



STRENGTHENING LAWS AGAINST HARASSMENT THE PROTECTION FROM HARASSMENT ACT 2014

A note from Indranee Rajah S.C., Senior Minister of State for Law

Harassment has become an increasingly serious problem. It takes many forms ranging from sexual harassment, stalking, school bullying to online abuse, amongst others.

Prior to 2014, this was a vexed issue as lawyers grappled with how to obtain recourse as the laws to address harassment were disparate and spread out over different pieces of legislation. Its scope under the common law was also a matter of debate.

A survey conducted by REACH in Singapore reflected overwhelming support by the public for better protection against harassment and other objectionable conduct.

It is against this backdrop that MinLaw initiated the Protection from Harassment Act 2014. The Act was drafted taking into account the views of a wide range of stakeholders, including victims, social welfare agencies, academics, lawyers, internet companies and others.

The Act was passed by Parliament on 13 March 2014. The Act can be found [here](#). It came into force on 15 November 2014. The second reading speech by Minister for Law, Mr K Shanmugam S.C., can be found [here](#).

Order 109 of the Rules of Court contains the procedural rules relating to the Act. The Rules can be found [here](#).

The Act does several things.

OFFENCES

First, it brings everything together under one piece of legislation and clarifies that the following are offences:-

- Use of threatening, abusive or insulting conduct with intent to cause, and actually causing, harassment, alarm or distress.
- Use of threatening, abusive or insulting conduct which is heard, seen or perceived by persons likely to be caused harassment, alarm or distress.

- Use of threatening, abusive or insulting conduct which puts a person in fear of violence or provokes the victim to use of violence.
- Unlawful stalking.

In addition to the usual penalties of fine and imprisonment, the Court may also make a Community Order under Part XVII of the Criminal Procedure Code.

STATUTORY TORT

Second, it abolishes the common law tort of harassment and introduces in its stead a new statutory tort, which makes the conduct described above actionable as civil causes of action.

CIVIL REMEDIES

Third, it provides for civil remedies in the form of:

- Protection orders; and
- Damages

NOTIFICATION OF FALSE STATEMENT

Fourth, it creates recourse in the form of a notification of a false statement, which allows the subject of a false statement of fact to apply to the Court for an order directing the publisher to publish a notification highlighting the falsehoods as well as the true facts.

SELF-HELP

With the new Act, aggrieved persons who are the subject of wrongful behaviour now have a wide range of options for redress.

We were mindful, when drafting the Act, that not all persons may be in a position to engage lawyers, and that not all cases need legal representation.

As such, the remedies and the procedure were designed with a view to empower victims to pursue the matter in the courts themselves without legal representation if they prefer or if it is appropriate to do so.

Should you wish to provide guidance to those who intend to take the matter up themselves, the Annexes to this Note can be provided to assist them in getting the protection they need. A video on how to apply for a Protection Order is also available on the website of the Ministry of Law (www.mlaw.gov.sg or [here](#)).

– Indranee Rajah S.C., Senior Minister of State for Law
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