and video content in 2008. Out of these, about 60% of the content were G and PG rated original commercial titles. By allowing the classification of such relatively innocuous content to be handed over to the industry, the regulator would be able to better deploy its resources to dealing with more sensitive content.
31. However, the CRC emphasises that it is important for the MDA to determine the appropriate punitive measures against errant video distributors who flout the requirements of the system before implementing the self-regulation scheme. In addition, the MDA should continue to classify all films, so as to establish a consistent standard that can in turn be applied to videos.

### Co-Regulation of Video Games <sup>49</sup>

A distributor may distribute a video game after declaring that it is not objectionable according to the MDA's guidelines and after the MDA has approved it for distribution. The process in which a game will be classified is as follows:

- Declare the game via MDA Online, with the required information using the online questionnaire.
- Companies are required to submit a copy of the game and/or an evaluation package, which includes gameplay video of contentious segments and game content information, to the MDA for evaluation, if the title is deemed to contain mature content.
- All other titles need not be submitted once the declaration has been approved. However, the MDA reserves the right to call in any title for checks.
- Where a game is rated M18, the MDA will issue the certificates to be affixed to the games.
- For Age Advisory titles, the business should affix the Age Advisory label on the game boxes.
- The MDA conducts random checks on the declarations. It will also call in specific game titles to determine if it meets the MDA's guidelines, based on public feedback

<sup>49</sup> Source: <http://www.mda.gov.sg/Industry/Video/Classification/Pages/classification.aspx>, accessed 17 August 2010.

32. The CRC notes that the move to allow the video industry to self-classify G and PG rated video titles would be in line with the industry's request to speed up the classification decision turnaround time and to lower the costs incurred under the current system. The industry had said that improvements in these areas would help them remain competitive in the new media environment.<sup>50</sup>

### COMPLIANCE

33. Compliance with regulations such as age restrictions can only be effective with the commitment and help of the industry. Therefore, the CRC wishes to highlight the importance for regulators to actively engage the industry to ensure that content classification policies are adhered to.
34. If the industry groups are able to weigh in to ensure regulatory compliance by their members, the MDA can then afford to redeploy its resources used in dealing with errant operators to more direct efforts aimed at strengthening the society's mettle against undesirable content.<sup>51</sup>

### GREATER PROVISION OF INFORMATION

35. In line with its emphasis on consumer empowerment, the CRC recommends that the industry be encouraged to actively provide more content-related information to the consumers. In this regard, the CRC recommends that the industry be urged to participate in the setting up and maintenance of a community-wide focused online media portal which is discussed in a subsequent chapter.
36. In addition, for mediums that are not mandated to provide consumer advice such as audio recordings, industry players should be encouraged to take on the responsibility by voluntarily providing information on explicit or mature content which may not be suitable for children.

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<sup>50</sup> Video Retailers Urge Changes to Rules, Business Times, 14 June 2010.

<sup>51</sup> Please refer to Chapter 10 on Ensuring Compliance for more discussions on this issue.

**CAVEAT**

37. While the CRC emphasises the need for greater industry engagement, it is also mindful that there will be instances where the interests (mostly economic) of industry players may be at odds with the public interest. It is important for the regulator to strike an appropriate balance between the two. In the instance where the dictates of regulations have far-reaching social implications, the regulator must keep its focus on the principles and objectives of its regulations to ensure that they are not undermined by the economic interests of a few industry players. Having said this, the CRC also notes that this scenario would not occur if there is a robust tripartite relationship and industry as a whole is committed to its responsibility towards society.
  
38. Notwithstanding that, and bearing in mind the accelerating changes in the media landscape, it is increasingly important for the regulator and the industry to better understand each other's respective positions and work towards solutions that fulfils the joint aspirations of all three parties: Regulator, Industry and Community.



# CHAPTER 8

## Classification Policies and Standards

### Recommendations

#### Principles on Framework

- A simple, consistent and, where possible, harmonised framework for classification should be adopted to better guide parents in making media choices for their families.
- The Film Classification System should be used as a reference standard for other media.
- The labellings on ratings for the Film Classification System should be reviewed to make it more intuitively understood by the public.

#### Film and Video Classification System

- A PG13 rating should be introduced to provide a stronger signal to parents on the nature of the content and to facilitate appropriate rating of films with some mature content.
- Industry co-regulation should be introduced for videos meant for distribution, up to a PG13 rating.

#### R21 Content on Various Platforms

- The R21 rating should be retained as the highest rating.
- A calibrated approach should be adopted towards allowing R21 content on various platforms and at HDB estates.
- R21 content should be allowed at HDB estate cinemas with various mitigating measures such as time-belting and restrictions on advertising.
- R21 content should be allowed on subscription TV and VOD with a strong caveat that a simple-to-use parental lock mechanism is available.
- R21 videos should be allowed only when the industry is able to reassure stakeholders of its ability to enforce the restriction of sale to minors.
- An adequate, transparent and enforceable penalty system should be put in place.
- A tripartite relationship between the public, industry and the regulator should be strongly encouraged so that better mechanisms can be put in place to guide and protect the young.

### **Film Festivals**

- Current approach of giving greater leeway for films screened at film festivals to encourage film appreciation and audience development for niche performances to be continued; the films should nevertheless meet the fundamental guidelines of not undermining public order or the nation's security, denigrating race or religion or eroding moral values with extreme content.

### **Mature Content on FTA TV**

- Standards for TV PG-rated programmes should be aligned with that of PG-rated films. Content rated under the new PG13 rating should be screened on FTA TV after 11pm, with consumer advice. PG films should be screened after 10pm.
- Further liberalisation of content on FTA TV should be guided by the citizen consultative committees for television programmes following the introduction of PG13 which would make PG-rated films more innocuous than at present.

### **Video Games Classification System**

- The current Video Games Classification System which has ratings up to M18 should be retained; but continue to monitor need for a R21 rating.
- A participative forum, with user-driven information system which also provides relevant information to parents and users, should be encouraged; for example, a local version of the Internet Movie Database with information for parents and a local online forum which allows users to edit content.
- The use of local ratings for online games developed locally should be encouraged for greater social responsibility and effective self-regulation.
- The MDA to work with the industry to provide more information on video games classification systems of other countries at points of sale.

### **Publications**

- Existing system of co-regulation with the industry for publications should be continued; there is no need for a detailed classification system.
- Position on adult publications such as *Playboy* should be guided by general social norms. Censorship Review Committee 2010 Survey reflects that a majority continue to oppose the sales of such magazines.
- Same content guidelines should be applied to both foreign and local magazines, with consistent requirements of shrink wrapping and prominent display of advisories for racier adult lifestyle magazines.
- A clear set of guidelines for self-regulation of magazine covers should be developed and published.

### **Audio Recordings**

- Status quo of self-regulation and voluntary consumer advice for sensitive content for audio recordings should be maintained; online portals should be encouraged to enable user-generated consumer advice.

### **Content Standards**

- Content standards to continue to be guided by the MDA's citizen consultative committees as judgement on standards requires experience and knowledge.
- A flexible and contextual approach for homosexual content should be adopted.
- More emphasis should be placed on context and impact of usage when assessing coarse language in media content and not to censor such content so long as intent is not to denigrate any race or religion.
- Independent research should be undertaken to establish a firm basis for the full liberalisation of dialect content policies. In the interim, a calibrated approach to be adopted. This could involve allowing for an expansion of the number of subscription and VOD channels with dialect content, and taking a more accommodating approach in approving locally-made films that use dialect in a contextually justifiable way.
- Where content is banned for reasons of public interest, the competent authority should be named for clearer accountability to help build a collaborative tripartite partnership for classification with regulator, industry and community.

1. The MDA regulates films, videos, broadcast media, arts entertainment, video games, publications, audio recordings and the Internet. Classification systems are in place to regulate all but publications, audio recordings and the Internet.
2. Classification has become the bedrock upon which Singapore’s content regulatory framework is based since the Film Classification System was introduced in 1991.<sup>52</sup> Classification systems were later introduced to the broadcast media<sup>53</sup>, arts entertainment<sup>54</sup> and video games<sup>55</sup> in phases.

### ADOPT A CONSISTENT CLASSIFICATION SYSTEM

3. The CRC sees three key principles that should apply to the classification system. The first is to provide reliable information within a consistent framework to guide parents in making media choices for their families. The second is that adults above the age of 21 should have access to the widest possible range of acceptable content, as long as they are also clearly informed through audience advisories about the nature of the mature content. The third is to keep the system simple and harmonised across media platforms so that users will intuitively understand what the ratings are trying to convey.
4. As the Film Classification System is well-recognised by the general public after two decades of familiarity, this should serve as the reference standard for other media. Consistent frameworks will make it easier for the public to internalise the rating systems, and for industry to better understand the boundaries, leading to a more effective co-regulated system in future.
5. Despite the above and in line with the earlier recommendation to simplify the nomenclatures for the various classification systems, there is some room to further simplify the current Film Classification System to make it better understood by the public. The labelling of the rating symbols such as “G”, “PG”, “NC16”, “M18” or “R21” may not be intuitive to a general member of the public. This CRC recommends that the labels of the advisory and the restricted ratings be reviewed so that the public has a clearer alert on what constitutes a restricted rating or an advisory rating.

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<sup>52</sup> Film Classification System was introduced in 1991 as a three tier system – General (G), Parental Guidance (PG) and Restricted (Artistic) 21 or R(A). An additional rating system was introduced in 1992, No Children Under 16 (NC16). Following the recommendation of the 2003 Censorship Review Committee, a Mature 18 (M18) rating was introduced to cater to young adults while the R(A) rating was revised to Restricted 21 (R21) to bring it in line with the other age-based ratings.

<sup>53</sup> Classification for the broadcast media was introduced in 2004 with a “16” and an “18” rating for programmes on subscription TV. Programmes rated “18” are required to be screened after 10pm.

<sup>54</sup> Classification for Arts Entertainment was introduced in 2008, with a General, Advisory and a Restricted 18 rating.

<sup>55</sup> Video Games Classification System, introduced in 2008, comprises an Age Advisory rating and an M18 rating.

### INTRODUCE A PG13 RATING

6. From a three-tier classification system, the Film Classification System has evolved to a five-tier system over the years. The content guidelines for these ratings have also been progressively refined in consultation with community groups. This has enabled the classification system to remain relevant to an increasingly sophisticated and demanding audience.
7. The last changes to the Film Classification System were introduced in 2004.<sup>56</sup> Surveys show general satisfaction with the classification system as a whole. However, the CRC noted requests from some quarters for an additional PG13 rating. The main reason stems from the concern that there are films currently rated PG which are unsuitable for younger children. For example, focus group participants opined that films such as *Transformers* or *Duplicity* should be more suitably rated PG13 as the content seemed unsuitable for primary schoolchildren. As this is an advisory rating, parents who think their children are sufficiently mature can still bring them along to the movie, but they should be given enough information to make the appropriate choice. Having a PG13 rating would provide a stronger signal to parents that the content is not completely innocuous. The Censorship Review Committee 2010 Survey indicates support for such a PG13 rating, especially among parents, with only about 30% disagreeing with the need to have such a rating.
8. There have also been instances of films, such as *Red Cliff* and *Personal Effects*, which were given an elevated NC16 rating over concerns that some aspects of the content were unsuitable for younger children. A PG rating would not have signalled to parents the more mature nature of the content, while the NC16 rating unnecessarily prevented young teens from watching the films. While such films are in the minority, a PG13 rating would allow finer calibration of the signal being sent to parents.

### The Film Classification System

The current Film Classification System comprises 5 ratings:

#### Advisory Ratings

G – General

PG – Parental Guidance

#### Restricted Ratings

NC16 – No Children Under 16

M18 – Mature 18

R21 – Restricted 21

<sup>56</sup> The evolution of the film classification system since 1991 can be found on the MDA website. Source: <http://www.mda.gov.sg/Public/MediaClassification/FilmsAndVideos/Pages/RatingsFilmsandVideos.aspx>, accessed 18 August 2010.

### INDUSTRY CO-REGULATION FOR VIDEOS

9. The MDA works on the principle of co-regulation for most media, the exceptions being films and videos which are classified by the regulator. There is an increasing number of films and videos being imported into the country. This has led to pressure to turn around the content in a timely manner and to reduce cost to the industry. The CRC recommends that the MDA consider co-regulation for videos to simplify the process and encourage industry responsibility. Specifically, the MDA should work out a system of co-regulating innocuous videos which are currently rated G and PG. Co-regulatory efforts can be extended to PG13 videos once the guidelines for this new rating has been drawn up and the industry trained in assessing the content appropriately.

### RETAIN R21 RATING

10. The maximum age restriction has remained at 21 since the Film Classification System was revised in 1991. The intervening CRCs have debated on the possibility of revising this downwards to 18, bearing in mind that all other countries which have a film classification system have set 18 as their maximum threshold. Some members of the public have also noted the discrepancy in policies which require a young man to enter National Service at 18, and which permit purchase of cigarettes and alcohol at 18, but prevent the viewing of films with some explicit content until 21. It was also noted that not all R21 films are so rated because of their adult content. One example cited was *Milk*, a critically acclaimed film about the first openly-gay person to win elected office in America.
11. The Censorship Review Committee 2010 Survey continues to show strong support for retaining the age restriction at 21, though the proportion in support has fallen from 65% in 2002 to 57% in 2010. Among the CRC members, focus group participants as well as industry representatives, a clear majority supported the retention of the age restriction of 21. Various reasons were cited for this. Some respondents felt that not all 18-year-olds were ready to be exposed to the more explicit content, with some of them still in

#### Another Point of View

This view argues for the removal of the R21 rating, thereby lowering the highest age restriction to 18 years old.

We expect our 18 year olds to carry guns and defend our country. However, our rating classification system creates a class of content that citizens 18, 19 and 20 years of age cannot access, while those above 21 can. This can be seen as an inconsistency in how we treat a group of citizens (between 18 and 21 years of age) in different aspects of civil society.

Therefore, an alternative view to the CRC's recommendation in this area is to remove the R21 rating and to have the highest rating pegged at 18. In this way, anyone 18 or older would have the same privileges as all other adults in our society.

If R21 is to be removed, what is now allowed under R21, but not under M18 will then need to be re-examined and re-classified.

junior college. Others were concerned that lowering the age limit would lead to reduced choice for moviegoers, with more films refused ratings because of their content. It was noted that the R21 rating has enabled more films to be released without edits, as in the case of *Brokeback Mountain* and *Lust, Caution*. The CRC notes that only about 10% of films screened theatrically were classified R21; that R21 content includes some extreme violence and gore; and that more content is allowable under the R21 rating than would be the case at M18. Taking all these into consideration, the CRC supports the retention of the R21 category.

### PHASED APPROACH TOWARDS R21 RATED CONTENT ON VARIOUS PLATFORMS AND AT HDB ESTATES

12. Over the years, a cautious approach has been taken towards R21 content, following the public outcry in 1991 when the Film Classification System was first introduced. Following this, R21 rated films have been kept out of cinemas within HDB estates and can only be screened in central business district cinemas. They are also not allowed on video or on subscription television where the limits are set at M18 and 18 respectively.
13. Since 1991, things have changed considerably. The divide between the city and heartland is becoming blurred in some districts, with the government moving to decentralise shopping districts in the last decade and the distances between them being in any case relatively short. Singaporeans are increasingly well-travelled, demanding a wider range of content choices. There have thus been calls to allow the screening of R21 films even in HDB estates; to allow R21 videos to be sold; and for subscription TV to be allowed to carry R21 content, subject to adequate safeguards being introduced. It was also observed that, with the explosion of digital delivery platforms, restricted content such as R21 films can be easily downloaded through international websites, and this process will be accelerated with faster download speeds. Thus, the MDA's focus should be on making classified content available regardless of the delivery medium so long as there are suitable access control mechanisms.
14. The case for allowing broader access to R21 content is predicated on the principle of informed adult choice. Buying or renting an R21 video, or buying a ticket at a neighbourhood cinema, involves an active decision by an adult. If the content is not illegal, it should be a matter of personal choice whether to watch it on a computer, a movie screen or through a television.
15. Nevertheless, the CRC is cognisant of the strong public feelings that may be aroused if this recommendation is implemented. The Censorship Review Committee 2010 Survey indicates that 60% of the public is not in favour of allowing R21 films to be screened in housing estates. It also notes that 42% are against having R21 content on subscription TV and VOD, with 38%

in favour. Interestingly, 58% are in favour of allowing R21 videos to be sold at selected outlets, with 39% against allowing R21 videos. Some CRC focus group respondents voiced the fear that some adults may not be sufficiently responsible in keeping such R21 videos away from younger members of the family. The survey questions did not probe the acceptability of R21 film in housing estates if specific mitigating measures were adopted. In view of this, a further survey may be required to establish the comfort levels.

16. While this CRC in principle recommends that HDB cinemas be allowed to screen R21 content, it urges a carefully calibrated approach in view of the public sentiment. Various mitigating measures can be considered, including time-belting; limits on the percentage of R21 film screenings; restrictions on advertising materials for R21 films and videos; and making available more detailed audience advisories. There should also be strict enforcement of age verification procedures. The public will need to be persuaded that the introduction of R21 films will not lead to a degradation of the neighbourhood's ambience, and the CRC recommends that in the spirit of tripartism, the cinema operators should work alongside community leaders and the regulator in addressing the concerns of the public.
17. This CRC recommends that R21 content be allowed on subscription TV and VOD services, with a strong caveat that broadcasters should have to make available sufficiently robust and intuitive parental lock mechanisms before being approved to market R21 content. Parents and responsible adults bear the primary responsibility to monitor media access by their children, but industry and government have to provide parents with the necessary information and control tools. Broadcasters should be required to market and publicise the availability of the control mechanisms to subscribers seeking access to R21 content. The CRC also recommends that the default setting for all R21 content should be "unavailable" until activated through a security code.
18. The availability of R21 rated videos can be considered when there is greater comfort over the ability of video operators to enforce age restrictions. In principle, this CRC is in favour of a consistent approach to R21 content based on informed adult choice, but in the case of videos, it is not persuaded that current control systems are sufficiently robust to ensure that R21 videos are not sold or rented to underage customers. The CRC would like to emphasise that the onus is on video distributors and retailers to demonstrate that they are able to exercise social responsibility in the sale of rated video content. To this end, video distributors and retailers are encouraged to approach the MDA to explain how they can enhance the effectiveness of their sales control systems. A dialogue on this issue between the industry, the regulator and concerned members of the public would be most beneficial in setting the right conditions for R21 content to be made available on videos.

19. Wider choice entails greater responsibility on the part of all. The industry should refrain from marketing unsuitable materials to the underaged. Adequate and enforceable controls should be a condition of licence. For those found in breach, the CRC urges the MDA to establish a clearly calibrated set of penalties, leading up to the revocation of licences, to be imposed for non-compliance. The public should also be encouraged to play its part by acting as community guardians. In short, this CRC proposes a new compact based on a tripartite relationship of trust between the community, industry and the regulator for more informed choice.

### LEEWAY FOR FILM FESTIVALS

20. There are a number of film festivals held in Singapore over the course of a year. Many of these are organised by non-profit organisations such as the Singapore International Film Festival, the Singapore Film Society, the Substation and various embassies to promote film and cultural appreciation and audience development in the area of media. Such festivals have helped in developing our young media talents by exposing them to a diverse range of content from all over the world.
21. The MDA gives greater leeway for films screened at the film festivals. Some have felt that such a dual standard should be avoided. With the increasing number of film festivals held in Singapore and with many of them organised by commercial film exhibitors, these festivals are likely to attract a sizeable audience, thereby blurring the distinction between commercial screenings and niche festival screenings. While acknowledging these concerns, this CRC also notes that most films submitted for such niche screenings can be comfortably classified within the Film Classification System. Only a small number of films require special attention. These however should not breach the fundamental guidelines of not undermining public order or the nation's security, denigrating race or religion or eroding core moral values with extreme content. On this understanding, greater leeway should continue to be given for film festivals in the interest of the longer term development of the media scene in Singapore.

### Another Point of View

The rationale for allowing greater leeway for film festivals may not be valid in today's context where a robust film classification system exists to cater for content targeting adults.

The principle of greater leeway for film festivals would have been relevant in the pre-film classification era to give the film-loving public access to a wider range of content. Today, it is increasingly difficult to differentiate between a film festival and a commercial screening. There is also an increasing number of film festivals organised by commercial entities.

Giving such leeway will place classifiers in an awkward position of explaining "why a film is not of concern when shown to a smaller adult audience but the same content is of concern when screened to a broader adult audience."

Where there is such content which deserve the consideration, the regulator should shift the boundaries of the rating system to accommodate the content so that an average adult is not denied access.

### MATURE CONTENT ON FTA TV

22. Classification on FTA TV is limited to a PG rating for content with some mature theme. Such programmes may only be broadcast after 10pm. Broadcasters are guided by an the MDA-issued Programme Code which stipulates stricter standards for FTA TV due to its easy accessibility within homes, with the PG standard for TV being stricter for certain types of content such as coarse language.
  
23. This CRC notes that the CRC 2003 had recommended that FTA TV could have content up to a NC15 rating progressively after 10pm with consumer advice<sup>57</sup> and the recommendation was not taken up as the MDA's advisory committees have expressed concern over availability of mature content on an easily accessible medium. It has been noted that a 10pm watershed hour is not as effective given the later hours that children keep today and homes are equipped with televisions even in children's bedrooms. Similar views were expressed by some CRC focus group participants. There were yet other participants who argued for more choice on FTA TV and that there should be efforts to ensure that FTA TV remains relevant as the increase in media platforms has led to audience fragmentation. The Censorship Review Committee 2010 Survey findings indicate that there is a majority support for more mature content higher than the current PG for FTA TV, after 11pm.
  
24. This CRC agrees that content broadcast on FTA TV should be of a standard stricter than that on pay-TV due to its easy accessibility which limits parents' ability to prevent access to children in the same way that they will be able to for pay-TV. However, this CRC is also concerned that FTA TV could lose its relevance if it does not continually evolve with social expectations, especially since media choice will dramatically increase with faster download speeds in the near future. To strike a balance between both these concerns, the CRC recommends that for a start, the MDA should align the PG standards for TV and Films and allow for the PG rated content to be screened after 10pm with visible and well publicised consumer advice.
  
25. In drawing up its guidelines for the PG13 rating, the MDA should factor in the public's comfort level for such content on FTA TV.

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<sup>57</sup> Censorship Review Committee Report 2003, MICA, 2003, pg 39.

26. On the issue of the watershed hour which is currently at 10pm, a majority of CRC members are for maintaining this watershed hour in the event that PG13 is not introduced. The introduction of PG13 would however mean that all films subsequently rated PG would be relatively innocuous in content, possibly justifying their screening at earlier time slots than at present.
27. If PG13 is implemented, a significant majority of the CRC would permit PG-rated content to be screened at an earlier time of between 8 and 9pm. As for PG13 content, a majority would permit screening after 10pm. The CRC also feels that NC16 content can be considered for FTA TV between midnight and 5am. This is in keeping with the aim of increasing viewing choice for adults.
28. The CRC therefore recommends that the MDA conduct a more detailed study on the appropriate changes to watershed hours if PG13 is introduced as a new category, and it should be guided in this by the citizen consultative committees for television programmes.

### CONTENT CODE FOR MOBILE CONTENT

29. Content is now more easily accessible with mobile devices. While accessibility to television is discussed in the context of a home, today the young have access to more content on their mobile devices. The industry has taken the commendable initiative to develop an industry code of practice for mobile content. More can be done and this was addressed in an earlier chapter.

### VIDEO GAMES

30. The Video Games Classification System was introduced in April 2008 with an Age Advisory and a Mature 18 rating. Prior to the introduction of the video games classification system, games were assessed based on a set of general content guidelines which disallowed explicit

### Another Point of View

Content on FTA TV is highly restricted in comparison with subscription TV and VOD because of its wide reach. PG content is only allowed after 10pm.

The current policy seeks to keep FTA TV from being unwholesome for young, unsupervised viewers, even at late hours. The result may be that many, in particular young adults, will abandon FTA TV altogether for other media channels or Internet TV, resulting in the weakening of a common Singaporean platform for shared media experiences.

A better balance needs to be struck between the protection of children and parental responsibility. The current system presumes parental irresponsibility. Parents should be responsible for the viewing choices of their children and should ensure that they are supervised appropriately when there is advisory-rated content on television.

Assuming the recommendation for a PG13 rating is accepted, we should take a bold step and lower the watershed time for PG content to 8pm, allowing for more interesting viewing choices for the family. PG13 content should be appropriate from 9pm onwards, with NC16 content at a later hour of midnight.

and graphic content. In proposing the introduction of a classification system, the CRC 2003 noted that video games had increased in the degree of sophistication and that there had been international and local concerns over the psychological impact of their content on children. To date, about 1,800 video game titles have been imported into Singapore. Of these, about 60 were classified M18, with the balance either allowed or issued an Age Advisory. No game has been disallowed since April 2008.

31. The CRC is of the view that the video game classification system is working well, and there is no present need to introduce a more comprehensive system akin to the film classification system for video games. This is supported by the fact that a majority of respondents in the Censorship Review Committee 2010 Survey found the current system acceptable. However, the MDA should monitor whether there is a need for a new R21 rating for video games, should explicit content become more extreme. An R21 rating would be consistent with the ratings applied to films.
32. The CRC notes that the mode of distribution of video games is rapidly moving away from physical media towards online gaming and downloadable content. Our classification system only works for games sold in a physical form. As content migrates online, rendering domestic classification redundant, the regulatory focus needs to shift towards education and information. Parents and users need to have sufficient information on the games to make informed choices. Since Singapore's regulators cannot easily enforce local standards on content downloaded from the Internet, it would be useful to develop and promote a participative forum with user-driven information which allows opinion and information to be shared among parents and players. This could take the form of a local online website akin to the Internet Movie Database, carrying detailed advisories on titles in the Parents Guide section of the database (as shown). Interested users would be able to input their feedback on specific titles for the benefit of the wider population. While there are some parent-focused resources currently available ([www.whattheyplay.com](http://www.whattheyplay.com) or [www.parents-choice.org](http://www.parents-choice.org)), these sites reflect American standards and interests. There are no comparable local resources at present, and it would be beneficial to establish a forum that reflects local concerns, and which includes coverage of content created in Asia.
33. For such a system to be successful, it is important for all stakeholders to want it to grow. The IMDB's Parents Guide allows users to edit content easily and while the site is owned by a corporate entity, its Parents Guide is similar to Wikipedia – evolving through the concerted efforts of concerned viewers. Such a successful local system can then also be extended to films and videos.

The screenshot shows the IMDb website's Parents Guide for the movie 'The Karate Kid (2010)'. The page is titled 'Parents Guide for The Karate Kid (2010) More at IMDbPro »'. It includes a search bar at the top, navigation links for Movies, TV, News, Videos, Community, and IMDbPro, and a sidebar with options like 'Own the rights?', 'Buy it at Amazon', 'Discuss in Boards', 'More at IMDb Pro', 'Add to My Movies', and 'Update Data'. The main content area is divided into sections for 'Sex & Nudity' and 'Violence & Gore'. The 'Sex & Nudity' section states: 'None. A 12 year old boy and a girl kiss mouth-to-mouth. Sex is implied.' The 'Violence & Gore' section states: 'There are a few violent bullying scenes at the beginning of the film, with the main character getting beaten up pretty badly several times. There is no blood in the film, with the exception of a tiny cut on the main character's face. There are many scenes of intense stylized kung-fu fighting, with some characters getting hit while they're down. A character's leg is nearly broken, and then another character attacks the already injured leg during a fight. There is a scene of an older man fighting a group of preteens and teenagers, but he mostly uses their own movements to cause them to hit each other with their attacks, and this scene...'. A 'Sponsored links' box on the right promotes 'Movie Reviews' and 'Chat & Email Instantly Anywhere On Nokia E5 Smartphone'. The page also features a 'Quicklinks' section with a dropdown menu set to 'parents guide' and a 'Top Links' section.

Source: <http://www.imdb.com/title/tt1155076/parentalguide> accessed 16 August 2010

34. An increasing number of online games is developed locally. The MDA should encourage the use of local ratings for these games amongst developers so that there is consistency between the ratings issued to physical games and the content that is made available online. While the ratings for online games can only be advisory, the CRC sees this as a way to encourage game developers to accept greater social responsibility, and this would be a step towards effective self-regulation in the area of games.
35. Many of the games imported into Singapore originate from countries which already have an established rating system. These games are likely to carry the country of origin's rating on their boxes. There are also games which carry ratings from more than one country. While this can provide consumers with more information, it can also be confusing. To address this, the MDA can work with the industry to provide more information on these video games classification systems at the points of sale.

## PUBLICATIONS

36. There is no classification system for publications. Local periodicals are regulated through the Newspaper and Printing Presses Act (NPPA) while foreign publications are regulated through the Undesirable Publications Act (UPA). To handle more than two million publications imported every year, the MDA has introduced the Registered Importers Scheme. Under this scheme, importers

self-regulate their content. The guidelines require that they do not import publications that may denigrate race and religion, undermine societal values or the public interest. With the de-gazetting of *Cosmopolitan* in 2004<sup>58</sup>, imported publications guidelines were revised to give greater leeway for content targeting adults.

37. Local publications number less than 4,000 titles but on average they have a wider circulation. They are required to hold a permit under the NPPA. Publication importers and publishers are encouraged to seek the MDA's assistance when uncertain about the appropriateness of content in the local context.
38. Generally, public concerns over foreign magazines have been confined to magazines with some adult-interest content. Such publications have to be shrink-wrapped and carry an advisory "Unsuitable for the Young". Examples include magazines such as *Cosmopolitan* and *FHM*. No similar requirement exists for local magazines.
39. While the topic of classification was discussed in the context of some lifestyle magazines which have been pushing the boundaries, this CRC, as with the CRC 2003, does not see the need for a detailed classification system for publications. From the focus groups and survey findings, there does not seem to be a demand for such a system. The Censorship Review Committee 2010 Survey indicates that majority of respondents are satisfied with the existing system for publications and remain opposed to the availability for sale of sexually explicit magazines such as *Playboy*.
40. This CRC views the attitude towards *Playboy* magazine as reflective of a gradual change in societal norms. A similar question on whether to allow the sale of *Playboy* has been asked in each of the previous CRC surveys since 1992. It is noteworthy that the proportion opposed to *Playboy's* distribution in Singapore has fallen with each CRC, from 57% in 1992 to 54% today. Nevertheless, with a clear majority continuing to oppose its distribution, there is no compelling reason to adjust standards at this juncture, notwithstanding the widespread availability of risqué content on the Internet.
41. This CRC notes that there is a difference in the content guidelines applied to local and foreign lifestyle magazines, with a more liberal approach applied to the latter. This is largely due to the fact that foreign magazines are more limited in circulation, the most popular title selling less than 3,000 copies compared with local magazines which can have sales exceeding 20,000 copies.

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<sup>58</sup> MDA Press Release, *Cosmopolitan* to be Available from this Month. Source: <http://www.mda.gov.sg/NewsAndEvents/PressRelease/2004/Pages/02092004.aspx>, accessed 18 August 2010.

42. Local magazine publishers have called for a level playing field during the focus group session with the CRC. The Censorship Review Committee 2010 Survey also indicated that a majority of respondents felt that the same set of standards should be applied to local and foreign magazines. The CRC observes that some local publishers are reluctant to shrink-wrap their magazines or to carry consumer advice, as in the case of adult-focused foreign magazines, as this may affect sales and advertisements.
43. The CRC recommends that the MDA should apply the same content guidelines and requirements to both foreign and local magazines. The fact that guidelines are currently different is not generally known, and consumers browsing at a newsstand should have the assurance that the approach for all magazines is consistent, regardless of source. Local publishers who wish to publish adult-interest content should be able to do so if they meet the conditions applied to foreign adult-interest magazines, such as shrink-wrapping and prominent display of audience advisories.
44. Shrink-wrapping would address concerns over the inside content of an adult-interest magazine and serve to limit the risk of casual browsing by minors. It would not, however, address the covers of these magazines which would be visible through the transparent plastic wrapping. The CRC recommends that the MDA and the industry develop and publish a clear set of guidelines for self-regulation of magazine covers, which includes measures to address sexually suggestive covers.

### **AUDIO RECORDINGS**

45. Consumers today increasingly download music, and this trend is likely to continue. The MDA has adopted a light-touch approach towards the regulation of audio recordings. It encourages music importers to self-regulate based on a set of guidelines. Materials which may have sensitive content should carry consumer advice. This CRC recommends that the status quo be maintained in regulating audio recordings. Online portals should be encouraged to adopt the practice of providing consumer advice for sensitive content.

### **CONTENT STANDARDS**

46. Content standards evolve with the times. They should be in sync with general social norms of the specific society in which they are applied. In this regard, the CRC notes that the MDA has eight citizen committees and two appeal committees to advise on content standards for the different mediums.

47. This CRC firmly believes that this is the right approach, though elsewhere in this report, it also recommends some changes to the selection process for committee members to widen representation. Judgement on standards requires knowledge of the current guidelines, past application of these guidelines, impact of any change on similar content as well as an understanding of general public sentiments on the various content issues. Periodically-appointed censorship review committees represent a point in time, and they do not have as much experience with the full range of content as the citizen committees do. The calibration of guidelines should continue to be the responsibility of the citizen committees<sup>59</sup> that the MDA has put in place.
48. Nevertheless, arising from the various feedback and its own discussions, the CRC considered certain content issues.

### HOMOSEXUALITY

49. The CRC 2003 recommended that the MDA take a more flexible and contextual approach for homosexual content. It further proposed that greater leeway be given to adults, through suitable channels, to access such content provided the material is not exploitative. In accepting and implementing this recommendation, the MDA has gradually moved towards allowing more content on homosexuality. Generally such content is allowed under the higher, restricted ratings to address concerns over their suitability for younger viewers. Content which glamourises or promotes a homosexual lifestyle is disallowed.
50. This CRC agrees with the proposition that depiction should not be presumed to mean promotion of homosexual lifestyles, and recommends that the MDA continues to adopt a flexible and contextual approach in classifying homosexual content. This will ensure that adults have a wider variety of choices while the young are protected from content deemed unsuitable for them.
51. The CRC notes that the issue of homosexuality continues to be a sensitive subject for many Singaporeans. Nevertheless, based on the principle of informed adult choice, the CRC recommends that a lighter touch be taken in classifying non-explicit homosexual content, subject to the provision of clear and unambiguous consumer advisories.

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<sup>59</sup> Further discussions over the role of the committees can be found under Chapter 6 – Engaging with Community.

### COARSE LANGUAGE

52. The CRC observes that coarse language is not a major issue as the MDA is able to classify content with such language appropriately based on the impact. A strict approach is adopted for FTA TV in view of easy accessibility of the content to children. Only the mildest forms of invective such as ‘bitch’ and ‘shit’ are allowed to be broadcast on air. For films, videos, arts performances as well as pay-TV, strong coarse language is given higher ratings to protect the young.
  
53. Most content screened or broadcast in Singapore is foreign-made. In some of these countries, coarse language has entered the everyday vocabulary and this is reflected in their films. While such language is not to be encouraged in content targeting the young, Singapore’s well-travelled adults should be able to handle such references, for instance in the context of a character expressing extreme frustration or anger. Thus, the CRC recommends that the MDA place more emphasis on context and the impact of usage, and not to censor coarse language per se, as long as the intent is not to denigrate any race or religion. This approach should only be applied to films rated NC16 or above, and should be accompanied by an appropriate audience advisory. This requires a nuancing of the MDA’s current position where strong invectives, such as those invoking the names of religious figures, must be excised. Such a nuanced approach to classification will widen choice while still ensuring that the young are not exposed to unsuitable content.

### DIALECT CONTENT

54. As a national policy to support the Speak Mandarin Campaign, strict restrictions are imposed on Chinese dialect content on FTA TV and films as these media are viewed to have the widest impact. Some dialect content is permitted on subscription TV, VOD services and radio news catering to older dialect-speaking Singaporeans. Arthouse films with full dialect content have also been allowed on Arts Central and in cinemas.
  
55. Focus group participants and the industry unanimously agree that there is room for relaxation on dialect use in films and on television. The respondents are generally convinced that the Speak Mandarin Campaign has been very successful, and that it is now possible to introduce more channels for dialect content without having a negative impact on Mandarin fluency. In addition, it was also noted during the focus group discussions that allowing more dialect content would be particularly helpful in meeting the entertainment needs of the elderly and the retired.

56. This CRC agrees that Mandarin is now well entrenched in Singapore, with the younger generation being less conversant in dialect. It also notes that artists who choose to work in dialect may face greater difficulty generating revenues, given the more constrained audience reach; this will by itself limit the dialect content in local productions. Some members also observed that if making a film in dialect is deemed to be contrary to a national policy, then the objection could be expressed through the availability of government funding for such films, rather than through a censorship process.
57. A significant majority of the CRC is in favour of a more calibrated liberalisation keeping restrictions for FTA TV and radio while others are in favour of lifting all restrictions on dialect content. The CRC sees two key benefits to liberalisation in this area. First, artists will have greater scope for creativity in dealing with topics where dialect usage is an important element in a performance, without the need for negotiations with the regulator on the percentage of permissible dialect content. Second, a widening of available dialect content will help to meet the entertainment needs of the elderly, and to widen choice for the public in general.
58. The CRC is mindful that Mandarin fluency is of critical importance to Singapore, and that a further study may be helpful to establish a firmer basis for the full liberalisation of dialect content policies. There is no current independent research on this issue, and if the government is uncertain about the risks, the CRC recommends that independent research be undertaken to ascertain whether and to what extent dialect content could be liberalised in local media. The position of this CRC is that the restrictions on dialect should be lifted entirely unless there is compelling evidence to support their continuation.

### Considerations for Lifting Restrictions on Dialect

The original purpose for the censorship of Chinese dialect usage is to focus Singaporeans on learning Mandarin.

At this point in time, the goal to make Mandarin the standard Chinese language in Singapore has been achieved. Further, the growth of China is creating an economic motivation for Mandarin expertise -- this will ensure Singaporeans will continue to actively acquire Mandarin for the foreseeable future.

Chinese dialects are significant conduits for communicating history, traditions, and cultural heritage of the majority of the Chinese population in Singapore. At this point, the benefits of censoring or limiting Chinese dialects might not be stronger than the benefits the free use of dialects bring to the table.

59. If a calibrated approach is to be taken, the CRC recommends an initial relaxation through an expansion of the number of subscription and VOD channels for dialect content, and taking a more accommodating approach in approving locally-made films that use dialect in a contextually-justifiable way.

### CONTENT RELATING TO THE PUBLIC INTEREST

60. This CRC agrees with the right of the government of the day to ban content that it deems to be against public interest. The primary forum for debate on such decisions, and on what constitutes the public interest, should be the Parliament. On this matter, the concern of the CRC centres on maintaining confidence in the transparency and fairness of the classification process under the MDA.
61. Classification is important for determining the age-suitability of media content, taking into account societal norms. This extends to the possibility that a film may be prohibited under Section 15 of the Films Act, because it is judged to have exceeded acceptable limits, for instance in the case of pornography. In such instances, there are well-established procedures for consultation and appeal. For party political films, there is a separate channel for review through the PFCC.
62. The CRC notes that Section 35 (1) of the Films Act provides the MICA Minister with the powers to ban a film which is viewed to be against public interest.
63. In July 2010, a film by Martyn See entitled *Dr Lim Hock Siew* was banned by MICA. This decision, made under Section 35(1) of the Films Act, was taken by the Minister, MICA on the basis that the film gives “a distorted and misleading portrayal of Dr Lim’s arrests and detention under the Internal Security Act.”<sup>60</sup> This was only the second time that a film had been banned under Section 35(1).
64. When a film is banned under Section 35(1), the MDA has a role in providing inputs to the decision makers on matters within its expertise, and in maintaining the censorship order within the ambit of its regulatory functions.

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<sup>60</sup> Press Release on the Prohibition on the film *Dr Lim Hock Siew*, Source: <http://app.mica.gov.sg/Default.aspx?tabid=79&ctl=Details&mid=540&ItemID=1167>, accessed 30 July 2010.

65. However, responsibility for the decision should be clearly defined. In the opinion of the CRC, this was not sufficiently evident in the case of the film *Dr Lim Hock Siew*, resulting in the presumption in some quarters that the MDA's media regulators had been acting beyond their expertise. This mistaken presumption can lead to mistrust, undermining efforts to develop a collaborative tripartite partnership for classification spanning regulator, industry and the community.
66. The CRC recommends, for the sake of clearer accountability, that the competent authority be named when content is banned under Section 35(1) of the Films Act.



# CHAPTER 9

## Arts Entertainment

### Recommendations

- A term licensing scheme that will be extended to arts groups based on agreed criteria should be implemented. The criteria would be decided by the regulator in consultation with the consultative panels and arts groups. The scheme should include an effective and transparent compliance system.
- The information (including rating and consumer advice) provided to consumers to help them make informed choices should be enhanced. This could be done by engaging advisory committee members and the public to provide their inputs on the sort of content they would find useful in the Arts database.
- The categories of arts entertainment that can be exempted from licensing should be reviewed and expanded. Other means of co-regulation for performances targeted at niche audiences should be explored such as through an online declaration system for content.
- The Broadcast, Publications and Arts Appeal Committee (BPAAC) should be empowered with final decision-making power, as in the case of the Films Appeal Committee.
- Regulator to further enhance its domain expertise as an arts regulator.
- Regulator should engage in more active dialogue with the arts groups and make public the basis of their decisions, as the public is ultimately the judge of what constitutes sound decisions.

1. Any arts entertainment performance which is open to the public is currently regulated by the MDA under the Public Entertainments and Meetings Act (PEMA). Under this legislation, "arts entertainment" is defined as any play; art exhibition; play-reading; poetry recital and "ad hoc performance" which means any variety act or performance including music, singing or dancing. With the exception of exempted categories of arts entertainment and performances put up by arts institutions exempted from prior vetting, all other performances require a licence.
  
2. Licences for performances are issued on an event-specific basis. Additional requirements may be imposed on the licensee occasionally when the content requires an audience advisory to alert viewers to potentially sensitive content, or for law and order reasons such as when precautions need to be taken to deploy marshals and security officers for crowd control of a concert. In the event of law and order concerns, especially for outdoor pop/rock concerts, the MDA liaises with the Police and communicates their requirements to the licensee. This approach ensures that the licensee is not inconvenienced by having to deal with two government agencies separately.
  
3. The MDA has implemented a classification scheme for arts entertainment which includes 3 ratings – General, Advisory or Restricted 18. A 'General' rating is issued for arts performances which are suitable for a general audience, including children. Content which will warrant an 'Advisory' rating are those with some mature content (such as occasional scenes of a sexual or violent nature, or coarse language) which may be upsetting or disturbing to younger audiences who are 12 years old and below; or mature themes such as prostitution, trans-sexuality, homosexuality, torture/sadism which should be restricted to older audiences who are at least 16 years of age and above. For such

### Exempted Arts Entertainment

Exempted types of arts entertainment include "getai", "lion" or "dragon" dances or traditional cultural performances or those meant for children, especially those for children aged 12 years and below: performances of purely instrumental music (classical or otherwise); performances of classical music of ethnic origin, choral music, jazz music; performances of traditional dramas or folk dramas e.g. Bangsawan, conventional Shakespearean plays; performances of traditional puppetry or folk puppetry; performances of traditional dance or folk dance; performances of traditional opera from the East and the West; performances of ballroom or community dance including cha-cha, foxtrot, rumba, salsa etc; displays or exhibitions of art objects, paintings in various mediums and commemorative items such as coins, stamps, etc.

### Exempted Arts Institutions

Exempted arts institutions include the Esplanade, the Arts House, LaSalle College of the Arts, Nanyang Academy of Fine Arts and all local tertiary educational institutions.

content, the MDA issues an advisory with an age indicator so that the public, especially parents, will be in a better position to make an informed choice. Arts performances rated ‘Restricted 18’ are suitable only for audiences aged 18 years and above.<sup>61</sup> These performances contain adult themes with more explicit content than the Advisory category. Arts companies and event organisers ensure that no one below the age of 18 gains access to the performance venue.

4. The MDA may seek the views of the ACP on the suitability of certain performances before a classification decision is made. The arts group and/or event organisers may appeal against the MDA’s decision to the Minister of MICA, whose decision is final. The Minister is advised by the BPAAC in making a decision.

### INDUSTRY AND PUBLIC FEEDBACK

5. As with the last CRC, arts practitioners have sought to engage this CRC on the issue of censorship, putting forward their position that “censorship is not working; regulate instead”. The CRC notes the key issues which were highlighted in their representation to the committee, such as a lack of clarity and transparency of rules; inconsistency in the treatment of local and foreign works; disproportionate response to criticism or complaints; a culture of defensiveness; a lack of public discourse on censorship in the media; and a lack of independent oversight. The artists have called for “a replacement of the current system by one where there is a clear separation of regulation and censorship.”<sup>62</sup> The arts community has also called for use of “mediation” as a “process of facilitation of discussion between persons or groups in order to bring about agreement or reconciliation”.
6. The CRC has also noted the feedback from members of the public who had voiced concerns over allowing complete freedom to artists; one letter urged the CRC “to protect our future generation from harmful influences in whatever possible ways we can find.”<sup>63</sup> Others have reiterated the importance of racial and religious harmony in Singapore and feel that artistic freedom should not impinge on public interest and should be exercised responsibly. Some view mediation on contentious issues as an ideal state of affairs, with the mechanism and implementation issues being tricky. One member of the public succinctly argues that “censorship can protect artists (from social and legal consequences)

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<sup>61</sup> In 2006, the MDA introduced a new R18 (Cabaret) rating to cater for cabaret-type entertainment performances. This allowed the Crazy Horse Revue from Paris which featured near-nude dancers to bring its entry age down from 21 years and above to 18 years and above. This new classification is an enforceable category and it does not mean a blanket approval for all types of cabaret or live entertainment acts. Each cabaret performance will be assessed on its own merit. In addition, the publicity and advertising materials of R18 (Cabaret) performances are to reflect the rating; and are not allowed on mass media such as TV & radio.

<sup>62</sup> 2010 Arts Community Position Paper on Censorship and Regulation, pg 8.

<sup>63</sup> Email feedback from Ms Pearl Lee received on 22 June 2010.

as much as it can serve society” while “regulation arguably only puts up signposts, so both the artist and the society must be prepared for any possible consequences.”<sup>64</sup>.

7. At a fundamental level, both the artists and the public are in agreement on the need for a system that facilitates informed choice while protecting the young. The CRC agrees that the specific mechanics of any regulatory system will need to be tailored to the context in which it has to operate. To gain the public’s confidence, artists should accept that limits to freedom of expression will be determined by the basic aim of preventing social disorder and harm to society. Extremely objectionable content, for example films pandering to paedophiles should not be allowed, while films which explore the problems of paedophilia could be permitted. There are times, however, where the boundaries between the two types of film may not be clear. In Singapore’s context, issues affecting racial and religious harmony will always have to be sensitively handled.
  
8. It was clear from the CRC’s focus group sessions with arts practitioners, and also from its meetings with the ArtsEngage representatives, that more efforts need to be put into building mutual trust and respect between artists and regulators. Steps towards dialogue have begun, and the process will take time and patience; but all parties recognise the need to work together, and with the public, to clarify, refine and strengthen the regulatory framework. As noted in the chapter on Classification Policies and Standards, the CRC agrees with the ArtsEngage recommendation that the MDA should focus on classification and advisories, and in areas where it has the necessary domain expertise. Where decisions have to be taken in the public interest in areas outside of MDA’s domain expertise, the CRC feels these should be explicitly made by the government departments which are best equipped to assess the issues: for instance, the Ministry of Home Affairs on matters relating to national security.
  
9. Arts entertainment caters to only a relatively small segment of Singapore’s population. While attendance has grown over the years, the Censorship Review Committee 2010 Survey reflects that about two-thirds of the population had never watched plays or drama performances. The audience that does attend such performances tends on average to be well-educated and cosmopolitan. Yet, along with film, arts entertainment is the most tightly regulated, with a requirement for scripts, even for poetry recitals, to be submitted for vetting. Books, which have broad reach, are not pre-vetted; regulation comes after the fact, and very infrequently. There is a well-established co-regulatory

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<sup>64</sup> Ronald Wong, Pragmatism and Censorship, Today, 25 June 2010, pg 8.

structure for broadcast content. The Internet, which has the widest reach and content, is not regulated, beyond a token ban on 100 websites. The CRC believes that broader co-regulation and self-regulation of arts entertainment is necessary for a less frictional relationship between artists and regulators, and for the growth of Singapore as a global city for the arts.

### WIDENING THE SPACE FOR ARTISTIC EXPRESSION

10. Artists should be granted more space and greater privilege of artistic expression, within the context of existing laws of the land. This would be in line with other liberalising moves since the last CRC in 2003: for example, indoor public forums no longer require a permit, while extensive discussions of political and social issues now take place freely in online arenas. A media environment which fosters greater space for self-expression is more conducive to nurturing a deeper sense of identity and belonging, and is critical for Singapore to become, in the words of the Economic Strategies Committee, a “best home for talent.”<sup>65</sup>
11. The CRC 2003 agreed on the principle that for the state to allow any media content should in no way be seen as an official endorsement of that content. This CRC reiterates this as a key principle for allowing greater artistic space, with a more tolerant approach in regulating arts content. Nevertheless, room for greater experimentation should be accompanied by a greater exercise of responsibility on the part of arts groups. This can take the form of clear and specific audience advisories to alert audiences to sensitive content. Another critical principle that should be applied is that of informed adult choice.
12. The CRC notes that, since the 1992 CRC, arts groups have had the freedom to propose a rating and audience advisory for their content to the authorities. This privilege was not extended to every other medium. Where contention arises, the issues are brought to the ACP for advice. Occasional concerns have risen over the advisories: whether they accurately reflect the sensitive content within a performance, and if they are deterring audiences unnecessarily from attending. The CRC is of the view that ratings and advisories should be seen by all parties as tools to guide choice, and should not be regarded as a judgement on quality. In line with feedback from the public and from many arts groups, the CRC encourages arts presenters to offer more detailed consumer advice to enable adults to make better-informed choices, both for themselves and for the young people under their care.

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<sup>65</sup> Report of the Economic Strategies Committee, pg 67. Source:<http://www.esc.gov.sg/attachments/Subcommittee%20on%20Making%20Singapore%20a%20Leading%20Global%20City.pdf>, accessed 18 August 2010.

**IMPLEMENT TERM LICENSING**

13. Term licensing as a mechanism aims to facilitate the development of industry self-regulation. A tiered approach to licensing will enable the regulator to focus its efforts and limited resources on areas requiring the most attention. Hence, this CRC supports term licensing of arts entertainment.
14. CRC 2003 had proposed that the event-based licensing for all non-exempted performance categories should be replaced with a two-year term licensing system. This CRC urges that a system of term licensing be implemented without further delay, to give arts groups more room to hone their craft, to develop the sector further, to attract more artistic talent of quality to Singapore, and to continue to foster audience maturity, sophistication and open-mindedness.
15. The term licensing scheme should be extended to the arts groups that qualify based on an agreed list of criteria. The criteria should be decided in consultation with the ACP, the BPAAC, arts groups and other consultative bodies. The scheme should not be overly restrictive and should seek to include as many arts groups as possible, until and unless these groups demonstrate that they are not able to maintain a system of effective co-regulation.
16. As with any co-regulatory scheme, the CRC recommends that there should be an effective and transparent compliance system in place to act against those found repeatedly in breach of the limits of the scheme. In the interest of managing the “out-of-bounds (OB) markers” for arts groups, a kind of “yellow card” or warning system could be implemented, with up to two warnings before any serious action is taken against further breaches. The ArtsEngage recommendation for mediation may be useful as a process for arts companies to mitigate the concerns raised and to have the yellow card rescinded.

### CRC 2003 Recommendation on Term Licensing

The present event-based licensing for every performance by arts groups should be replaced with a two-year term licensing scheme to evolve the system towards even more effective co-regulation. The MDA should also put in place mechanisms to facilitate renewal of licences for arts groups with a good track record.

17. The broader intent of realising term licensing is to promote the societal benefit of a more open environment for creativity, exercise of imagination and articulation of the human spirit, as well as a deeper sense of identity and belonging – all key goals in line with the recommendations of the Economic Strategies Committee to build Singapore as a leading global city.

#### **NEED FOR MORE EXTENSIVE USE OF AUDIENCE ADVISORIES**

18. Some arts groups recommend their own rating and audience advisory for the regulator's consideration, while others rely on the MDA which issues a rating accompanied by an advisory where required.
19. Among the issues raised by the arts groups were concerns over a perceived link between the rating that is issued to a performance, and the funding or grant given to the work. Concerns were raised that such a connection between funding and classification would impact the financial viability of performances which have been issued a Restricted or an Advisory rating, accompanied by audience advisory. The CRC discussed the impact of such a link and generally agrees that such a connection is not beneficial to both the arts groups and the consumers. Neither a rating nor an advisory should be seen as a value judgement on the quality of a production; it is provided to enable responsible adults to make better informed choices. The CRC therefore welcomes the clarification provided by the National Arts Council (NAC) that eligibility for funding is decided based on the merits of the works, in tandem with consideration of the NAC's funding guidelines.
20. This clarification should encourage arts groups to provide and publicise more detailed advisories to consumers to facilitate better informed choice. In this regard, the film and video classification system is a good model to emulate as there is a comprehensive rating and audience advisory system in place. Arts groups could use this as a reference, wherever applicable.

21. The MDA has stepped up efforts to inform the public of its classification decisions through the Arts database launched this year (shown below). This is commendable, and the CRC recommends that resources and effort be put into further enhancing the information provided so that it can become even more useful and meaningful to consumers. This could be done by engaging citizen committee members and the public to provide their inputs on the sort of content they would find useful in the Arts database.

 <input type="button" value="New Search"/>	
	<a href="#">Back to search results</a>
<b>Title</b>	<b>THE LOWER DEPTHS BY THEATRESTRAYS</b>
Company Name	THE SUBSTATION LTD
Language	ENGLISH
Performance Date	09/06/2010 To 12/06/2010
Performance Venue	61 KERBAU ROAD SINGAPORE 219185
Synopsis	Inspired by Maxim Gorky's classic play about the marginalized and dispossessed underclass of early 20th Century Russia, "Lower depths - 61 Kerbau Road" is a site-specific devised play which tracks the impoverished lives of 4 characters over a course of a day. Lacking a sense of power over their destinies and forced to share a cramped living space, this play highlights the relationship and conflicts of these people who struggle to make sense of their existence.
Rating Decision	Advisory
Consumer Advice	Advisory : Contains Mature Theme

Source: <https://app.mda.gov.sg/classification/Search/Arts/SearchDetail.aspx?sTitle=P20100039>  
accessed 18 August 2010.

### FURTHER ENHANCE DOMAIN EXPERTISE

22. The MDA both promotes and regulates the media. In the area of arts entertainment, promotion of the arts sector is undertaken by the National Arts Council while regulation comes under the ambit of the MDA. The rationale for entrusting arts regulation to the MDA appears to be for purposes of efficiency and centralisation of regulatory efforts.
23. While some members of the arts groups have raised concerns over whether the MDA is effectively equipped to deal with the arts, others have supported the existing arrangement as one which provides a clear demarcation between licensing of arts performances and funding decisions.
24. The CRC feels that the more important question is not who does the job of arts regulation but whether it is done well. If the MDA continues to be entrusted with the responsibility, then the agency must be equipped with better domain expertise to perform this task. This can be achieved by including a broader spectrum of knowledgeable individuals into the arts consultative and appeal committees. Alternatively, the proposed “Media Advisory Council” which is discussed more extensively in Chapter 11, should add to this pool of knowledge and wisdom through the inclusion of more citizens with industry understanding and broader perspectives.

### REVIEW OF EXEMPTIONS

25. Over the years, certain forms of arts entertainment have been exempted from the need for licensing under the Public Entertainments and Meetings Act (PEMA) as they have been deemed to be largely innocuous in nature. The last exemptions were gazetted in 2005.<sup>66</sup>
26. There should be ongoing efforts to identify genres of arts entertainment which are innocuous and thus can be exempted from licensing. The regulator and the arts groups can work together to identify such genres so that there is shared ownership in ensuring that those putting up the performances are mindful of the exemption requirements.
27. Beyond identifying the genres which can be exempted, the MDA should also take a holistic look at how exemptions are decided. Exempting on the basis of genres makes it difficult to comprehensively identify the various forms of art that exist, or may arise. It may be timely to consider if licensing by

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<sup>66</sup> Exemption for Arts Entertainment, Source: [http://www.mda.gov.sg/Documents/PDF/Policies/Policies%20and%20ContentGuidelines\\_Arts%20Entertainment\\_PEMA%20Exemption%20Order.pdf](http://www.mda.gov.sg/Documents/PDF/Policies/Policies%20and%20ContentGuidelines_Arts%20Entertainment_PEMA%20Exemption%20Order.pdf), accessed 30 July 2010.

exception should be adopted, with all other similar forms of art exempted subject to conditions. The MDA could set specific criteria so that arts groups that meet those criteria would be granted exemptions. For example, if there is less of a concern with poetry recitals and literary readings undertaken indoors, such performances may be exempted with conditions which disallow certain forms of content, such as those which are inimical to racial and religious harmony. The promoter would be held responsible for content, but would also be able to consult the MDA on a voluntary basis if in any doubt.

28. Alternatively, the MDA could consider establishing an online self-declaration system for performances targeted at very niche audiences, such as poetry recitals. This would be in line with the general opening up put in place since the last CRC in 2003 for other forms of public expression, such as at the Speaker's Corner. This would remove the need for pre-approval by the MDA, except in cases where there might be exceptional concerns over religious and racial sensitivities.

### **ENGAGING THE ARTISTS**

29. Artists create works whose meaning and impact evolve over time. The regulatory guidelines, too, should evolve over time along with social norms. A decision on a particular work which was created some time ago would not apply in exactly the same way today. To work towards a better understanding of the decision-making process, greater transparency is needed on regulatory decisions. This will enhance the artists' ability to shape their productions, especially if they wish to connect with particular target audience segments. To this end, it is proposed that the regulators engage in more active dialogue with the arts groups and make public the basis for more decisions, as the public is ultimately the judge of what constitutes sound decisions. Such a move would also build a culture of engagement and trust between the regulator, the artists and the community.

### **EMPOWERING THE BROADCAST, PUBLICATIONS & ARTS APPEAL COMMITTEE (BPAAC)**

30. An Arts Appeal Committee (AAC) was formed in 2004 as a direct result of the CRC 2003 recommendation. The AAC advised the MICA Minister on appeals and was later subsumed together with the two other appeals committees which had oversight of broadcast content and publications. This was done as there were relatively few appeals.
31. This CRC feels that appeal committees should be vested with final decision-making power, as in the case of the Films Appeal Committee. This recommendation has been discussed more extensively in Chapter 6 - Engaging the Community.

	Licensing	Exemptions	Classification & Consumer Advice	Consultative Committees
<b>Current</b>	Event-based licensing for all performances except those exempted from licensing	More than 10 categories of arts entertainment exempted from licensing	R18 is an enforced category, with mandatory consumer advice  Consumer advice for selected sensitive content for advisory ratings  Decisions on arts performances are available in the MDA Arts Database.	Arts Consultative Committee advises on suitability of arts performances  BPAAC advises MICA Minister on appeals
<b>Proposed</b>	Term licensing of two years for arts groups with good track record	Extend exemption to more categories  Explore exemption with condition approach for performances with very niche appeal such as poetry recitals  OR  Introduce an online self-declaration system for such content to facilitate the licensing process.	In addition to the above, prominent display of ratings and consumer advice should be practised.  Expand the information provided	Involvement of the ACP in decision-making process to be made more visible  BPAAC to be vested with final decision-making powers.



# CHAPTER 10

## Ensuring Compliance

### Recommendations

- An effective and holistic regulatory system needs to be supported by measures to encourage compliance. This should be supported by educational outreach programmes.
- The range of penalties should be calibrated to include deterrent penalties for persistent breaches.
- The penalty system for each industry segment should be transparent to both industry and the public.
- The MDA should review the manner in which enforcement activities are undertaken to improve their effectiveness, and seek ways to enhance community oversight.
- Greater resourcing of enforcement efforts is required to facilitate the introduction of policy changes towards greater co-regulation.
- Feedback channels should be easily accessible and prominently publicised

1. This CRC has made several recommendations which have stressed the need for a relationship of trust between the regulator and the industry so that more co-regulatory initiatives can be introduced for the benefit of society and the general media environment. These co-regulatory initiatives need to be part of the robust and holistic approach described in earlier chapters.
2. In the course of the CRC's focus group discussion with parents, what came across strongly was the need for parents to be assured that protecting the young is not just their responsibility but one which has the full support of several other parties, including schools, the media industry and government in general. Parents who were diligent in guiding their children in their media exposure were particularly concerned by the sale of inappropriate materials to their children by irresponsible retailers, regardless of the restricted ratings. While there are many socially responsible operators in the industry, it only takes a few unscrupulous retailers for the social compact between the community, industry and government to be put under stress. This is clearly not desirable from the industry standpoint, as it could result in further pushback, pressurising the regulator to react to public concerns by tightening regulations.
3. Therefore, while emphasising the need for more co-regulation, the CRC also feels that such efforts should be accompanied by effective and transparent measures against non-compliance.
4. Today, the MDA undertakes various enforcement measures against industry players when they violate licensing conditions and content guidelines. Such enforcement actions are focused on distributors, exhibitors or makers of content.
5. Public feedback suggests that many parents are concerned about the ease with which an underage person is able to acquire or rent restricted videos or video games. This CRC recommends that a clear and transparent compliance framework should be put in place. In addition, the range of penalties should be reassessed to include a more effective deterrent for any breach.
6. The MDA should also review its approach to enforcement. It can consider using third parties to test the industry's compliance. An effective and transparent penalty system covering all aspects of the media should be developed. With a broadly understood penalty system, the community can also be encouraged to provide feedback on errant operators.
7. Closer engagement with the industry and the community through co-regulation will require more resources than at present. The CRC observes that enforcement efforts currently seem to be

significantly under-resourced, leading to a situation where the MDA reacts largely based on industry feedback and public tip-offs. While such information remains useful to its enforcement efforts, the MDA needs to be more proactive in ensuring compliance. This is particularly important in view of the recommended changes to the classification system, which would allow the industry to self-classify video content up to PG13 and allow for the lifting of restrictions on the sale of R21 videos.

8. Apart from ensuring compliance, the CRC recommends a closer engagement between regulator and industry in developing better compliance systems. In addition, the regulator should ensure that there are easily-accessible feedback channels to facilitate community monitoring. For example, a dedicated email address could be set up for community reporting of errant operations. Existing hotlines to report breaches should be well publicised at points of sale.
  
9. In conclusion, regulations and guidelines are meaningless and ineffectual if they are not enforced appropriately and efficiently. With the proliferation of media content, effective compliance can only be achieved where there is a clear and transparent framework, adequate resources and buy-in from both the community and industry.



# CHAPTER 11

## Media Advisory Council

### Recommendations

MICA to consider the need for a body such as the Media Advisory Council to undertake the following efforts:

- Be the focal point of community participation by subsuming the committees under the MDA, taking on the responsibility of advising the MDA on content regulations and having oversight of the list of government-blocked websites.
- Aggregate the existing public education efforts and centralise government outreach programmes, acting as a single interface between government and private organisations.
- Undertake research to assist the MDA's media content policy formulation.

1. Community participation in the process of content regulation and classification has increased in recent years and presently takes several forms of involvement in public outreach efforts and the MDA's committees which advise on content regulation.
2. Elsewhere in this report, the CRC has highlighted the useful role that the citizen committees play in content regulation to ensure that community values underpin censorship guidelines. These guidelines, in turn, are an expression of the public's shared values as to acceptable content in the media. Beyond this, there are also committees such as INMAC and ICSC which guide the MDA's public education efforts.
3. Despite the active roles of these committees, public knowledge of the citizen committees' work remains low and their work is under-appreciated. Some also feel that the nomination process for these committees is not sufficiently transparent, and this may affect the credibility of their work. As stated earlier, this CRC finds that the current process is driven largely by the need to ensure that the committee members are broadly representative of Singapore's demographics and have a keen interest in the field of media and arts. While recognising that the committees have continued to perform good work, the CRC feels that there is room for improvement.
4. To bring community engagement through the committees to the next level, raise their profile and address public perception of the existing committees, this CRC considered the viability of having a Media Advisory Council (MAC). The form and substance of the MAC was discussed extensively as was its role and relationship with the MDA. The CRC felt that for the council to be useful it should fill a gap in the existing efforts. In this regard, the following options were debated:

#### **MEDIA ADVISORY COUNCIL AS FOCAL POINT OF COMMUNITY PARTICIPATION**

5. One option considered was whether a MAC could act as a focal point of community participation. It was envisaged that setting up such a council could help to bring the eight citizen committees which are currently under the MDA to one which is distanced from the regulator. This would provide an opportunity to profile the citizen committees as separate bodies working in collaboration with the MDA. It would also address public perception of independence and inclusiveness of the committees.
6. MAC would be appointed and provided with Secretariat support by MICA. MAC's relationship with the MDA would be horizontal, as one of equals, rather than the vertical relationship which exists

today. It could be empowered to work with MICA and the MDA in the selection of its members. This would go some way in deepening the public's understanding of the citizen committees' work as MAC develops its own identity as a platform representing the voice of the public.

7. Under this option, the functions undertaken by MAC can remain similar to the terms of reference of the various committees. MAC can set up its own executive council comprising the Chairpersons of the various committees to meet and deliberate on cross-media issues. An independent media advisory council for Singapore should neither be an industry-led body nor a pressure group. Instead it should be an independent body which acts as an advisor to, and a sounding board of, the MDA.

### **MEDIA ADVISORY COUNCIL AS AN AGGREGATOR OF PUBLIC EDUCATION EFFORTS**

8. A second option considered was whether the MAC could be an aggregator of public education efforts. In the Chapter on Public Education and Parental Empowerment, the CRC noted that there have been many noteworthy efforts in this area by the MDA, other government entities, and private sector agencies such as Touch Community Services. However, there is a sense that these efforts have been tactical and disparate and may not have necessarily touched the core audience it was aimed at, such as parents with young children. There is also a need to consolidate public and private efforts under a single agency to minimise overlaps and maximise effectiveness of programmes. Members have also noted that good efforts tend to fall by the wayside due to a lack of effective programme analysis as well as insufficient funding. Sustaining good public education programmes continues to be a challenge as there are many causes competing for a finite pool of funding.
9. To ensure sustainability, it is important that we aggregate the current public education efforts into a single agency to centralise government and other efforts, and act as a single interface for parent/self-help groups so that public outreach can be more effective. Past efforts through groups such as PAGi, set up by the MDA to educate parents to guard their children against unsuitable Internet content have been cited as successful examples of outreach. This group has since been renamed INMAC and taken on a different mandate of advising the MDA on public education.
10. In view of these concerns and development, the CRC felt MAC could take on the responsibilities of public education, strategising on the best outreach efforts and actually pushing through these efforts. A council of members committed to the cause of public education and serving to protect the

young in society would be self-motivated to achieve their objectives. Most importantly, as members of the community and parents, they would be in the best position to assess the effectiveness of the programmes. The CRC notes that PAGi was such a body whose efforts were well-recognised and had left a lasting impression on many of those touched by their efforts.

11. With the involvement of parent/self-help groups, the MAC would also be engaged in promoting the involvement of parents in content access by children. There are currently various significant and noteworthy efforts by such groups which could benefit from economies of scale and the distribution network enabled by an organisation such as the Council.

### **MEDIA ADVISORY COUNCIL AS A LEADING RESEARCH BODY, SUPPORTING THE WORK OF THE MDA**

12. For ever-evolving content regulation to be truly effective, the regulations need to be relevant to the times, reflective of community norms. This is only possible if the regulator undertakes comprehensive research of its policies and analysis of its effects. To this end, MAC could serve as a think-tank which undertakes research and studies to assist the MDA in its policy formulation. MAC could, thus, be a media equivalent of the Institute of Policy Studies which regularly commissions papers and surveys to assess public attitudes towards issues. It would, therefore be a neutral entity whose body of research could serve to guide both the media industry and the regulator.
13. The CRC is of the view that MAC can perform various roles as outlined above to help build a tripartite relationship of trust between the industry, community and the regulator. If undertaken in the right spirit, it could represent a turning point for public involvement in content regulation and public education efforts. As MAC would need to be government-funded, further details would have to be developed by MICA in consultation with various stakeholders.

### **FURTHER ROLES**

14. The CRC held many discussions on the topic of the MAC. It could not come to a consensus on the possible scope of MAC beyond the three areas described earlier. The key disagreements involved the structure of MAC, and its degree of independence from the MDA. MAC would be a government-funded entity, and there were different views on how it should operate: in collaboration with the MDA's regulatory unit; or as a check and balance on its decisions. Some felt it could have a public advocacy role. At the other extreme was a suggestion that MAC could incorporate all of the MDA's regulatory functions.

15. The CRC sees merit in a more detailed study on MAC. Meanwhile, the sidebar contains a list of the ideas which had been raised at CRC meetings.

### MAC's Other Potential Roles Discussed

- As a Censorship Review Committee
- As an independent think tank
- As a media watchdog, acting as a check and balance on the industry
- As a policy advocate, acting as a check and balance on the MDA
- To incorporate the MDA's regulatory units



# CHAPTER 12

## Conclusion

1. Throughout this report, the CRC has emphasised four core issues:
  - Forging an effective tripartite collaboration among the regulator, community and industry;
  - Parental responsibility, and the systematic education of children to address potential risk of media content;
  - Transparency and accountability in regulations and processes; and
  - Empowering adults with the ability to make informed judgements on media choices for themselves and for their children.
2. Viewed across the spectrum of media platforms, the existing regulatory structure provides a reasonable framework. However, technological changes are increasingly undermining traditional methods of content regulation, and the speed of change is outpacing the ability of some sections of the community to adapt. Regulators must move ahead of the curve in order to guide those who are most in need of help in making media choices.
3. By itself, change does not reduce the necessity for regulation or alter the justification for censorship, but it requires a reconsideration of priorities and methods. Fundamentally, the CRC believes that there should be a shift in emphasis from government-led requirements towards the empowerment of adults to make informed and appropriate choices for themselves and their families.
4. In the basic task of protecting minors from undesirable content, the CRC believes that it is necessary to foster a greater acceptance of parental responsibility through the provision of better tools and information. In classifying content, the principle of informed adult choice should guide policy and regulatory decisions. For censorship, there should be clearer accountability.

5. Various parties have urged the CRC to recommend an end to all censorship. The CRC does not agree with this position, especially in relation to issues affecting national security. The adverse effects of such a proposal to the arts community itself had also been noted by some media observers.<sup>67</sup> The first priority should be to build an effective tripartite collaboration through active engagement on policies and processes which could then lead to greater transparency. The authorities should seek out more avenues for co-regulation in all fields of media and the arts. Although implementation of co-regulation may prove challenging, the CRC sees such collaboration as essential for the development of a vibrant media and arts industry.
6. Over the next few years, the media regulator's role will become much more complex: co-regulation with the industry and community in place of pre-emptive requirements; empowering consumers to make informed choices rather than shielding them from content; and dealing with new and converging platforms for content. The resources required will certainly increase, both in quantity and quality. Without an increased budget and a clear focus on achievable objectives, the regulatory system will be overwhelmed by an exponential increase in content creation and distribution over the next half decade.
7. The word "censorship" conjures many negative images, and CRC members have felt from the start that it skews perceptions and expectations of the review's purpose as defined by its terms of reference. Though important, censorship is but one of many issues that the CRC has had to consider. Consequently, the CRC recommends that the word "censorship" be excluded from the name of any future committee tasked to review Singapore's regulatory system for media content and arts entertainment.

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<sup>67</sup> In response to the ArtsEngage position paper, Professor Ang Peng Hwa, Director of the Singapore Internet Research Centre at the Wee Kim Wee School of Communication and Information pointed out that their proposal of leaving censorship to the courts may lead to a situation where any member of the public could "take to court an arts group that performs a play that he or she considers objectionable – this creates greater uncertainty for the arts community". Instead, based on the censorship accounts cited by the ArtsEngage, he felt that what was needed was a review of the censorship process. "Time to Review Censorship Process", Today, 26 August 2010, pg 16.





## Annex A: CRC 2010 Members

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<b>Mr Goh Yew Lin</b> Chairman	Managing Director, G K Goh Holdings Ltd Chairman, Yong Siew Toh Conservatory of Music Deputy Chairman, Singapore Symphonia Company Ltd
<b>Mr Koh Buck Song</b> Deputy Chairman	CEO, Integrative CSR Consulting Pte Ltd Adjunct Faculty, Singapore Management University Author and Poet
<b>Ms Ang Bee Lian</b>	CEO, National Council of Social Service Member, Films Appeal Committee
<b>Dr Azlinda Anwar</b>	Senior Research Fellow, Duke-NUS Graduate Medical School
<b>Mr Vijay Chandran</b>	Director, Elasticity Chairman, Films Consultative Panel
<b>Ms Chua Lee Hoong</b>	Political Editor, The Straits Times
<b>Mr Khiew Voon Kwang</b>	Managing Director, Television (Channel 8), MediaCorp TV Singapore Pte Ltd
<b>Mr Koh Su Haw</b>	Assistant Vice-President, Singapore Exchange Ltd
<b>Mr Gaurav Kripalani</b>	Artistic Director, Singapore Repertory Theatre
<b>Assoc Prof Lee Cheuk Yin</b>	Associate Professor, Department of Chinese Studies, National University of Singapore Chairman, Advisory Committee on Chinese Programmes
<b>Ms Min Lee</b>	Violinist
<b>Ms Rahayu Mahzam</b>	Partner, Heng, Leong & Srinivasan, Advocates & Solicitors
<b>Ms Cheryl Ng</b>	Director, Great Expectations Communications Laboratory Adjunct Lecturer, Ngee Ann Polytechnic Member, Films Consultative Panel Member, Publications Consultative Panel

<b>Mr Ong Peng Tsin</b>	Chairman, InfoComm Investments Pte Ltd Member, Community and Parents in Support of Schools (COMPASS)
<b>Mr Daren Shiau</b>	Partner, Allen & Gledhill LLP Author Member, Films Appeal Committee
<b>Dr Christine Yap</b>	Obstetrician/Gynaecologist Member, Films Consultative Panel
<b>Mr Zainal bin Sapari</b>	Educator

## Annex B: Public Consultation Process And Feedback Received

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### PUBLIC CONSULTATION PROCESS

As with the past reviews, CRC 2010 sought to gather the views of the public and the industry through a myriad of channels so that it has a holistic understanding of the various concerns expressed by different parties. The recommendations of the CRC have thus been informed by the views and ideas from industry players, members of the public including, parents, students and educationists that it received.

#### Focus Groups

- The CRC conducted a total of nine focus group sessions. The focus group participants came from the broadcast media, film, video, video games, and publishing industries, and included representatives of the arts community, grassroots organisations as well as parents, students and educationists. One of the focus group sessions was held with those members of the public who had sent their feedback to the CRC.

#### Survey

- To reach out and obtain more views beyond the industry and the focus group participants, the CRC commissioned a survey to assess the changes in attitudes towards media content since the last censorship review in 2003. The Censorship Review Committee 2010 Survey, where 1,000 respondents were interviewed between February - April 2010, focused on issues such as the various media classification systems, audience advisories, parental empowerment tools, public education etc.

#### Other Channels

- The CRC's website ([www.crc2009.sg](http://www.crc2009.sg)) was the main channel through which members of the public provided direct feedback to the committee. In addition, the CRC was informed by the insightful arguments made by the industry and the arts community in their representations to the committee. The CRC had also been attentive to media articles touching on relevant topics.

## KEY FEEDBACK FROM FOCUS GROUP

The following are the key feedback from the focus group discussions:

### Need for Wider and More Informed Choice

- A majority of participants felt that the current regulatory approach could be further relaxed in certain areas to provide adults with more choice. Examples cited included relaxing the restrictions on dialect programmes and allowing more mature content on subscription TV. There was a general consensus that content on FTA TV, being easily accessible should remain wholesome, while those on media platforms which allow for choice to be exercised can be given more leeway.

### Need for Content Regulation

- While the arts community focus group participants were in favour of total self-regulation, generally almost all other participants agreed that some form of regulation was essential. This is to protect the young as well as maintain harmony in Singapore's multi-racial and multi-religious society. Nonetheless, the participants also highlighted that this should be balanced against the need to allow for more choices and more room for creativity and entrepreneurship.

### Transparent Guidelines and Consistent Censorship Decisions

- The arts community, film and broadcast industry representatives felt that current content guidelines and programme codes lacked clarity and censorship decisions were sometimes inconsistent and called for greater transparency.

### Consumer Advice and Public Education

- To complement classification, a majority of focus group participants were for providing more extensive and consistent consumer advice, especially for films, videos and arts entertainment to aid consumers in choosing content. In particular, it was felt that content not suitable for the young should be clearly indicated so that parents could guide their children.
- Participants strongly supported public education to equip parents and the young with skills to be more discerning consumers especially for content on the Internet. It was felt that current cyberwellness programmes reach out to parents who are already engaged and involved in their children's activities. More efforts should be made to reach those who are unaware or are not as technologically savvy.

### Regulating Content rather than Platforms

- Participants expressed that with rapid technological changes, media regulation should focus on the content being delivered, rather than the platform or technology used for the delivery of content. Considerations should therefore be given to generic (rather than technology or platform-specific) licences to facilitate a level playing field among operators.

### Need for Harmonisation of Ratings Across Media Platforms

- The industry highlighted the difference in the classification systems applied to TV, films and videos and requested that there be a standardisation of the systems so that the public can be better informed. Some members of the public felt that the different nature of the various mediums would require them to have different content standards. There was a concern that attempts to harmonise the different standards might lead to the classification system becoming more restrictive.

### Film Classification

- A majority of participants was in favour of introducing an intermediate PG13 film rating for better differentiation of the PG rating. Some participants wanted certain films currently rated NC16 to be rated PG13 as they felt that the content was mild and the rating would enable parents to exercise their choice on whether their children should view the film. A minority questioned the need for a PG 13 rating and felt that it may make the classification system more complex.
- While some representatives from the film industry were in favour of doing away with the R21 rating and having M18 as the highest classification category, other representatives of the industry as well as general members of the public were opposed to it. There were concerns that lowering the age restriction might result in the disallowing of some R21 films that are presently allowed. Representatives from the MDA's citizen committees were generally in favour of retaining the R21 rating for films as they felt that 18-year olds were still impressionable and R21 films contained strong content.
- Both the industry and the public expressed that at the highest rating of R21, films, especially those that are critically acclaimed, should not be edited.

- The film industry felt that R21 films should be made available in HDB estates as the delineation between town and the HDB heartland has become less meaningful. The citizen committee representatives were, however generally against allowing R21 films in HDB estates. They felt that the availability of adult content on the Internet argument does not justify making available R21 content in HDB estates as parents have a measure of control over their children at home but have no control over their children being exposed to R21 content advertised in the HDB neighbourhoods.
- Some members of the public felt that R21 films in HDB estates can be allowed if the publicity and marketing of such films is confined and the marketing materials are not explicit. Film distributors felt that as the demand for R21 films is low, it is unlikely that the market will be flooded with such content as it does not make commercial sense to exhibit R21 films in many cinemas. Suggestions were made that the screening of R21 films in cinemas in HDB estates could be restricted to late timeslots.

### Video Classification

- The video industry was in favour of having R21 videos as it would provide more choice for consumers and allow good award-winning films to be made available. The citizen committee representatives expressed concern over the accessibility of these materials to the young. They were also concerned over the lack of enforcement of minimum age restrictions for M18-rated videos and felt that the issue will be magnified if R21 videos were made available.

### Video Games Classification

- The video games industry was generally satisfied with the existing regulations and requirements. They found the guidelines clear and suggested the possibility of Singapore's video games classification system forming a basis for a common games classification system to be adopted among Asian countries.
- Members of the public felt that regulations that are now applied to physical video games should also be applied to multi-player online games.
- To reduce their operational burden and cost, the video game industry requested for games publishers to be allowed to print the rating and consumer advice on video game boxes. Currently, distributors need to obtain the certificates from the MDA for M18 video games.

- Some representatives from the video game industry suggested that better measures to control access to online games be explored as there is an increasing trend of more gamers becoming addicted to the online games. For the system to be cost effective, participants suggested developing a control access system which could become a prototype that could be marketed to the Asian market as well.

### TV Programming

- Broadcasters were mindful of TV as a major influence on children. Hence, there was general agreement that FTA TV should be largely wholesome, especially during family viewing hours to protect children. There were some requests to consider allowing some mature content after the watershed time of 10pm so as to enable the broadcasters to provide more choices to their viewers. They cited examples of films such as *The Da Vinci Code* which is classified NC16 for its theme and thus will not be broadcast on FTA TV although there is no explicit content. Citing the accessibility of FTA TV, members of the public generally preferred status quo, i.e. only general and PG-rated content are allowed on FTA TV.
- Pay-TV operators wanted to be able to provide R21 content on their services and pointed out that the contents for pay-TV broadcast are likely to have some artistic merits as content providers are mindful of their branding associations. They felt that there are sufficient access-control mechanisms in place for pay-TV to allow parents to effectively prevent access by children.
- Generally all participants wanted the rating systems between films, videos and broadcast content to be consistent to prevent confusion. Broadcasters felt that it was difficult to explain to consumers that films that are screened on TV could sometimes be a different version from the ones that were shown in the cinemas.

### Programme Codes

- Broadcasters expressed that broadcast programme codes should be reviewed more frequently. They should also be clearer and more detailed so that the guidelines are less open to interpretation. They also felt that the VOD code and the subscription TV code should be collapsed into a single code for easier reference.

### Dialect Policy

- The broadcast industry expressed that restrictions on dialect programming for subscription TV should be relaxed in light of the success of the Speak Mandarin campaign. Participants also felt that it was time to cater to the older generation as well as expatriates by having more dialect programmes. The film industry said that dialect films should be allowed for realistic portrayal of the society. The public was also generally supportive of having more dialect content across various media platforms.

### Parental Locks

- Broadcasters felt that the parental lock system can be set on a default “on” for VOD services if R21 content is made available. The other participants felt that there was a need to better publicise and promote the parental lock system to improve usage.

### Technology and the Internet

- On the symbolic ban of the 100 websites, representatives from the ISPs felt that the requirement did not pose any difficulty as the current system was transparent and clear.
- As for the impact of the Internet on censorship, participants felt that some regulations are necessary even if it was just to set a symbolic standard.
- On whether FAN services should be set on default, thereby requiring consumers to opt out of the filtering service if they did not want it, it was felt that this would be unfair as one would have to pay for the service unless one chooses to opt out of it. Service Providers felt that an opt-out system could inconvenience those who did not want such a service and result in complaints. They were also concerned over the ramp-up needed to cater for a sudden increase in the demand for filtering services. One proposal was for the government to subsidise such a service to attract more parents to use it.
- All participants felt that there is a need for more public education to help parents and children deal with objectionable content on the Internet. Suggestions included leveraging on the schools to reach out to parents; and setting up an inter-ministry website to promote cyberwellness among the population.

- Most participants felt that content broadcast via mobile devices should be subject to some form of regulations as the young are the ones being targeted by such content. Broadcasters did not see a need for government regulation as an industry code is already in place.

### Local and Imported Magazines

- Magazine publishers would prefer the current regulatory framework to be improved rather than for classification of magazines to be introduced. They felt that the content of magazines in Singapore does not require classification unlike in other countries where classification was introduced to cater for adult content. There were also concerns that elaborate compliance requirements accompanying classification would increase the cost of business. It could also affect sales and advertising revenue as advertisers may not want to be associated with classified magazines.
- Publishers wanted the content guidelines for local lifestyle magazines to be reviewed on a regular basis to ensure they are appropriate, clear, and actionable.
- Members of the public were opposed to publications classification which may allow for magazines such as *Playboy* to be made available, due to its explicit content and difficulty in enforcing access restrictions.

### Arts Entertainment

- A majority of participants supported the classification system for the arts and felt that audience advisories were necessary to alert the audience. Some preferred detailed advisories which will better inform the audience while some felt that certain advisories may be irrelevant.
- The participants from the arts community would like the regulator to provide clearer regulatory guidelines; be more transparent in its decision-making process as well as engage the arts groups more. In this regard, they would like the regulator to share controversial content that had previously been disallowed or edited from plays so that they can better understand what is within acceptable bounds.
- Some participants appreciated the MDA's efforts to discuss the controversial elements in a play and advise on the appropriate rating while others felt that this was a form of censorship which will stifle the growth of the arts. Instead, they wanted all arts content to be allowed and classified appropriately unless it is in breach of the laws of the land.

- Arts groups said that the funding of arts events should not be considered in relation with the respective events' classification. Currently, they perceived some form of linkage between the two and felt that this linkage would stifle creativity. In addition, the arts community felt that they had to deal with many government agencies over various matters, including funding, promotion, housing, curating and regulating of the arts. They found complying with the many regulations challenging.

### Regulating & Promoting the Arts

- Some participants felt that the responsibility for arts regulation and promotion should be vested in different agencies while others felt that having the responsibilities within the same body provides more synergy.
- On the other hand, the arts community felt that the MDA should focus on regulation while the NAC should continue to focus on funding and promoting the arts. They also felt that NAC's funding of a performance should be delinked from the rating issued to it.

### Content Standards

- Some industry representatives felt that there was a difference in the content standards applied to local films as compared to foreign films. Similar sentiments were expressed by the magazine publishers who called for consistent standards for local and foreign magazines.
- Members of the public highlighted that some magazine covers were sexually suggestive and were concerned that these were being sold at newsstands, which were easily accessible to the young.

### Enforcing Regulations

- Members of the public felt that there is a need to step up enforcement to prevent the industry from flouting the requirements. On a separate note, the industry felt that the regulator should not react based on a single complaint.

### Feedback

- The publishing industry suggested establishing a magazine industry advisory panel as a permanent sub-committee of the Magazine Publishers Association of Singapore to provide an on-going channel for industry input to the MDA. In addition, the industry proposed that the MDA allow them to gather feedback proactively from readers of local lifestyle magazines to ensure this is considered in reviews of content guidelines.

- The use of mediation was proposed by the arts community to bring about agreement or reconciliation between content creators and members of the public who find a piece of work by content creators to be problematic. They suggested that mediation could be facilitated by the relevant government agency.

### Dialogues

- Some industry and arts community representatives called for more dialogues with the regulator, while some felt that the regulator was already readily available for discussions on a regular basis and that this had helped the industry tackle issues in a timely fashion.

### Self-Regulation

- Film exhibitors were generally not in favour of industry self-regulation as they felt that it could lead to inconsistent application of the guidelines by the industry players. The video industry, however, was supportive of self-regulation but for non age-restricted videos.

### Empowerment of the Appeal Committee

- Most participants felt that the appeal committees should have the final decision-making power while a minority felt that such decision-making powers should be vested in the Minister as he has an overview of the concerns of the different stakeholders.

## KEY FEEDBACK FROM THE PUBLIC

The following is a summary of the key public feedback received via the CRC website and email. The complete feedback can be accessed at <http://www.crc2009.sg>.

- The argument that censorship in the mainstream media is unnecessary due to the free availability of the Internet is flawed. What is transmitted in and through the mainstream media (e.g. newspapers, TV) does send a message to the public as to what is and what is not acceptable behaviour. Appropriate censorship of media content can thus help to protect and uphold values we hold dear in our society.
- Besides age classification, there should be a difference in policies governing personal consumption and mass market consumption.
- Except for those restrictions on content that is race-related or may give rise to religious friction, censorship restrictions in general should be liberalised to facilitate creativity and content creation.

- The emphasis should be on controlling access to materials instead of restricting them totally. Stricter enforcement on how and where the young can gain access to such material is more important. Examples of access controls include making it compulsory for a log book of access requests, making use of biometric identification, etc.
- While we are multi-cultural and multi-religious, we are even more multi-valued and heterogeneously diverse in opinion. The governance of media should then be pluralistic and segmented according to variables such as the time of broadcast, the modes/channels of broadcast, degree of accessibility, etc.
- The dynamics of media governance will change with better media literacy across the board for Singaporeans.
- The regulatory regime for films should be one that classifies and zones their distribution, whether by geography or by timing.
- Alternative views must be allowed to propagate if Singapore is to develop a full-fledged arts industry of international standing. Art contents involving controversial and sensitive issues on race, religion, politics, homosexuality, etc. should be allowed a fair hearing instead of being censored.
- FTA TV must focus on family oriented programmes so that all members in the household, young and old alike, can enjoy watching the show together without needing to worry about what may be come on the screen.
- Elderly Singaporeans, who have no access to dialect news on TV (both pay TV and FTA TV), are cut off from the real world. StarHub and SingTel are allowed one Chinese dialect broadcast channel each. As a result, many quality Chinese dialect channels cannot be aired in Singapore, limiting the kind of content being offered.
- Access to pornographic websites should be further restricted instead of applying a ban on a token number.

- To ensure that the young are not exposed to unsuitable content, the ISPs should be made to offer optional filters that are activated by default but can be removed or disabled by adults. This would be akin to the current access restriction policies applied to cigarettes or alcohol which can only be purchased by adults who can produce a valid identification.

## INDUSTRY REPRESENTATIONS

The following is a summary of the key industry feedback received. The complete submissions can be accessed at <http://www.crc2009.sg>.

### Publishing Industry

- Establish a Magazine Industry Advisory Panel as a permanent Subcommittee of Magazine Publishers Association of Singapore to provide an on-going channel for industry input to the MDA.
- Introduce greater transparency and openness to the regulatory process.
- Improve the current regulatory framework, instead of introducing new systems such as classification or ratings of magazines.
- Review the Content Guidelines for Local Lifestyle Magazines on a regular basis to ensure they are appropriate, clear, and actionable.
- Involve the industry in proactively gathering feedback from readers of local lifestyle magazines to ensure this is considered in reviews of Content Guidelines.
- Ensure there is a level playing field among all media entities and that the MDA's policies are progressive, pro-business and reflect the needs of a sophisticated media society.

### Broadcast Industry

- There should be a significant differentiation in content regulation between FTA TV and subscription TV.
- Customers should have more choices for subscription TV since they: (i) decide to have a connection into their home; (ii) decide what channels they wish to receive; (iii) pay for the contents they choose to watch; and (iv) can “parental lock” a particular channel to prevent their children from watching it.
- There is scope to relax restrictions on dialect programming for subscription TV with the success of the Speak Mandarin campaign. This should be accompanied by safeguards put in place for the carriage of any dialect content.

- Consumers should be allowed to view “mature content” on subscription TV in the same way as they are allowed to view R21 movies in cinemas. There are sufficient safeguards in place to prevent exposure to mature content delivered on subscription TV.
- Content regulations should be open, simple and user-friendly with clear and unambiguous language in the relevant codes and guidelines. Some of the language used in the existing Subscription Television Programme Code is vague and open to interpretation.
- Although initiatives to educate parents about Internet filters are welcomed, imposition of mandatory filters or additional regulatory obligations on ISPs could generate significant public displeasure and undermine Singapore’s “light-handed” regulation of the Internet.
- All broadcasters should only be required to comply with the broadcasting class licence framework which has clear and sufficient guidelines that protect the public interest, public order and national harmony, as well as prohibit content that offends good taste or decency.
- A “light-handed” approach to the regulation of new services, e.g. mobile TV and Internet TV, will ensure that they are not stifled by onerous regulatory obligations.
- Consistent classification ratings should be applied across different platforms, so that the classification rating for a movie screened in the cinemas is the same as the classification ratings required when the movie is broadcast on television. This would help to reduce confusion and promote a better understanding of the classification ratings by viewers.

### Arts Community

Replace the current system by one where there is a clear separation of regulation and censorship.

This would lead to one or more of the following:

- A process that is consistent, clear and transparent, conducted at arms-length from party political interests, and whose outcomes are open to public scrutiny and that enjoys the engagement of diverse stakeholders.
- A process that is ordinary, unexceptional and efficient, conducted by informed and impartial individuals whose decisions can inspire confidence across government, and who can explain and justify those decisions in public.

- A process that focuses on the education and empowerment of citizens, and grants the widest possible scope for expression and access to creative works to the greatest possible number of interested individuals.
- A process that promotes a new tone, vocabulary and terms of reference for public discourse, encourages and contributes to free and open debate about the complex issues inevitably arising from it.
- A process that avoids conflicts of interest by the agencies charged with executing it, and is subject to periodic review by an independent body.

## Annex C: Key Survey Findings

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A nationwide survey was commissioned between February and April 2010 on behalf of the Censorship Review Committee. The survey aimed:

- To ascertain public opinion and expectations of content regulatory policies and the different content classification schemes for the various media.
- To seek public views on public education and co-regulatory initiatives
- To establish the changes in public values and opinion on censorship since the last CRC survey in 2003.

### Key Issues Surveyed

- Media Consumption Pattern
- General Opinion on Censorship
- Awareness and Usage of Classification Systems and Access Control Mechanisms
- Attitudes towards Restricted 21 Content on Different Platforms
- Approach to Publications & Arts Entertainment

The key findings of the survey are summarised below. For the full survey report, please visit the CRC website at <http://www.crc2009.sg>

### MEDIA CONSUMPTION PROFILE

- Everyone ever watched FTA TV, with 78% watching it on a daily basis.
- 87% ever watched Videos/VCD/DVD. 1 in 3 (30%) watched it infrequently at a few times per year.
- 3 in 4 (76%) ever visited cinemas. Almost half (46%) visited the cinemas infrequently at a few times per year.
- 3 in 4 (76%) ever read magazines. Magazines readers displayed varied reading habits.

- 2 in 3 (69%) ever watched subscription TV. Over half (58%) watched it on a daily/weekly basis.
- 2 in 3 (66%) ever surfed the Internet for leisure purposes. Over half (57%) went online on a daily/weekly basis.
- More than half (58%) ever watched media clips online. One-third (36%) watched media clips on a daily/weekly basis.
- One-third (35%) ever watched plays/drama performances. Most (30%) watched infrequently at a few times per year.
- One-third (33%) ever played video games.
- 1 in 5 (21%) ever watched Videos-On-Demand (VOD) while 62% subscribe to Subscription TV/VOD.

## GENERAL OPINION ON CENSORSHIP CONTROLS FOR VARIOUS MEDIA

### Amongst General Population

- 3 in 4 (77%) found censorship controls for FTA TV to be “Just Right”.
- At least 64% found censorship controls for Subscription TV, Local Magazines, Movies, Videos/ DVDs/VCDs to be “Just Right”.
- Less than half found censorship controls for Video games, Internet and Foreign Magazines to be “Just Right”. Higher levels of “Too Relaxed” and “Don’t Know” responses on censorship controls were noted for these three media.

### Amongst Consumers of Media

- Similar trend as general population is noted.
- More than 70% felt censorship controls for FTA TV, Subscription TV, Local Magazines, Movies/ Cinemas, Videos/DVDs/VCDs and Plays/ Drama Performances to be “Just Right”.
- 2 in 5 (39%) thought that censorship controls for foreign magazines are “Just Right”.

## RESPONSIBILITY FOR PROTECTING MINORS FROM INAPPROPRIATE CONTENT

- Over 80% thought that “Parents” should be responsible for protecting minors from inappropriate content with 53% citing “Parents” as most responsible.
- This is followed by 65% who thought that “Government” should be responsible for protecting minors from inappropriate content.
- 42% thought that “Industry Players” should be responsible for protecting minors from inappropriate content.

- Only 5% thought that “Citizen Committees” should be responsible for protecting minors from inappropriate content.
- Similar trend was noted amongst respondents with children.

## USAGE OF CLASSIFICATION SYSTEMS AND CONTROL MECHANISMS

### Usage of ratings/classifications/consumer advice for personal decision

- Majority of adult population aged 15+ did not use ratings or consumer advice for most media, except for Video/DVD/VCD and Cinema/Movies where equal proportions claimed that they always or sometimes personally use the classification system.

### Usage of ratings/classifications/consumer advice for/on behalf of Children

- There were more users than non-users of classification ratings, when deciding on behalf of children across all media.
- Amongst parents with children aged 0-16, over 60% ever used the classification system for Videos/DVDs/VCDs, FTA TV, Movies and Subscription TV.

### Parental Lock/Control Mechanism

- Public awareness of parental lock/control mechanism is low at 34%
- Higher awareness level at 54% is noted amongst subscription TV/VOD subscribers who are parents of young children aged 0-10. However, this group of respondents had low usage of parental lock/control mechanism at 39% while one-third (32%) is not interested to find out about usage.

### Family Access Networks (FAN)

- FAN subscription is low amongst general population (8%) and target group (parents who are internet users with children aged below 14) (17%).
- Amongst the target group, 1 in 3 (34%) was unaware of FAN. Amongst the target group who were aware but not subscribers of FAN (37%), most were already monitoring their children’s Internet usage.

## R21 ISSUES ACROSS PLATFORMS

- About 3 in 5 (57%) felt R21 films should continue to be allowed only for viewers aged 21 and above.
- 7 in 10 (68%) felt that there should be censorship for R21 films if the film denigrates race and religion or has explicit homosexuality.
- 60% do not support R21 films being screened in cinemas within HDB estates.
- Half (52%) did not think R21 rating should be introduced for video games with more explicit content going beyond M18 rating.
- 58% agreed that R21 films can be made available for sale as videos/DVDs/VCDs. 44% preferred sales of R21-rated videos/DVDs/VCDs at controlled locations while 14% did not see a need for location restrictions.
- Spilt views were noted on whether R21 ratings should be extended to Subscription TV/VOD services that have parental lock mechanisms in place. 38% were in favour of extending ratings to Subscription TV/VOD while 41% think it is sufficient to continue with current classification system.
- 2 in 3 (67%) were in favour of the Government keeping/expanding the ban on 100 high impact websites. There were proportionately more (38%) who were supportive of expanding the ban as compared to those who opted to keep the ban. Similar trend is noted amongst respondents with children and Internet users.

## FILM CLASSIFICATION SYSTEM

- At least 3 in 4 (78%) think that all the existing movie ratings should be retained.
- Half (49%) were in support of having an additional rating such as PG13 to indicate unsuitable content in PG films for younger children. Similar trend was seen amongst cinema goers and parents with children aged 0-14.

## BROADCAST RATINGS & CONTENTS

- 3 in 5 (64%) felt that content higher than PG classification could be allowed on FTA TV from 11pm – 6am.
- About half (48%) were in favour of standardizing ratings for Subscription TV/VOD with films/videos/DVDs, especially for parents with children aged 0-10 (60%). About one-third (35%) felt that the current two different rating systems for the two platforms should co-exist.

## PUBLICATIONS

- Among magazine consumers who gave a response, 78% found censorship controls for local publications to be just right, while 11% felt that they were too relaxed.
- 2 in 3 (67%) thought that current measures of shrink-wrapping foreign magazines and attaching advisory labels are sufficient in limiting access by the young.
- 3 in 4 (74%) thought that local adult-interest magazines should also be subjected to the same measures as foreign adult-interest magazines.
- Half (51%) felt that the same set of content standards should be applied for both local and foreign magazines (magazines with sexually suggestive covers as well as adult themed articles, e.g. homosexuality, explicit descriptions of sex). Those who were against applying the same content standards on local and foreign magazines held split views on what the content standards should be. 17% felt that the content standards for local publications should be stricter, while 20% felt that it should be stricter for foreign publications.
- Half (54%) objected to *Playboy* magazines being made available in Singapore even if they were wrapped in opaque bags/wrappers.

## ARTS PERFORMANCES

- The general population held split views on having censorship for R18 rated arts performances. 42% were in support of having no censorship while 37% think otherwise.
- Half (52%) agreed that current consumer advice provided for arts performances is sufficient for providing information on arts performance content.
- 3 in 4 (75%) saw the need to inform and alert the audiences when homosexual content is present within an arts performance. One-third (35%) felt that “homosexual content” should be specifically highlighted in the advisory.

## PUBLIC EDUCATION/FEEDBACK

- 3 in 4 (74%) would not give feedback if they were unhappy with something they read/saw/heard in any media.
- Amongst those who would or might give feedback (26%), 64% had the knowledge on how to go about doing it. Out of those with the knowledge on how to give feedback, more than half would contact relevant media owners (62%) and feedback to the authority via hotline, online feedback forms, emails, and letters (55%).

- Close to half (48%) agreed that there is good communication of content regulatory policies and guidelines to the public.
- 2 in 3 (65%) were aware of content regulatory policies and guidelines.
- More would prefer to obtain information on content regulatory policies and guidelines from the media (58%) as compared to MDA/MICA websites (42%).

## APPEAL COMMITTEES

- 55% think that the appeal committees should have the final decision-making power. 40% think otherwise.

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