



# Legislation against insults to public officers on duty in France and Singapore

IN13/20-21

## 1. Introduction

1.1 In Hong Kong, the mere act of verbally insulting another person (including a public officer) is not a criminal offence at present, as long as it does not involve offences stipulated in other ordinances, such as assault, obstructing police officers in execution of duty and provoking a breach of peace.<sup>1</sup> In the most recent years, there have been increasing reports that police officers on duty were insulted by abusive language or gestures, mostly in demonstrations and protests especially in 2019. This gives rise to concerns that such insults could escalate tension at the scene on the one hand, and could have adverse effect on law enforcement on the other. There are thus repeated calls for new statutory provisions against insults to public officers, as seen in some other places (e.g. France, Belgium, the Netherlands, Singapore, Taiwan and Macao).<sup>2</sup> Yet there are criticisms of the proposal because it may curtail freedom of expression and give disproportionate power to public officers. Since October 2016, the subject has been discussed on at least seven occasions at the Legislative Council ("LegCo").<sup>3</sup>

1.2 At the request of Hon Elizabeth QUAT, the Research Office has studied statutory prohibition against insulting frontline public officers on duty in selected places.<sup>4</sup> France and Singapore are selected for further study because (a) they are notable places with specific legislation against insults to

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<sup>1</sup> These offences are laid down in the Offences against the Person Ordinance (Cap. 212), the Summary Offences Ordinance (Cap. 228) and the Public Order Ordinance (Cap. 245) to be discussed in Section 2.

<sup>2</sup> International Press Institute (2015) and Organization for Security and Co-operation in Europe (2017).

<sup>3</sup> Members have repeatedly called for legislation against insults to public officers at six meetings on Panel on Public Services and Panel on Security during 2016-2021, on top of a Council question raised at the Council meeting in March 2017. See GovHK (2017) and Legislative Council Secretariat (2021a and 2021b).

<sup>4</sup> This study focusses on laws against insults on public officers on duty only, not those against insults to political leaders or defamation in general context.

public officers; and (b) the relevant laws have been applied in both places for at least two decades and are still actively in use. This information note begins with a review of the local discussion on insults to public officers, followed by an overview of global practice in handling this matter. It will then switch to statutory provisions against insults to public officers in France and Singapore, along with a concise table for easy reference ([Appendix](#)).

## 2. Recent discussion on prohibiting insults to public officers in Hong Kong

2.1 In Hong Kong, ***the mere act of making insults to anybody (including public officers) in general is not a criminal offence under the existing laws, save for few exceptions.***<sup>5</sup> The guidelines of the Hong Kong Police Force states clearly that "abusive behaviour towards police does not in itself constitute an offence in either criminal or common law".<sup>6</sup> However, this is not so if the insulting action is accompanied by offences stipulated in other laws. ***Right now, those who insult frontline public officers undertaking duties may commit three major types of offences scattered in some 30 statutory provisions,*** including (a) provoking a breach of peace; (b) resisting, obstructing or assaulting public officers (e.g. police officers and officers in other disciplined services) in execution of their duties; and (c) using offensive language in specified public places (e.g. hospitals and public transports). These offences are specified in laws such as the Offences against the Person Ordinance (Cap. 212), the Summary Offences Ordinance (Cap. 228) and the Public Order Ordinance (Cap. 245). Maximum penalties for such offences are shown in a table for ease of reference ([Figure 1](#)).<sup>7</sup>

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<sup>5</sup> Section 139 of the Public Health and Municipal Services Ordinance (Cap. 132), section 21(3) of the Births and Deaths Registration Ordinance (Cap. 174) and section 54 of the Food Safety Ordinance (Cap. 612) are few exceptional examples of prohibiting use of abusive language to relevant public officers. Some provisions prescribe penalties up to HK\$25,000 and six months' imprisonment.

<sup>6</sup> Hong Kong Police Force (2014).

<sup>7</sup> GovHK (2013 and 2017), Security Bureau (2020) and 智經研究中心 (2017).

**Figure 1 – Maximum penalties for criminal offences which may go with the action of insulting public officers in selected laws**

	Statutory provisions	Fine (HK\$)	Imprisonment (months)
<b>A. Provoking a breach of peace</b>			
1.	Section 17B of the Public Order Ordinance (Cap. 245)	5,000	12
<b>B. Resisting, obstructing or assaulting a public officer</b>			
2.	Section 23 of the Summary Offences Ordinance (Cap. 228)	2,000	6
3.	Section 63 of the Police Force Ordinance (Cap. 232)	5,000	6
4.	Section 36 of the Offences against the Person Ordinance (Cap. 212)	Nil	24
<b>C. Using offensive language in specified public places</b>			
5.	Hospital Authority Bylaws (Cap. 113A)	2,000	1
6.	Airport Authority Bylaw (Cap. 483A)	2,000	Nil
7.	Mass Transit Railway By-laws (Cap. 556B)	5,000	Nil
8.	Road Traffic (Public Service Vehicles) Regulations (Cap. 374D)	3,000	6

2.2 In recent years, there have been increasing reports that public officers (especially police officers) were insulted by members of the public when on duty. Reportedly, such incidents were mainly seen in public demonstrations and protests. As there was a 66% upsurge in annual public order events in eight years to 11 436 cases in 2019, the likelihood of conflicts between public officers and members of the public increased. As an illustration, 240 people were arrested for obstructing public officers under various statutory provisions in 2019, up by 61% over 2018.<sup>8</sup>

2.3 Against this background, ***there is advocacy in Hong Kong for enacting specific legislation to protect public officers on duty from insulting actions***, with following cited justifications. *First*, not only do such insults create more difficulties for public officers in executing their duties, they can also escalate tension between the public and public officers at the scene. *Secondly*, as insults without disorderly acts or obstruction to public officers are not liable to prosecution, the public officers may find it difficult to restore

<sup>8</sup> On the other hand, the Complaints Against Police Office received some 1 950 complaint cases related to the social incidents during 2019-2020. Main accusations against police officers included "misconduct/improper manner/offensive language", "neglect of duty" and "abuse of authority". See Hong Kong Police Force (2021) and Security Bureau (2020 and 2021).

public order at the scene. *Thirdly*, existing laws against abusive language are confined to just a few specified places and limited types of public officers. *Fourthly*, freedoms of speech and expression as human rights are not absolute, but subject to legitimate restrictions based on considerations such as public order, national security and protection of rights of others.<sup>9</sup>

**2.4 *That said, some members of the public have expressed concerns and reservations about the proposed legislation.*** *First*, the proposed law may restrict freedoms of speech and expression, which are fundamental human rights enshrined in international conventions (e.g. the International Covenant on Civil and Political Rights) on the one hand,<sup>10</sup> and protected by the Basic Law and Hong Kong Bill of Rights on the other.<sup>11</sup> *Secondly*, the proposal will give disproportionate power to public officers, as public officers who insult members of the public will not be liable to prosecution. *Thirdly*, there are concerns that the proposed law may aggravate social conflicts, contrary to the intention.<sup>12</sup>

**2.5** In the LegCo, Members discussed this subject at least seven times over the past five years.<sup>13</sup> In reply to a Member's question in March 2017, the Government declared that it would study overseas legislation against acts of insulting public officers on duty, but without a legislative plan.<sup>14</sup> In May 2017, three Members announced their intention to amend the Public Order Ordinance through a private Member's bill and make insults to law enforcement officers a criminal offence.<sup>15</sup> The proposed amendment seems

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<sup>9</sup> For instance, Article 19(3) of the International Covenant on Civil and Political Rights ("ICCPR") stipulated that freedom of expression may be subject to restrictions "by law" necessary for "respect of the rights or reputations of others" and "the protection of national security or of public order (ordre public), or of public health or morals". See United Nations (1966).

<sup>10</sup> Freedom of expression is enshrined in Article 19 of ICCPR. Furthermore, the United Nations Human Rights Committee emphasized in 2011 that while restrictions on such freedoms are allowed for reasons such as public order, they should not be used as justifications for muzzling advocacy of democracy and human rights. See United Nations (1966 and 2011).

<sup>11</sup> Article 27 of the Basic Law and Article 16 of Hong Kong Bill of Rights protect freedoms of speech and expression in Hong Kong.

<sup>12</sup> Official Records of Proceedings of the Legislative Council (2017).

<sup>13</sup> See footnote 3 for details.

<sup>14</sup> GovHK (2017).

<sup>15</sup> The proposed amendment bill prohibited using abusive or insulting words, behaviour and slogans against law enforcement officers. Convicted persons would be subject to penalties ranging from a fine of HK\$2,000 to three years' imprisonment, according to different proposals by the Members. A draft bill was reportedly submitted to the Department of Justice in April 2017, but further details on the progress are not available in the public domain. See South China Morning Post (2017).

not to have proceeded further, however. In July 2018, the Government reported that the Security Bureau was studying the subject as promised.<sup>16</sup> Most recently in April 2021, the Security Bureau indicated that it was still working on the study and was consulting the Department of Justice. The Chief Executive also said that this was not accorded a "very high priority" on the legislative agenda, as the Government needed to be "very careful in striking the needed balance" between protection of public officers and "rights of individuals including freedom of speech, freedom of expression, freedom of assembly".<sup>17</sup>

### 3. Global practice of legislation against insults to public officers

3.1 After a quick literature review, it is noted that ***many places around the globe do not have specific statutory provisions prohibiting insults to public officers on duty***. Generally, these places have adopted the following two approaches to insults made to public officers:

- (a) **Insults not a criminal offence unless violating public order:** Similar to Hong Kong, some places (e.g. Canada, the United Kingdom ("UK") and the United States ("US")) do not consider verbal insults or insulting gestures made to anybody as a criminal offence, unless they involve a breach of public order which nonetheless has a higher prosecution threshold.<sup>18</sup>

Some of these places used to have statutory provisions against insults in early years, but they were subsequently repealed partly on the grounds of freedom of expression. Taking the UK as an example, the Public Order Act enacted in 1986 used to prohibit using "insulting" words, behavior or images to harass anybody. After a number of youngsters were charged with insulting police officers in the 1990s, there were strong calls from free-speech campaigners to repeal the provision in the 2000s. These culminated in the abolition of the "insult" crime in a legislative

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<sup>16</sup> Civil Service Bureau (2018).

<sup>17</sup> Security Bureau (2021) and GovHK (2021).

<sup>18</sup> For example, in the US, insults can be prohibited if they constitute "fighting words" (words which tend to incite a breach of peace), as ruled by the Supreme Court in the landmark case of *Chaplinsky v New Hampshire* in 1942. See Bitzer (2009), Organization for Security and Co-operation in Europe (2017) and Jourard (2015).

amendment passed by the House of Lords in 2012, with a three-fourth majority vote.<sup>19</sup> Similarly, the Supreme Court in the US ruled unconstitutional a couple of local laws against insults to the police during the 1970s-1980s;<sup>20</sup> and

- (b) **Prohibition under general insult laws:** In some other places, there are statutory provisions against insults to anybody (but without specific provisions against insults to public officers) in public for protection of personal dignity and public decency.<sup>21</sup> For example, such general insult laws are seen in Germany, Italy, Spain, South Korea and Australia.<sup>22</sup> Maximum penalties vary from a fine of just A\$660 (HK\$3,538) in New South Wales in Australia to imprisonment for up to one year in Germany and South Korea.

3.2 On the other hand, ***it is crudely estimated that around 15 advanced places have specific statutory provisions prohibiting insults to public officers on duty, based on scattered studies.*** These places are seen in Europe (e.g. France, Belgium, the Netherlands and Portugal) and Asia (e.g. Singapore, Taiwan and Macao).<sup>23</sup> While almost all these places have general insult laws, ***insults to public officers on duty are usually subject to heavier punishment on the grounds of protecting public order or authority of the state (Figure 2).*** Estonia is probably the only exception from this rule, as it enacted a specific law in 2014 against insults to public officers maintaining public order, but it repealed the general insult law a decade earlier in 2002 on the grounds of freedom of expression.<sup>24</sup>

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<sup>19</sup> House of Commons Library (2013) and BBC (2013).

<sup>20</sup> Some states (e.g. Georgia) and cities (e.g. New Orleans and Houston) in the US used to have statutes enacted before the 1970s, prohibiting insults to the police. However, these laws were invalidated by the Supreme Court in rulings in 1972, 1974 and 1987. See Bloomberg (2015).

<sup>21</sup> Such insult laws mostly exist in civil law jurisdictions, and could be traced back to the Roman Empire which considered insults as injuries to honour. See Yanchukova (2003) and Lennan (2007).

<sup>22</sup> International Press Institute (2015), Methven (2017) and Park (2017).

<sup>23</sup> International Press Institute (2015) and Organization for Security and Co-operation in Europe (2017).

<sup>24</sup> The general insult law in Estonia triggered controversies when a journalist was prosecuted for insulting a public figure in 1996. The journalist was convicted and brought the case to The European Court of Human Rights ("ECHR"). While ECHR ruled that the law did not violate any human rights provisions in 2001, Estonia subsequently repealed the law. See Estonia (2005) and Estonian Ministry of Culture (2016).

**Figure 2 — Maximum penalties for insult offences in selected places<sup>(1)</sup>**

	Place	Penalties for general insults		Penalties for insults to public officers	
		Fine	Imprisonment (months)	Fine	Imprisonment (months)
1.	France	€38 (HK\$337)	Nil	€30,000 (HK\$265,800)	24
2.	Belgium	€500 (HK\$4,430)	2	€1,000 (HK\$8,860)	24
3.	The Netherlands	€4,100 (HK\$36,326)	3	€5,467 (HK\$48,435)	4
4.	Singapore	S\$10,000 (HK\$56,300)	12	S\$10,000 (HK\$56,300)	24
5.	Taiwan	NT\$9,000 (HK\$2,349)	4	NT\$60,000 (HK\$15,660)	24
6.	Macao <sup>(2)</sup>	120-day fine	3	180-day fine	4.5

Notes: (1) Including enhanced penalties for repeated offences and offences on specified occasions.

(2) In Macao, fines are calculated in terms of days, with the daily rate determined by the offender's financial status.

Sources: International Press Institute (2015) and legislation in the selected places.

**3.3 On actual enforcement of general insult laws and specific provisions for public officers on duty, it hinges on legal specifications and social circumstances of a place.**<sup>25</sup> Taking *Australia* as an example, given that the police have the power to fine offenders on site, general insult laws are reported to be regularly used to penalize insults to police officers.<sup>26</sup> This is not so in *Taiwan*, however. Observers note that the laws against insults to public officers have been less frequently invoked over the past two decades, as courts tend to take a "speech-tolerant approach" and acquit defendants especially in cases involving political speech.<sup>27</sup> There are still ongoing debates on the need of such insult laws in these places.

#### **4. Legislation against insults to public officers in France**

**4.1** In France, constitutional protection of freedoms of speech and expression can be traced back to the Declaration of the Rights of Man and of the Citizen in 1789. Nevertheless, such freedoms have also been restricted by a

<sup>25</sup> International Press Institute (2015).

<sup>26</sup> The Sydney Morning Herald (2014) and Methven (2018).

<sup>27</sup> Hsu (2009) and 翁國彥 (2017).



number of insult laws (enacted more than a century ago) to protect dignity of individuals and the state. While the offence of in-person insults to ordinary citizens is subject to a fine of just €38 (HK\$337), the maximum penalty for some other forms of insults could be much higher at €12,000 (HK\$106,320).<sup>28</sup>

4.2 More specifically, *there is a dedicated law prohibiting "contempt of public officers" ("contempt law") in France for protection of public officers in execution of duty from insults, dating back to the penal code imposed by Napoleon Bonaparte in 1810.*<sup>29</sup> In contemporary France, the contempt law was amended for four times during 1994-2017 to broaden the offence coverage and to increase the penalties, mainly on the grounds of countering terrorism and fighting juvenile delinquencies (**Figure 3**).

**Figure 3 — Legislative amendments to the contempt law in France since 1994**

	Year	Amendment
1.	1994	Extending protection to public service workers, on top of law enforcement officers
2.	1996	Increasing penalties for offences committed by a group
3.	2002	Increasing penalties for offences committed in school areas
4.	2017	Doubling penalties for offences directed at law enforcement officers

Source: French Republic (2017).

4.3 After these amendments, the salient features of the contempt law in France at present are briefly summarized below:

- (a) **Public officers under protection:** The law protects persons "*holding public authority*" and persons executing "*a public service mission*". As the legal wording is apparently rather vague, government documents and court cases provide concrete examples. The former group covers judges and law enforcement officers (e.g. the police, custom officers and prison officers). The latter group includes other people providing public services (e.g.

<sup>28</sup> For example, Article 33 of the Law on Freedom of Press of 1881 penalizes publication of insults to any individual with a maximum fine of €12,000 (HK\$106,320). See French Republic (1994 and 2020).

<sup>29</sup> The offence of contempt of public officers is codified in Article 433-5 of the Penal Code. See French Republic (2017).



bus drivers, firefighters, postmen, teachers and even elected officials);<sup>30</sup>

- (b) **Insulting behaviour to be prohibited:** The contempt offence is characterized by four key elements. *First*, it can be in the form of words, gestures, writings, images and presentation of other objects. *Secondly*, it must be directly addressed to the victim (i.e. not through the media).<sup>31</sup> *Thirdly*, it is intended to infringe the dignity of or the respect to the victim, regardless of whether obscenities are used or not. *Fourthly*, it is committed because of the victim's public functions, but defence can be made on the grounds that the defendant has not been clearly informed of such functions, as exemplified in a recent court case in 2019;<sup>32</sup>
- (c) **Maximum penalties:** For conviction of contempt of a person executing "*a public service mission*", the maximum penalty is €7,500 (HK\$66,450), and six months' imprisonment as well if the offence is committed in a school area or by a group. For contempt of a person "*holding public authority*", the maximum penalty is one year's imprisonment and a fine of €15,000 (HK\$132,900). This will be doubled to two years' imprisonment and a fine of €30,000 (HK\$265,800) if the offence is committed by a group; and
- (d) **Civil compensations:** Apart from filing complaints to the police for criminal prosecution, the victims can seek compensations through civil proceedings, which normally range between €300-€700 (HK\$2,658-HK\$6,202). Moreover, they can seek legal aid from the government based on the law to protect public servants.<sup>33</sup>

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<sup>30</sup> Service-Public.fr (2020b) and National Assembly (2014).

<sup>31</sup> Insults through the media may be prosecuted with the Law on Freedom of Press of 1881, which imposes a fine but not imprisonment. See Constitutional Council (2021) and footnote 28.

<sup>32</sup> However, an insult to an off-duty public officer can still constitute the offence as long as the insult is made because of the victim's public role known by the accused. See Haddad (2010), Le Monde (2019) and Service-Public.fr (2020).

<sup>33</sup> Service-Public.fr (2020a) and Le Figaro (2014).

4.4 ***The contempt law has been actively invoked in France, with prosecutions averaging at 28 310 cases per annum during 2009-2019 upon broadened coverage after the legislative amendment in 1994. About two-thirds of these prosecutions led to convictions.***<sup>34</sup> Based on limited information available in the public domain, these convictions were mostly related to contempt of police officers, normally resulting in a fine of a few hundred euros, but also imprisonment of a few months in half of the convicted cases.<sup>35</sup> Reportedly, offenders were often charged with criminal offences under other legislation. For instance, 40% of the offenders convicted of the contempt law during 2013-2017 were also convicted of the offence of rebellion.<sup>36</sup>

4.5 ***Enforcement of the contempt law is controversial in France, with allegations that the law has been used to suppress protests, especially during the Yellow Vest Movement in 2018-2019.***<sup>37</sup> In 2013, the General Inspectorate of Administration noted that some police officers abused the law to claim civil compensations.<sup>38</sup> In 2017, in response to the proposal of doubling certain penalties of the contempt law, the French National Consultative Commission on Human Rights (a governmental advisory body) commented that it would "create a disproportionate asymmetry" of power between citizens and the police and would increase "citizens' mistrust of the police".<sup>39</sup> ***Yet the French government and police unions counter that the law is necessary to restore the authority of the police and protect officers from harassment especially in crime-ridden areas.*** Most recently in April 2021, the Constitutional Council affirmed the constitutionality of the contempt law upon constitutional review. The Council stated in the judgement that contempt of public officers "constitutes an abuse of freedom of expression", undermining "public order and the rights of third parties".<sup>40</sup>

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<sup>34</sup> Annual cases ranged between 25 500 and 31 400 during 2009-2019. More specifically in 2019, the police recorded 29 748 contempt cases, of which 68% or 20 280 led to convictions. See Ministry of the Interior (2021) and Amnesty International (2020).

<sup>35</sup> In its reply to a parliamentary question in 2011, the French government revealed that 79% of contempt convictions involved contempt of people "holding public authority" in 2008. Reportedly, most were police officers. See Le Monde (2008), National Assembly (2011) and CODEDO (2020).

<sup>36</sup> France Televisions (2020).

<sup>37</sup> While there were reports that the law was frequently used to prosecute protesters and journalists during the Yellow Vest Movement, conviction figures in this context are not available. See CODEDO (2020) and Amnesty International (2020).

<sup>38</sup> One police officer was reported to have filed as many as 28 cases within in a year. See Le Figaro (2014).

<sup>39</sup> National Consultative Commission on Human Rights (2017).

<sup>40</sup> Dossier Familial (2020) and Constitutional Council (2021).

## 5. Legislation against insults to public officers in Singapore

5.1 ***Singapore did not have any statutory provision prohibiting mere acts of insults before 1996.*** Under the Miscellaneous Offences (Public Order and Nuisance) Act ("MOA") by then, an insulting act constituted an offence only if there was intent to provoke a breach of the peace. But the government noted that it was difficult to prove the intent.<sup>41</sup> ***Citing the need to protect people from harassment even without a breach of peace, Singapore amended MOA in 1996 to penalize "insulting words and behaviour" in general, modelled after the Public Order Act 1986 in the UK.***<sup>42</sup> ***A specific provision to impose a heavier penalty on insults to public servants was added in this amendment.***<sup>43</sup>

5.2 In 2014, the Singapore government consolidated all statutory provisions against various forms of harassment (e.g. stalking and online harassment) into a single piece of legislation, namely the Protection from Harassment Act ("POHA").<sup>44</sup> ***While the aforementioned MOA provisions on insults were moved to POHA, the Singaporean government took the opportunity to broaden the offence coverage and increase penalties.***

5.3 Key features of provisions regarding insults to public officers under POHA are briefly summarized below:<sup>45</sup>

- (a) **Persons under protection:** On top of public servants (i.e. employees of the government and statutory bodies), protection has been extended to "public services workers" (e.g. teachers, public transports workers and healthcare workers) after amendments in 2014. Detailed coverage is listed in subsidiary legislation;<sup>46</sup>

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<sup>41</sup> Parliament of Singapore (1996) and Goh et al. (2014).

<sup>42</sup> The offence of "insulting words and behaviour" was nonetheless abolished in the UK in 2013. See Section 2 for details.

<sup>43</sup> According to sections 13A-13D of the Miscellaneous Offences (Public Order and Nuisance) Act, the maximum penalty for general insults was a fine of S\$5,000 (HK\$28,150). However, for insults to public servants, the respective penalty was either the aforementioned fine or one year's imprisonment (but not both). See Singapore Statutes Online (1996) and Goh et al. (2014).

<sup>44</sup> Chan (2014).

<sup>45</sup> Section 6 of the Protection from Harassment Act ("POHA"). See Singapore Statutes Online (2020).

<sup>46</sup> Schedule of the Protection from Harassment (Public Service Worker) Order 2014. See Singapore Statutes Online (2014).

- (b) **Insulting behaviour to be prohibited:** Any "indecent, threatening, abusive or insulting" words, behaviour or communication "in relation to the execution of the duty" (i.e. not necessarily during the execution of the duty) of public officers can constitute an offence.<sup>47</sup>

However, the accused may cite the following as grounds of defence: (i) not knowing the victim of abuse was acting in the capacity as a public officer; (ii) having no reasons to believe that the victim of abuse could hear or see the insults; and (iii) being able to prove that the conduct is "reasonable";

- (c) **Maximum penalties:** For insults to both public servants and public service workers, the maximum penalty is a fine of S\$5,000 (HK\$28,150) and one year's imprisonment. Subsequent penalty for repeated offence will be doubled;<sup>48</sup> and
- (d) **No clause for civil compensations:** While victims of ordinary insults or harassment may bring civil proceedings in a court to claim compensations, victims of insults to public officers cannot do so.<sup>49</sup>

5.4 ***It seems that the provisions against insults to public officers have been actively invoked in Singapore in recent years.*** Based on limited and scattered enforcement statistics, prosecutions on verbal abuse against law enforcement officers had increased by more than five-folds from 39 in 2014 to 251 in 2016. More than nine-tenths (94%) of these abuse cases were directed at the police, possibly due to enhanced evidence gathering upon the introduction of police body cameras in 2015.<sup>50</sup> Reportedly, the resulting convictions had a significant deterrent effect, leading to noticeable downtrend in verbal and physical abuse against public officers since 2017.<sup>51</sup> Yet this is not so for insults directed at public service workers, with harassment of public healthcare workers reported under POHA rising by 45% to 58 during 2018-2020.<sup>52</sup> Based on isolated press reports, convicted offenders were

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<sup>47</sup> Goh et al. (2014).

<sup>48</sup> Sections 6 and 8 of POHA. See Singapore Statutes Online (2020).

<sup>49</sup> Sections 11 and 14 of POHA. See Singapore Statutes Online (2020).

<sup>50</sup> High Court of Singapore (2017).

<sup>51</sup> Taking physical and verbal abuse cases together, the total number fell by 41% from 484 to 284 during 2016-2018. See The New Paper (2019).

<sup>52</sup> Ministry of Health (2021).

usually punished with fines, but those with repeated offences or other charges were sentenced with imprisonment as well. A few cases of convictions in 2020 are put in a table for easy reference (**Figure 4**).

**Figure 4 — Selected convictions of insults of public officers in Singapore in 2020**

	Date	Case details	Penalty
1.	13 April	A 36-year-old hawker verbally abused a food agency officer.	S\$3,000 (HK\$16,890)
2.	14 April	A 48-year-old man verbally abused a safe distancing officer.	S\$3,500 (HK\$19,705)
3.	18 April	A 56-year-old man verbally abused and pushed police officers. He was also charged with breaking social distancing rules.	11 weeks' imprisonment
4.	14 April & 18 April	A 53-year-old man verbally abused and threatened police and safe distancing officers on two separate days.	7 months' imprisonment
5.	2 May	A 66-year-old man verbally abused a safe distancing officer.	S\$3,000 (HK\$16,890)

Source: Press reports.

5.5 ***There is virtually no information on the public feedback towards the law prohibiting insults to public officers in Singapore.*** For the Judiciary, Singaporean courts agree that there is no need to prove the intent to breach the peace when handling cases of verbal abuse, after the amendment in 1996.<sup>53</sup> In a recent court case in 2016, the court stated that conducts "undermining police dignity and authority" shall not be tolerated as they might compromise the operational effectiveness of the police.<sup>54</sup>

## 6. Concluding remarks

6.1 In **Hong Kong**, there have been increasing reports of police officers on duty being insulted with abusive language or gestures, mostly in demonstrations and protests. There are thus repeated calls for dedicated statutory provisions to prohibit insults to public officers for more effective enforcement of public order. Yet this suggestion gives rise to concerns that it may curtail freedom of expression and give disproportionate power to public officers.

<sup>53</sup> Goh et al. (2014).

<sup>54</sup> Singapore Legal Advice (2019).

6.2 Based on scattered studies, it is crudely estimated that around 15 advanced places in the world have statutory provisions prohibiting insults to public officers on duty, but most of these places also have general legislation prohibiting insults directed at anybody. In both **France** and **Singapore**, insults to public officers are subject to higher penalties on the grounds of public order and protection of public officers. While enforcement of the law is apparently quite controversial in France, there is little information on public feedback in Singapore.

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## Legislation against insults to public officers on duty in France and Singapore

		France	Singapore
<b>A. Basic facts</b>			
1.	<b>Number of public servants</b> - Ratio to population	5 324 700 <sup>(1)</sup> 7.9%	84 950 <sup>(2)</sup> 1.5%
2.	<b>Number of police officers</b> - Ratio to population	151 680 <sup>(1)</sup> 0.2%	9 640 <sup>(2)</sup> 0.2%
<b>B. Legislation against insults to public officers on duty</b>			
3.	<b>Year of introduction</b>	1810	1996
4.	<b>Persons under protection</b> - Law enforcement officers - Teachers - Public transport workers - Healthcare workers - Elected officials	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ x
5.	<b>Insults prohibited</b> - Words - Gestures - Signs	✓ ✓ ✓	✓ ✓ ✓
6.	<b>Maximum penalty</b> - <b>Basic offence</b> (a) Fine (b) Imprisonment - <b>Serious offence</b> (a) Fine (b) Imprisonment	€7,500 (HK\$66,450) Nil €30,000 (HK\$265,800) 2 years	S\$5,000 (HK\$28,150) 1 year S\$10,000 (HK\$56,300) 2 years
7.	<b>Conditions for enhanced penalties</b> - repeated offence - insults to law enforcement officers - offence in group	x ✓ ✓	✓ x x
8.	<b>Civil compensations</b>	✓	x
<b>C. Implementation figures in 2019</b>			
9.	<b>Number of cases</b>	29 748	Not available
10.	<b>Number of convictions</b>	20 280	Not available
11.	<b>Conviction rates</b>	68%	Not available

Notes: (1) Figures for 2019.

(2) Figures for 2018.



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