

# 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

---

Revision #19

Created 8 September 2021 08:46:21 by Cho

Updated 29 September 2021 04:44:15 by Cho