

Annex A – Legislation which the Maintenance of Racial Harmony Bill ported or took reference from

Proposals in the Bill	Existing Legislation	Key Similarities	Key Differences
<p>Establishment of the Presidential Council for Racial and Religious Harmony</p>	<ul style="list-style-type: none"> • Part 2 of the MRHA– “Establishment of Presidential Council for Religious Harmony” 	<ul style="list-style-type: none"> • The functions of the PCRRH are the same as the PCRH, but the scope has been expanded to include matters relating to racial harmony. • The appointment process of the PCRRH is the same as the PCRH. 	<ul style="list-style-type: none"> • The size of the PCRRH is larger, with at least 10 (as compared to 6 in the PCRH) and at most 20 (as compared to 15) members. This is necessary to ensure adequate representation of major racial and religious communities.
<p>Introducing Restraining Orders against Content Prejudicial to Racial Harmony</p>	<ul style="list-style-type: none"> • Part 3 of the MRHA – “Restraining Orders” 	<ul style="list-style-type: none"> • The overall intent and scope of an RO is similar across both the Bill and the MRHA. Broadly, it provides the Government with levers to act quickly and pre-emptively against content that could undermine social cohesion. • The review process of an RO is similar across both the Bill and the MRHA. All ROs will be reviewed by the PCRRH and are subject to confirmation by the President. The person against whom the ROs has been made can also make representations to the PCRRH. 	<ul style="list-style-type: none"> • ROs under this Bill do not preclude the mixing of race and politics (in contrast with MRHA which enables ROs to be issued to prevent the mixing of religion and politics). This recognises that elements of our political system already have a racial element to them, which is intended precisely to safeguard against race-based politics (e.g. by ensuring fair representation of races in our political process).

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<p>Porting Over and Updating Race-Related Offences –</p> <ul style="list-style-type: none"> • Offence to incite violence on the basis of race, or against a racial group. 	<ul style="list-style-type: none"> • Section 267C of the Penal Code makes it an offence to incite violence in general. • Section 74 of the Penal Code enhances the penalties of racially or religiously aggravated offences. 	<ul style="list-style-type: none"> • Section 267C and Section 74 of the Penal Code will not be amended or ported over. 	<ul style="list-style-type: none"> • While inciting violence in general is already an offence in the Penal Code, the Bill will introduce a specific offence relating to urging violence on the grounds of race, and prescribe increased penalties for such conduct.
<p>Porting Over and Updating Race-Related Offences –</p> <ul style="list-style-type: none"> • Offence to incite enmity, hatred, ill-will or hostility against a racial group. • Offence to insult, vilify, denigrate, threaten or abuse another person on the basis of race. 	<ul style="list-style-type: none"> • Section 298 of the Penal Code makes it an offence to utter words, etc., with deliberate intent to wound the racial feelings of any person • Section 298A of the Penal Code makes it an offence to promote enmity between different groups on grounds of race and doing acts prejudicial to 	<ul style="list-style-type: none"> • Section 298 and 298A of the Penal Code will be ported over to this Bill. Although some of the legislative language is updated, the scope of unacceptable conduct that these existing provisions cover will remain substantively the same in the Bill. 	<ul style="list-style-type: none"> • The term “wound racial feelings” has been replaced with objective descriptions - “insults, vilifies, denigrates, threatens or abuses on the basis of race”. This provides clarity and does not substantively expand the scope of conduct that would make out an offence today • Penalties for such offences will increase to align with similar offences in the MRHA • Defences which are already present in the MRHA will be

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	<p>maintenance of harmony</p>		<p>introduced in the Bill:</p> <ul style="list-style-type: none"> ○ Defence of Private Communication will allow people to have a safe space to freely discuss race in a private setting. ○ Defence of Pointing Out Matters in Good Faith in order to bring about a removal of these matters will allow persons to call out perceived racism.
<p>Community Remedial Initiative</p>	<ul style="list-style-type: none"> • Section 16H of the MRHA – “Community remedial initiative” 	<ul style="list-style-type: none"> • The overall intent and process of the Community Remedial Initiative remains consistent across both the Bill and the MRHA. 	<ul style="list-style-type: none"> • Nil
<p>Introduction of Safeguards against Foreign Influence –</p> <ul style="list-style-type: none"> • Designation of race-based entities and baseline foreign 	<ul style="list-style-type: none"> • Part 4 of the MRHA – “Countering Foreign Influence: General ” 	<ul style="list-style-type: none"> • The baseline measures imposed on designated race-based entities (under this Bill) and religious groups (under the MRHA) are largely the same. • The Minister can exempt both race-based entities (under this 	<ul style="list-style-type: none"> • Under the MRHA, all religious groups are subject to the baseline measures. Under this Bill, only selected categories of race-based entities will be designated and subject to the baseline measures. This accounts for the wider spectrum of race-based entities which

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influence measures		Bill) and religious groups (under the MRHA) from certain requirements.	have differing levels of risk.
<p>Introduction of Safeguards against Foreign Influence –</p> <ul style="list-style-type: none"> Stepped-up measures under foreign influence restraining orders 	<ul style="list-style-type: none"> Part 3 of the MRHA – “Restraining Orders” 	<ul style="list-style-type: none"> Most stepped-up measures under ROs are similar across the Bill and MRHA. This includes – prohibiting the entity from accepting or retaining foreign or anonymous donations; and imposing additional leadership requirements. ROs under the Bill and the MRHA will be reviewed by the PCRRH and are subject to confirmation by the President. 	<ul style="list-style-type: none"> Unlike the MRHA, stepped-up measures under the Bill can require a race-based entity to end a foreign affiliation.