

# Sessions' briefer & Curriculum

*The entire curriculum for the workshop can be downloaded [here](#).*

## Introduction

As emerging information and communications technologies (ICTs) begin to challenge, modulate and fundamentally alter everyday life, legal and policy frameworks must adapt to better capture social, economic and political vectors driving this change. With a heterogeneous mass of users increasingly coming online, countries in Southeast Asia have a unique opportunity to drive this change and use technology to improve the lives of individuals. In doing so, they can set the benchmark for other emerging economies grappling with the prospect of technological change.

However, the development and governance of these ICTs must evolve keeping in mind the aspirations and rights of individuals and communities. Over the past decade, several laws and policies have been enacted by states to address challenges. These regulations have a significant impact on an array of rights guaranteed by national and international law.

This course seeks to equip participants with knowledge of the fundamental legal questions that need to be answered from a rights-based perspective when uncovering this form of technological change and the legal methods that are required to answer these questions.

## Substantive sessions

*Day 1, 20 September 2021*

### Session 1: Law and jurisprudence 101: Introduction and basic concepts

*Resource person:* Emerlynne Gil

*Time:* 3:30 - 5:30 AM UTC

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 synthesise 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.

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## **Session 2: Introduction to ICT law ecosystem**

*Resource person:* Indri D. Saptaningrum

*Time:* 6:30 - 8:30 AM UTC

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.

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***Day 2, 21 September 2021***

## **Session 3: Error 403: Exploring access, telecom policy and network shutdowns**

*Resource persons:* Edmon Chung & Damar Juniarto

*Time:* 3:30 - 5:30 AM UTC

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 untap the potential of ICTs. While most access to the internet has been provided by corporations, either state or privately owned, the space for democratising 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 a 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.

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## **Session 4: Under lock and key: Privacy, surveillance and data protection**

*Resource person:* Jam Jacob

*Time:* 6:30 - 8:30 AM UTC

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 programmes that have unprecedented capability of recording information about citizens' communication and activity.

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 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.

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***Day 3, 22 September 2021***

## **Session 5: Speaking up: Exploring SEA laws on protecting freedom of expression**

*Resource person:* Wahyudi Djafar

*Time: 3:30 - 5:30 AM UTC*

Freedom of expression is the bedrock of any democracy. In the current, polarised, 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 it.

Accordingly, this unit seeks to familiarise 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 offline and online in contemporary times.

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## **Session 6: Unpacking hate speech, defamation and misinformation**

*Resource person: Herlambang Wiratraman*

*Time: 6:30 - 8:30 AM UTC*

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 effort from the state to curb or counter it. The laws that seek to regulate or prohibit such speech are vague, overly broad and riddled with inconsistencies.

This session will provide an overview of the provisions relating to hate speech, misinformation and defamation 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.

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***Day 4, 23 September 2021***

## **Session 7: Managing online spaces: Content moderation and intermediary liability**

*Moderator: Pavitra Ramanujam*

*Time: 3:30 - 5:30 AM UTC*

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 have led to a growing inclination among governments across the globe to demand more aggressive intervention

by platforms 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 address 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.

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## **Session 8: Protecting the vulnerable: Special provisions for gender and marginalised groups**

*Moderator:* Gayatri Khandhadai

*Time:* 6:30 - 8:30 AM UTC

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 ICT spaces and 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.

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***Day 5, 24 September 2021***

## **Session 9: Generating new knowledge: Legal research methodology and process**

*Resource persons:* Dhevy Sivaprakasam, Anna Bueno & Emilie Pradichit

*Time:* 3:30 - 5:30 AM UTC

Researching digital rights is often incomplete without addressing laws and policies that further exacerbate 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 frameworks.

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 breakout session where participants will hear from the developers of two key research projects on policies from the region discussing the process they followed and the challenges they faced.

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## **Session 10: Spreading the message: Strategies on advocacy and communication**

*Resource persons:* Edmund Bon, Nurina Savitri & Nalini Elumalai

*Time:* 6:30 - 8:30 AM UTC

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.