

A Beginner's Guide to The POHA – Protecting yourself from harassment

The following article is a blog post extracted from Adrian Wee's blog, E.Legal.Activities <<https://elegalactivities.com>>. Adrian heads the firm's Criminal Litigation and Advocacy Practice Group.

It seems like everyone who's anyone has, at some point, claimed to have been harassed. [Beyonce's](#) done it, [socialites](#) have done it, even the [Singapore Government](#) has done it- albeit with varying degrees of success.

While it is easy to dismiss harassment as a problem of the rich and famous, the unfortunate reality is that anyone can be the victim of harassment. Have you ever had a business dispute or ended a romantic relationship? In some cases, when relationships break down and parties react emotionally, some people resort to causing alarm, annoyance or even acts of violence.

What then, can you do if you are a victim? Enter the Protection From Harassment Act, or POHA (how this acronym was derived from the name of the statute is beyond my powers of comprehension, although no doubt numerous government white papers exist to explain this).

What is the POHA?

The POHA essentially makes acts of harassment illegal and provides for a mechanism where harassment can be dealt with in court.

What sort of conduct constitutes harassment?

There are a number of types of harassment. These include the use of threatening, abusive or insulting words, or issuing threats of violence. The POHA also makes stalking illegal, along with spreading false statements about someone.

The POHA covers acts which occur both in real life and on the internet. Crucially, certain types of cyber-bullying, as well as harassment on social media are also covered under the POHA.

What can I do if I have been harassed?

Harassment is a criminal offence and the police may take action in appropriate cases. However, the reality is that the police have finite resources and will probably advise you to take on of the other alternative measures set out below.

There are a number of options for victims of harassment under the POHA. These include referring the matter to the police as well as filing a magistrate's complaint. However, the police have finite resources and are unlikely to take action in all except the most heinous of harassment cases. Magistrate's Complaint cases can be drawn-out and procedurally difficult for laypersons. Most victims of harassment will find that the most

appropriate route is to apply for a Protection Order (PO), Expedited Protection Order or a Non- Publication Order (NPO).

How do I apply for a PO/EPO/NPO?

All applications start at the State Courts of Singapore. The applicant has to attend at the harassment cases counter where an Assessor examines the complaint and informs the applicant of his or her options.

Assuming a PO/EPO or NPO is sought, the applicant has to prepare a sworn statement setting out details of the harassment. That sworn statement, or affidavit, is filed in court and served, together with the application itself, on the alleged harasser.

Where an EPO is required (usually where there is a great deal or urgency) the court usually fixes a first hearing before a judge within 3-4 days. The court then decides whether an EPO is required, and if so, the EPO is granted. This EPO is only temporary and will lapse once the actual PO hearing has taken place.

Once the application and affidavit are served on the alleged harasser, the alleged harasser will be given the opportunity to respond to the allegations via his or her own sworn statement. Once all the statements have been filed in court, the court fixes an initial hearing with parties. The court may subsequently order parties to attend mediation to address the underlying causes of the harassment, and if the mediation is unsuccessful, hold a hearing to decide if the PO or NPO should be issued.

What does an EPO/PO/NPO do?

Assuming the EPO/PO is issued, it is then served on the alleged harasser. The EPO and PO orders the harasser to stop all harassment. A breach of the EPO/PO is a criminal offence which will be dealt with by the police and may result in imprisonment.

Similarly, a breach of an NPO, which is an order to stop publication of harassing material, may amount to contempt of court and can result in imprisonment.

Put simply, it would be extremely foolhardy for any harasser to disobey an EPO, PO or NPO.

Can I get an EPO/PO/NPO by myself or do I need a lawyer?

The POHA process is relatively simple and designed for laypersons to be able to apply without the assistance of lawyers. However, as the proceedings can be contested and evidence will need to be evaluated and presented, some people may find that consulting or hiring a lawyer may be beneficial.

Are there practical steps that I can take?

The POHA solution isn't perfect. No option is. In some cases, you will find that there is little you can do except ignore the harasser and his/her behaviour. However, here are some practical tips:

1. Do not reply or respond to the harasser

People harass because they crave attention from their victim. They want their victim to constantly acknowledge the harasser's presence and control over the victim's life. Do not give the harasser the satisfaction of knowing that you are angry, fearful or otherwise affected.

2. Collect evidence

You will need this for your POHA application. SMS messages, CCTV footage, eyewitness statements and cameraphone photos are all useful pieces of evidence when convincing a judge to grant a PO.

3. Call the police

If you are in fear for your safety, call the police. That is what they are there for. This also sends the harasser the message that you will not hesitate to call the police when necessary and that his/her actions have consequences. As an added bonus, if the harasser is identifiable, the police may warn the harasser to lay off.

4. Disengage

Is the harasser calling you on your mobile phone 20 times a day? Change your number. Is he messaging you on Facebook? Delete your account. This will be easier for some than others, but some change is necessary for your peace of mind.

5. Confession is good for the soul

Is the harasser holding some deep, dark secret over your head, threatening to tell your wife/boss/friends if you do not comply? In certain cases, revealing this "secret" yourself deprives the harasser of power and any leverage over you.

Being the victim of harassment can be harrowing. While technology and social media provide multiple new avenues for harassing people, the law has also evolved to meet these new threats. You DO NOT have to suffer in silence.

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