











Workshop Session

- Day 1  | Session 1: Law and Jurisprudence 101: Introduction and Basic Concepts
- Day 1  | Session 2: Introduction to ICT law ecosystem
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- Day 5  | Session 10: Spreading the message: Strategies on advocacy and communication

Day 1☐ | Session 1: Law and Jurisprudence 101: Introduction and Basic Concepts

Date: Monday, 20 September 2021 [3:30 am - 5:30 am UTC]

Resource Person: Emerlynne Gil

Laws, and jurisprudence interpreting them, are critical to the study of any field. Understanding fundamental concepts of law and jurisprudence are essential for engaging in digital rights research and advocacy for all. This unit is an introductory session designed for participants, especially non-lawyers, to get a foundational understanding of how legal instruments, institutions and systems work. It aims to equip participants with fundamental skills and information needed to access the other sessions and navigate digital rights advocacy and policy work in their countries.

In this session, participants should aim to uncover debates around the nature of law, be able to distinguish between legal systems and institutions, appreciate core constitutional doctrines and synthesize various sources of law. This session will also help participants understand the analysis of legal provisions and jurisprudence with the help of tools, databases and methods to access them.

Key points of discussion:

- What is the significance of law?
- What is rule of law and rule by law?
- What are the legal systems broadly in the ASEAN countries?
- What is the process for enactment of laws and their enforcement - who is responsible for what?
- How do you break down a legal section or clause and analyse it?
- How do the same provisions of law compare across jurisdictions?
- What is the value of a judgment?
- How do we understand the different components of a judgment?
- Where can you find ICT laws and judgments?

Session exercise:

This session will have four breakout groups of 6 participants each, with two groups working on the same exercise. Groups will be pre-assigned by the organising team.

Exercise 1A: Groups 1 & 2: Understanding the legal systems in Southeast Asia

Groups 1 & 2 will be made up of persons from different countries. They will have preset questions about the legal systems and will share with each other answers. These will include questions on how a law gets made, courts' power to declare a law illegal, whether a citizen can challenge a law and if international law is enforceable.

Group 1 [Exercise Sheet](#)

Group 2 [Exercise Sheet](#)

Exercise 1B: Groups 3 & 4: Understanding legal provisions

Groups 3 & 4 will be made up of persons from different countries. The groups will each get two legal provisions. They will read the provision and discuss what that each provision means. They will also analyse what they like about the provision and what concerns they have about it.

Group 3 [Exercise Sheet](#)

Group 4 [Exercise Sheet](#)

Reference materials:

1. [Table 1 - Legal systems in Southeast Asian countries](#)
2. [Table 2 - Constitutional guarantees for different rights in Southeast Asian countries](#)
3. [CYRILLA database \(digital rights legal resources\)](#)

Suggested readings:

1. [Oxford Library Guides](#)
2. [Types of Legal Systems, University of Ottawa](#)
3. [Piotr Mikuli, Separation of Power \(March 2016\)](#)
4. [The Economist, What is the difference between common and civil law? \(July 2013\)](#)
5. [What is public international law? How are monist and dualist systems different?](#)
6. [Cornell Law School, Stare decisis](#)
7. [Rod Hollier, The ultimate guide to the ratio decidendi and obiter dictum](#)
8. [What is a constitution?](#)

9. Fundamental rights
10. What are human rights and their instruments?

Additional readings:

1. Zachary Holladay, *Public interest litigation in India as a paradigm for developing nations*
2. International law in municipal frameworks
3. Guide to statutory interpretation

Session Presentation

Read Day 1 Summary Here

Day 1 | Session 2:

Introduction to ICT law ecosystem

Date: Monday, 20 September 2021 [6:30 am - 8:30 am UTC]

Resource Person: Indri D. Saptaningrum

The last decade has seen a surge of legislation, policy instruments and jurisprudence in Southeast Asia. These developments will shape the future of the digital ecosystem both regionally and globally. These laws and regulations combined with other instruments dictate how ICTs are governed. This has tremendous implications on our rights. Therefore, this unit seeks to provide a high-level understanding of the legal ecosystem in Southeast Asia which regulates ICTs and user experience.

The objective of this unit is to summarise regulations, including legislation and policies as applicable, used to govern different aspects of the internet and online experience. Participants will leave the session with an appreciation of the framework within which ICT laws are created, and the powers and processes that create them. They will also have a broad understanding of the common opportunities and challenges across sectors and countries as a result of these regulations.

Key points of discussion:

- What are the key laws that impact and regulate internet functionality?
- What other instruments are used?
- What is the relationship of these instruments to the different laws?
- Who is responsible for enacting the different instruments and how can we engage with them?
- What are the broad kinds of problems with these laws and instruments for users?
- How do laws enter the internet governance ecosystem?

Session exercise:

This session will have four breakout groups of 6 participants each, with two groups working on the same exercise. Groups will be pre-assigned by the organising team.

Exercise 2A: Groups 1 & 2: Understanding authorities that make ICT laws

Groups 1 & 2 will be made up of persons from different countries. Participants in these groups will list out the different authorities that make ICT law and regulations in their countries. They will give examples of the kinds of laws or regulations such authorities have created. The group will then talk about whether there are similarities in the authorities across different countries in the region and if they have had experience of interacting with these authorities.

[Group 1 Exercise Sheet](#)

[Group 2 Exercise Sheet](#)

Exercise 2B: Groups 3 & 4: Understanding framework of laws that govern ICTs

Groups 3 & 4 will be made up of persons from different countries. Participants from each group will each list out the laws that they know of which regulate online spaces and ICTs. They will also list the areas that each of the laws touch upon. The group will discuss the list to see if they have similar or different ICT laws in their countries.

[Group 3 Exercise Sheet](#)

[Group 4 Exercise Sheet](#)

Reference materials:

1. [Table 3 - Laws governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)

Suggested readings:

1. [The APC ICT Policy Handbook \(Second Edition\)](#), Association for Progressive Communication
2. [Frank H. Easterbrook, Cyberspace and the Law of the Horse](#)
3. [Tim Wu and Jack L. Goldsmith, Who controls the internet?](#)
4. [How to find Digital Rights Laws on CYRILLA?](#)
5. [United Nations resolutions, decisions and reports on human rights and technology](#)

[Session Presentation](#)

[Read Day 1 Summary Here](#)

Day 2☐ | Session 3: Error 403: Access, telecom policy and network shutdowns

Date: Tuesday, 21 September 2021 [3:30 am - 5:30 am UTC]

Resource Persons: Edmon Chung & Damar Juniarto

Access to the internet is intrinsic to exercising other rights. The digital divide between urban and rural areas has significantly impeded the ability of all people to tap the potential of ICTs. While most access to the internet has been provided by corporations, either state or privately owned, the space for democratizing ICT infrastructure is far from being realised in Southeast Asia. Nations, particularly emerging economies, rely on equitable access to digital infrastructure both for economic growth and welfare. To facilitate this, countries have instituted a variety of laws and policies that enable both private and public vendors to carry out these services, although some of these policies have been criticised for unduly disenfranchising communities who need it most. With the highest number of network shutdowns and significant gender-based digital divide, several sections of society remain discriminated against in being able to obtain meaningful access to the internet. However, there have been positive developments in the region, including recognition of access as a right and pronouncements that recognise the importance of access.

The first part of this unit is designed to help understand meaningful access and the regulatory framework, including laws and policies, that enable access to the internet or connectivity. Participants will be exposed to international discussions and jurisprudence from the region that recognise the significance of access. The second part of the unit will focus on the unique problem of network shutdowns and its consequences. Participants will be familiarised with laws and regulations used to impose government-mandated disruptions of internet access. This part of the session will provide participants with a factual primer on network shutdowns to appreciate the legal challenges and evolving jurisprudence on the issue.

Key points of discussion on access and telecom infrastructure:

- What is access?
- What are the kinds of regulations and laws that govern access to the internet?
- What other laws and judgments from the region impact access?
- What laws and policies impact the democratisation of internet infrastructure including the setting up of community networks?

- Is access to the internet receiving growing recognition as a legal or fundamental right? Why?

Key points of discussion on network shutdowns:

- What are internet shutdowns?
- What laws, justifications, authorities and means are used to impose them?
- What are international bodies saying about internet shutdowns?
- What have courts said on the issue of internet shutdowns?

Reference materials:

1. Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries
2. Table 4 - Resources and databases on ICT and jurisprudence
3. Table 5 - International human rights law landscape

Suggested readings:

1. APC, Redes A.C., Universidad Politécnica de Catalunya, *Expanding the telecommunications operators ecosystem: Policy and regulatory guidelines to enable local operators* (September 2020)
2. Aayush Rathi, Arindrajit Basu and Anoushka Soni, *Dialling in the Law: A comparative assessment of jurisprudence on internet shutdowns* (November 2020)
3. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Ending Internet shutdowns: a path forward*

Additional readings:

1. Ritu Srivastava, *Mapping the regulatory environment of community networks in India, Myanmar and Philippines* (August 2019)
2. [Podcast] Chips with Everything podcast, 2020, *Turning off the internet*, The Guardian

 Edmon Chung - Session Presentation

 Damar Juniarto - Session Presentation

 Read Day 2 Summary Here

Day 2☐ | Session 4: Under lock and key: Privacy, surveillance and data protection

Date: Tuesday, 21 September 2021 [6:30 am - 8:30 am UTC]

Resource Person: Jam Jacob

Privacy and data protection have been recognised as two of the most important human rights in the digital age. Recent technological advances have changed the manner in which individuals interact with such a complex ecosystem. Nation states have launched mass surveillance programs that have unprecedented capability of recording information about citizens' communication and activity.

The objective of this unit is to summarise regulations pertaining to privacy, surveillance and data protection used to govern different aspects of the internet and online experience. This unit will identify the different facets of an individual's privacy that are impacted in the digital age and map regulations that are intended to protect those rights. It will examine the impact of emerging technologies on decisional privacy by analysing the different forms of surveillance currently deployed in society and the legal frameworks enabling them. Since the increasing use of personal data in the ICT space warrants a closer look at the data protection legislations, we will look at the current level of protection offered by legislations and examine if they have been adapted to address the informational privacy harms arising out of the technological changes.

Key points of discussion on privacy and surveillance:

- What is privacy and what is the international law position on it?
- Privacy protection in constitution and other laws in Southeast Asia
- What are the key concerns on privacy in the region?
- What are the key issues with surveillance and laws that regulate it?

Key points of discussion on data protection:

- What is data protection?

- What are the key legal concepts around data protection?
- Do data protection laws in southeast Asia sufficiently protect individuals?
- What are the gaps that need to be addressed in data protection laws in the region?

Session exercise:

This session will have four breakout groups of 6 participants each, with two groups working on the same exercise.

Exercise 4A: Groups 1 & 2: Data protection law analysis

The groups will be made of persons from different countries, and each group will assume the role of law-makers! The groups will talk about the ideal components of a data protection legislation in their countries and come back with a list of things they will include and a list of things they will avoid in a data protection law.

[Group 1 Exercise Sheet](#)

[Group 2 Exercise Sheet](#)

Exercise 4B: Groups 3 & 4: Surveillance law analysis

The groups will be made of persons from different countries, and each group will assume the role of law-makers! The groups will talk about the ideal components of a surveillance regulation or legislation in their countries and come back with a list of things they will include and a list of things they will avoid in a surveillance law.

[Group 3 Exercise Sheet](#)

[Group 4 Exercise Sheet](#)

Reference materials:

1. [Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)
4. [Table 2 - Constitutional guarantees](#)

Suggested readings:

1. [Graham Greenleaf, Global Data Privacy Laws 2021: Despite COVID Delays, 145 Laws shows GDPR Dominance](#)
2. [Shoshana Zuboff, Surveillance, capitalism, VPRO Documentary](#)
3. [General Data Protection Regulation](#)

4. [OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data](#)

Additional readings:

1. [APEC Privacy Framework](#)
2. [The Fair Information Practice Principles](#)
3. [The failure of Fair Information Practice Principles](#)
4. [Incompatible: The GDPR in the Age of Big Data](#)
5. [A critique of consent in Information Privacy](#)
6. [A Contextual Approach to Privacy Online](#)

[Session Presentation](#)

[Read Day 2 Summary Here](#)

Day 3 | Session 5: Speaking up: Exploring SEA laws on protecting freedom of expression

Date: Wednesday, 22 September 2021 [3:30 am - 5:30 am UTC]

Resource Person: Wahyudi Djafar

Freedom of expression is the bedrock of any democracy. In the current, polarized, political times, our communication and political conversations are increasingly shifting online. The internet is a critical enabler and a tool for citizens, activists and journalists to express themselves. It is therefore important to know the laws and regulations that protect our speech, and the laws and regulations that limit them.

Accordingly, this unit seeks to familiarize participants with the different laws protecting freedom of speech and expression across Southeast Asia, and the restrictions on freedom of expression that are common in these legal systems. The session will also look at the brief history of these laws and restrictions, and how they surface both off-line and on-line in contemporary times.

Key points of discussion:

- What are the guarantees for freedom of expression in Southeast Asian countries?
- What standards guide the restriction of freedom of expression including international instruments?
- What are the key laws that regulate freedom of expression online?
- What are the kinds of expressions that are commonly criminalised in the region?
- What laws are used to target these forms of expression and what are the distinctions in the provisions?
- What are the judicial standards and pronouncements on these provisions?

Session exercise:

This session will have four breakout groups of 6 participants each. Groups will be pre-assigned by the organising team.

Exercise 5: Groups 1-4: Understanding laws used to curtail freedom of expression

The groups will be made of persons from different countries. Participants from each group will identify the most commonly used laws against freedom of expression, and discuss how these laws are used and the different concerns with how they are used.

[Group 1 Exercise Sheet](#)

[Group 2 Exercise Sheet](#)

[Group 3 Exercise Sheet](#)

[Group 4 Exercise Sheet](#)

Reference materials:

1. [Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)
4. [Table 2 - Constitutional guarantees](#)

Additional references:

1. [Comparison of the Constitutional Guarantee of the Freedom of Expressions in the Southeast Asian Countries](#)
2. [Comparison the Participation of Southeast Asian Countries in Human Rights Treaties and the Material of the Protection of Freedom of Expression](#)
3. [Challenge of the Freedom of Expressions in Southeast Asia: Law Comparison](#)
4. [Three Part Test of the Limitation of Freedom of Expressions](#)

Suggested readings:

1. [Unshackling expression, 2017 report, Unshackling Expression: A Study on Laws Criminalising Expression Online in Asia, GISWatch 2017 \(Association for Progressive Communications\)](#)
2. [Unshackling Expression: the Philippines Report 2020 \(Association for Progressive Communications\)](#)

3. Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in South east Asia, International Commission of Jurists
4. Irine Putranto, Sharly Chan and Siena Anstis, On/offline: Multidimensional threats faced by the environmental human rights defender in South East Asia
5. Klonick, Kate. 2018. "The New Governors: The People, Rules and Processes Governing Online Speech." *Harvard Law Review* 131: 73.
6. Wired.com, *The Quest to Topple Science-Stymying Academic Paywalls* (April 2019)
7. Columbia Journalism Review, *Infection and Repression* (September 2020)

Session Presentation

Read Day 3 Summary Here

Day 3☐ | Session 6:

Unpacking hate speech, defamation and misinformation

Date: Wednesday, 22 September 2021 [6:30 am - 8:30 am UTC]

Resource Person: Herlambang Wiratraman

Limitations to freedom of expression have been difficult to define in precise terms given that a lot hinges on context. This has often become an excuse for unwarranted action and censorship against inconvenient speech in the name of misinformation and national security. On the other hand, hate speech has become rampant in the region with little efforts from the state to curb or counter it. The laws that seek to regulate or prohibit such speech are vague, over broad and riddled with inconsistencies.

This session will provide an overview of the provisions relating to hate speech, defamation, misinformation and national security in the region. Participants will understand the criticism against these laws and how they differ from international standards. Most importantly, efforts will be made to help identify and distinguish legitimate speech from prohibited speech.

Key points for discussion:

- What are the most common forms of content or expression online that are prohibited?
- What is hate speech? How do laws define it?
- What are the grey areas in deciding if a content is hate speech?
- What is defamation and what are the exceptions?
- What is misinformation and what are the laws that regulate it?
- How are defamation and misinformation laws implemented?
- Do they violate national and international free speech standards?

Session Exercise:

This session will have six breakout groups of 4 participants each, with two groups working on the same exercise.

Exercise 6A: Groups 1& 2: Hate speech

Participants will be provided a series of different statements and asked to discuss if they think what is displayed meets the threshold of hate speech. The groups will discuss within themselves for both sides of the argument for each series of statements.

[Group 1 Exercise Sheet](#)

[Group 2 Exercise Sheet](#)

Exercise 6B: Groups 3 & 4: Defamation

Participants will be provided a series of different statements and asked to discuss if they think what is displayed meets the threshold of defamation. The groups will discuss within themselves for both sides of the argument for each series of statements.

[Group 3 Exercise Sheet](#)

[Group 4 Exercise Sheet](#)

Exercise 6C: Groups 5 & 6: Misinformation

Participants will be provided a series of different statements and asked to discuss if they think what is displayed meets the threshold of misinformation. The groups will discuss within themselves for both sides of the argument for each series of statements.

[Group 5 Exercise Sheet](#)

[Group 6 Exercise Sheet](#)

Reference materials:

1. [Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)
4. [Table 2 - Constitutional guarantees](#)

Suggested readings:

1. [Gayathry Venkiteswaran, "Let the mob do the job": How proponents of hatred are threatening freedom of expression and religion online in Asia \(September 2017\)](#)

2. Unshackling expression, 2017 report, Unshackling Expression: A Study on Laws Criminalising Expression Online in Asia, *GISWatch 2017 (Association for Progressive Communications)*
3. Unshackling Expression: the Philippines Report 2020 (*Association for Progressive Communications*)
4. International Press Institute, *Rush to pass 'fake news' laws during Covid-19 intensifying global media freedom challenges* (October 2020)

 Session Presentation

 Read Day 3 Summary Here

Day 4 | Session 7: Managing online spaces: Content moderation and intermediary liability

Date: Thursday, 23 September 2021 [3:30 am - 5:30 am UTC]

Panel

The private sector, and more specifically social media platforms wield great power and decision making on what content gets to stay online and what is taken down. The increasing quantity and diversity of sources of online speech hosted by internet platforms coupled with the dangerous impact and consequences caused by the spread of misinformation and hate speech has led to a growing inclination among governments across the globe to demand more aggressive intervention in filtering the content they host. However, these moves have been challenged by experts as having a chilling effect on free speech, possibly amounting to censorship while also imposing unreasonable expectations on platforms.

This session, which will be in the form of a panel discussion, will uncover the approach taken by countries and the private sector in the region to content moderation and intermediary liability covering regulatory tools used by governments, community standards established by private actors, jurisprudence laid down by courts, and concerns identified by scholars. The core objective of this session is for participants to unpack how individual rights and public interest are dealt with by platforms under the law.

Key points of discussion:

- What is content moderation?
- What are the kinds of speech subject to content moderation?
- What are the laws that regulate content moderation and provide for intermediary liability?
- What are the key distinctions in the laws from the Southeast Asian countries?
- What laws and policies exist on content moderation for platforms?
- What are the prominent judicial pronouncements on content moderation and intermediary liability?

Reference Materials:

1. Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries
2. Table 4 - Resources and databases on ICT and jurisprudence
3. Table 5 - International human rights law landscape

Suggested readings:

1. Association for Progressive Communications, *APC policy explainer: Platform Responsibility and Accountability* (November 2020)
2. Global Network Initiative, *Addressing Digital Harms AND Protecting Human Rights — GNI Shares Recommendations for Policymakers*
3. APC, Reorienting rules for rights: A summary of the report on online content regulation by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
4. Manila Principles on Intermediary Liability
5. Santa Clara Principles on Transparency and Accountability in Content Moderation
6. UN Guiding Principles on Business and Human Rights
7. Asia Pacific Survey on Fake News and Intermediary Liability
8. AIC Releases Toolkit on Addressing Online Misinformation Through Legislation – POFMA

Additional readings:

1. Comparative Analysis of National Approaches of the Liability of the Internet Intermediaries: Malaysia
2. Roberts, Sarah T. 2017. "Content Moderation" edited by L. A. Schintler and C. L. McNeely. *Encyclopedia of Big Data*.
3. Matias, J. Nathan. 2019. "The Civic Labor of Volunteer Moderators Online." *Social Media & Society* 5(2):205630511983677.
4. Jeong, Sarah. 2016. "The History of Twitter's Rules." *Motherboard / Vice*, January 14.
5. Newton, Casey. 2019. "Bodies in seats"/ *The Verge*, June 19
6. *The Ringer, The BTS Army and the Transformative Power of Fandom As Activism* (June 2020)

Presentation - Jeff Paine

[Presentation - Victoire Rio](#)

[Presentation - Katherine Chen](#)

[Read Day 4 Summary Here](#)

Day 4 | Session 8:

Protecting the vulnerable: Special provisions for gender and marginalised groups

Date: Thursday, 23 September 2021 [6:30 am - 8:30 am UTC]

Panel Discussion

Law and policy making have disparate impacts on different groups, depending on axes such as gender, income, caste, disabilities and geography. These regulations can often determine the nature and extent to which communities and individuals influence and are impacted by policy making. These inequalities merit specific attention across the domains of technology policy – from digital access to protection of digital rights. This module will introduce these concepts in the context of Southeast Asia, with particular focus on gender as a cross-cutting theme across forms of inequality.

This unit, which will be in the form of a panel discussion, is designed to get participants familiar with special provisions that protect gender and vulnerable groups in the ICT spaces, how these provisions may be used to target their agency and to get participants to understand how a feminist and rights perspective could be used in the process of legal analysis. It will adopt a feminist lens to critique legal systems and jurisprudence that govern technology, while also discussing provisions that are designed to protect vulnerable groups from negative impact. The experiences of vulnerable groups as they adopt and resist technology and data systems will be highlighted. The session will also discuss the role of marginalised groups in policy making, including reimagining technology law and policy through feminist principles as they are mobilised to create alternative feminist realities.

Key points of discussion:

1. Broadly, who are the vulnerable groups in Southeast Asia?

2. What special laws or provisions addressing gender and vulnerable groups are applicable to ICT spaces?
3. How are broad ICT regulations impacting gender and vulnerable groups?
4. Are perspectives of vulnerable groups taken into account in policy making?
5. Key jurisprudence on the issue from the region

Reference materials:

1. [Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)
4. [Table 2 - Constitutional guarantees](#)

Suggested readings:

1. [Association for Progressive Communications, *Feminist Principles of the Internet - Version 2.0* \(August 2016\)](#)
2. [Dr. Anja Kovacs, *Gendering Surveillance: An Introduction* \(February 2017\)](#)
3. [Report of the Office of the United Nations High Commissioner for Human Rights on ways to bridge the gender digital divide from a human rights perspective](#)
4. [UN Women, 2020, Online violence against women in Asia: a multi-country study](#)
5. [Gender Digital Equality Across ASEAN, ERIA Discussion Paper Series](#)
6. [Is access real?](#)

 [Presentation Slide - Lisa](#)

 [Presentation Slide - Biplabi](#)

 [Presentation Slide - Siti and Nathania](#)

 [Read Day 4 Summary Here](#)

Day 5 | Session 9:

Generating new knowledge: Legal research methodology and process

Date: Friday, 24 September 2021 [3:30 am - 5:30 am UTC]

Resource Persons: Dhevy Sivaprakasam, Anna Bueno & Emilie Pradichit

Researching digital rights is often incomplete without addressing laws and policies that further restrictive environments or fail in curbing violations. Despite strong constitutional guarantees in the region, we have witnessed monumental challenges in realising rights in online spaces. Sociological and intersectional approaches are essential in reflecting the human impact of laws and policies. Ethical research practices behind evidence-based credible research are critical for engaging in advocacy for changes in regulatory framework.

This unit will seek to help participants unearth practices for developing a research process by addressing key issues around developing research questions, methods and ethical practices. The session will also provide an overview on collecting data and engaging in developing a narrative in the research. This will be followed by a break-out session where participants will hear from the developers of two key researches on policies from the region discussing the process and challenges they faced.

Key points of overall discussion:

- How to frame the research question?
- What support systems would you need when embarking on legal research?
- Principles for ethical research from a human rights based approach
- How can we go about data collection?
- Common pitfalls to avoid

Session breakout:

This session will have two breakout groups of 12 participants each.

Each breakout group will consist of an interview lead by the organisers with an established researcher who will speak to the group about a legal research that they have undertaken in the past, including how they framed the research questions, the kind of research methodology that they undertook, their approach to data collection and principles of carrying out ethical research.

Reference materials:

1. [Table 4 - Resources and databases on ICT and jurisprudence](#)
2. [Table 6 - Resources for referencing](#)

Suggested readings:

1. De Nardis et al, *Researching internet governance: methods, frameworks, futures* (2020)
2. [Jessica Dheere, *A methodology for mapping the emerging legal landscapes for human rights in the digitally networked sphere* \(2017\)](#)
3. [Marsha L. Baum, *Ten tips for moving beyond the brick wall in the legal research process* \(2001\)](#)
4. [Unshackling Expression: the Philippines Report 2020 \(*Association for Progressive Communications*\)](#)

Additional readings:

1. [George Orwell, *Politics and the English Language*](#)
2. [Strunk, *The Elements of Style*](#)
3. [ICT law analysis workbook](#)
4. [Jurisprudence analysis workbook](#)

[Emilie - Session Presentation](#)

[Read Day 5 Summary Here](#)

Day 5 | Session 10:

Spreading the message: Strategies on advocacy and communication

Date: Friday, 24 September 2021 [6:30 am - 8:30 am UTC]

Resource Persons: Edmund Bon, Nurina Savitri & Nalini Elumalai

Strategic advocacy with courts, legislatures and international forums have played an instrumental role in shaping the digital policy ecosystem, and in developing a free, open and rights-respecting internet. The success of strategic advocacy is contingent on the political and social set-up in each country, but common themes and tools apply across nations. It is essential therefore to hear from individuals who have been involved in campaigns, policy processes and strategic litigation across a variety of digital issues to gain different perspectives.

This unit will start with an overview of the different kinds of advocacy initiatives that groups have undertaken to effect changes in both enacted ICT laws and draft laws. Discussions will include addressing stakeholders and developing documents for the initiatives. Strategies for public campaigning and key considerations for engaging in strategic litigation will be shared. This will be followed by two breakout groups. One group will specifically look at how public campaigning can be developed, while the other group will dive into strategic policy advocacy targeting decision makers.

Key points of discussion main session (45 minutes):

- What is policy advocacy?
- Who are the different stakeholders to consider when advocating for ICT laws and policies?
- What are the kinds of advocacy initiatives that can be undertaken to effect change in ICT laws and drafts (national, regional and international)?
- What are some of the challenges and risks you might encounter while undertaking such advocacy?
- Engaging in strategic litigation - things to think about (when and how to engage, finding allies etc.)

Session exercise:

This session will have two breakout groups of 12 participants each.

Breakout room 1: Policy advocacy

There will be presentation on policy advocacy aimed at decision makers, including the how to begin advocacy, identifying stakeholders, preparation of documents etc. This will be followed by an exercise for participants.

Exercise 10A: Group 1: Developing a policy advocacy strategy

The group will brainstorm about what is needed for carrying out policy advocacy directed towards decision makers on a particular ICT law or policy.

[Group 1 Exercise sheet](#)

Breakout room 2: Public advocacy

There will be a presentation on how to develop and run a public campaign, including the various steps involved in planning, target audience, key messaging etc. This will be followed by an exercise for participants.

Exercise 10B: Group 2: Developing a public campaign

This group will discuss the different steps involved in developing and implementing a public or social media campaign for an anti-fake news law to bring awareness to that particular law.

[Group 2 Exercise sheet](#)

Reference materials:

1. [Table 7 - Map on UN spaces for advocacy](#)
2. [Table 8 - Map of UNHRC spaces](#)
3. [Table 9 - Status of ratifications and reservations](#)

Suggested readings:

1. APC, *The APC ICT Policy Handbook* (Second Edition)
2. Eóin Young & Lisa Quinn, *Making Research Evidence Matter: A Guide to Policy Advocacy in Transition Countries*
3. ISHR Academy, *Risks in Engaging with the UN*
4. Activating Malaysians - The D-I-Y Toolkit
5. Strategic litigation training for lawyers: A facilitator's manual

Additional Readings

1. APC, *APC Internet Rights Charter*
2. Johanna Eve Simeant, *Interpreting the Rise of International "Advocacy"*
3. Shannon O'Connell, *Policy Development and Policy Advocacy*

 Presentation Slide - Edmon Bon

 Presentation Slide - Nalini

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