

## THE EUROPEAN UNION – INDONESIA LUNCHTIME DEBATE “CURBING FAKE NEWS AND HATE SPEECH ONLINE: WHICH ROLE FOR GOVERNMENT AND INDUSTRY?”

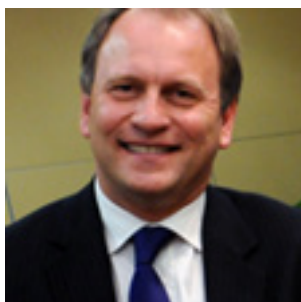
Wednesday, 3 May @13:15-14.15  
#WPDF CONFERENCE - Opposite Assembly Hall I

How are the European Union and Indonesia countering online hate speech and fake news? Where is the appropriate balance with freedom of expression? How much regulation is needed, and what roles do government, industry and civil society play? The European Union (EU) is trying to tackle online hate speech by cooperating with civil society and IT content providers. Perhaps the resulting lessons can be of use for other countries.

The Deputy Head of the EU Delegation to Indonesia will begin by sharing the story of the EU Code of conduct on countering illegal hate speech online, launched in cooperation with Facebook, Microsoft, Twitter and YouTube in May 2016. A senior European journalist and media freedom advocate will provide the civil society analysis and perspective. Public Policy Lead of Twitter Indonesia will describe the experience of social media companies and Twitter’s efforts to curb the hate, while ensuring freedom of expression. An Australian socio-cultural cartoonist will illustrate the image of developments from afar. Last but not least, the managing editor of AsiaViews will provide the Indonesian media view and draw conclusions.

And most importantly, all participants are invited and encouraged to share their views and experiences. And be ready for some prizes and live surveying!

### SPEAKERS AND MODERATOR

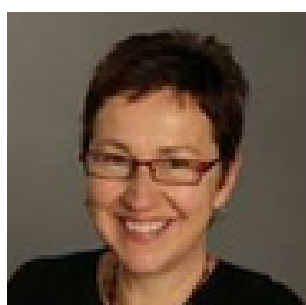


**CHARLES-MICHEL GEURTS** – @uni\_eropa is Deputy Head of the European Union (EU) Delegation to Indonesia and Brunei Darussalam. After completing his law degrees (Namur, Louvain-La-Neuve, Firenze), he has been working for the EU and held posts at the EU Delegations to Hungary and to the United Nations in New York, where he worked on political, peace and security issues. Charles-Michel has been working on human rights in the EU and the world since 2008. A visiting professor at the College of Europe in Bruges (Belgium), he has published articles on the EU and on multilateral human rights issues.



**YULI ISMARTONO** - @yismartono is managing editor of AsiaViews and publishes TEMPO English, a current affairs magazine. Over 30 years in journalism, she covered the first Gulf War and conflicts in Afghanistan, Sri Lanka and Cambodia, and interviewed numerous Asian leaders. She is a member of numerous boards, including the Natural Resources Governance Initiative (NRGI), APCO's International Advisory Council and of Altsean Burma, an NGO training Myanmar civil society in media development. She also participates in the Alliance of Independence Journalists, Jakarta Editors Club and the Thailand and Jakarta Foreign Correspondents Clubs. Yuli co-founded Junior Prestasi Indonesia that trains high school students in entrepreneurship. She graduated in political science from Delhi University, India and in journalism from Syracuse University, USA.

**ROHAN JAYASEKERA** - @rohanjay is a London-born and widely travelled international journalist, editor, media trainer and online producer. Since 1992 Rohan has been working on creative investigative publishing and advocacy in fragile countries, as well as countering hate speech and fake news. As deputy CEO (until 2013) of "Index on Censorship", the award-winning magazine and advocacy group, he has written on and led projects to counter hate speech. Prior to that, he was the managing editor of the Institute for War & Peace Reporting. He has founded and currently works as the head of Vivarta, a digital media research and production lab in the Free Word Centre (London), which also advocates for free expression and real and investigated news.



**CATHY WILCOX** - @cathywilcox1 is an Australian socio-political cartoonist. She draws for the daily Sydney Morning Herald, publishes with the Fairfax Media editor and illustrates children's books. She has published two collections of cartoons and received several prizes such as the National Museum of Australia Prize for political cartoons (2009) and two Walkley National Journalism Awards (2007 & 2013). A graduate of the Sydney College of the Arts, she studied literature at Universite' Paris III and worked in Paris as an illustrator and graphic designer for Paris Passion and Speakeasy magazines. She has also spoken about her work at TEDx Sydney in 2016.

**AGUNG YUDHA** - @ayudh69 is Public Policy Lead of Twitter Indonesia. He monitors public policy issues, engages with key government, political, and media representatives to help them understand Twitter and advance policy beneficial to its users. Prior to this he worked for Google's public policy and government relations, and at United Nations Development Programme (UNDP). For over 15 years Yudha has been assisting and working with government agencies, civil society groups, academic institutions, and private companies to leverage advocacy, public education, capacity and awareness building, as well as media and public outreach. He holds a Masters in International Human Rights Law from the University of Hong Kong.



# COMBATING HATE SPEECH IN THE EU AND INDONESIA

## THE RISE OF HATE SPEECH

Hate speech has increased in recent years- particularly on the Internet. As a multi-ethnic and multi-religion country, with over 130 million internet users – of which 50 million on social media, Indonesia faces a particularly dangerous threat through hate speech. Indonesian media reports that on-line hate speech has increased intolerance.

75% of European Union (EU) citizens who follow debates on social media have seen or themselves experienced hate speech, abuse or threats. Almost half report hesitation to engage in online debates.<sup>1</sup> Xenophobic statements are the most widespread form of hate speech on social platforms, according to civil society organisations who monitored them in nine EU countries October-November 2016.<sup>2</sup>

## THE EUROPEAN UNION (EU) CODE OF CONDUCT ON COUNTERING ILLEGAL HATE SPEECH ONLINE

While the right to freedom of expression is universally recognised, the right is not absolute. It does not for example condone “hate speech”, which justifies restrictions to this freedom - when provided by law and proportionate to a legitimate aim, e.g. of protection.

In this context, the EU is working with social media companies to tackle hate speech. In May 2016, Facebook, Google (which owns YouTube), Microsoft, Twitter and the EU signed the [Code Of Conduct On Countering Illegal Hate Speech Online](#), creating “community guidelines” that prohibit the promotion of incitement to violence and hateful conduct. The four companies committed to reviewing – and when necessary removing illegal hate speech - within 24 hours of receiving a report.

**“The proliferation of hate speech online is shrinking the space for democratic discussions. When “toxic narratives” about migrants and religious minorities publicly incite hatred and violence, the thin line between hate speech and hate crime merges into one.”**

*- European Commission's Vice-President for Digital Single Market  
Andrus Ansip, April 2017*

The EU is keeping track of who is and is not respecting the “Code of Conduct”. A group of IT companies, NGOs and government is helping the EU report the progress on countering hate speech. The first results show that 28% of all notifications of hate speech are removed. However, only 40% are reviewed within 24 hours.

Freedom of Expression and digital rights organisations have been holding the EU to account, and have pointed to weaknesses in the EU Code of Conduct. Access Now and European Digital Rights even withdrew from the discussions. For analysis of the Code and digital rights:

- ▶ Article 19: [www.article19.org/data/files/medialibrary/38430/EU-Code-of-conduct-analysis-FINAL.pdf](http://www.article19.org/data/files/medialibrary/38430/EU-Code-of-conduct-analysis-FINAL.pdf)
- ▶ The Global Network Initiative (GNI): [www.globalnetworkinitiative.org/news](http://www.globalnetworkinitiative.org/news)
- ▶ An international ranking of digital rights: [rankingdigitalrights.org/](http://rankingdigitalrights.org/)
- ▶ AccessNow statement: [www.accessnow.org/edri-access-now-withdraw-eu-commission-forum-discussions/](http://www.accessnow.org/edri-access-now-withdraw-eu-commission-forum-discussions/)

<sup>1</sup> 2016 Eurobarometer on media pluralism and democracy

<sup>2</sup> See European Commission Factsheet “Code of Conduct on countering illegal hate speech online: First results on implementation”

## WHAT ELSE IS THE EUROPEAN UNION (EU) DOING?

The EU distinguishes between, on the one hand 1) genuine and serious incitement to extremism and, on the other hand, 2) the right of individuals (including journalists and politicians) to express their views freely and to “offend, shock or disturb”. In the first case, a common approach to [penalties against hate speech](#), aims to make them effective, proportionate and dissuasive.<sup>3</sup> Criminal penalties are a minimum of 1-3 years of prison, and the convicted person may:

- ▶ no longer receive public benefits or aid
- ▶ no longer participate in commercial activities
- ▶ fall under judicial supervision

The EU’s protection of freedom of expression is set out in the 2014 [Guidelines on Freedom of Expression Online and Offline](#). Beyond the EU, it also sets out to “promote media freedom and pluralism and foster an understanding ... of the dangers of unwarranted interference with impartial/critical reporting.” In this framework, it supports partner countries to 1) ensure laws and policies protect freedom of expression and information, 2) help citizens receive information, 3) improve transparency of media ownership and fair licencing allocation. Finally, it also fosters the “independence ... of all public bodies that regulate media, broadcasting or telecommunications.” As to protecting from “hate speech”, the EU also:

**“All of us have the right to express ourselves, but we must all keep in mind that this crucial right of freedom of expression comes with responsibilities.”**

– Owen Bonnici, Minister for Justice, Culture & Local Govt. of Malta (currently presiding EU) - April 2017

- ✔ Recommends that the nature of the bias crime and the victim’s sexual orientation or gender identity should be considered when assessing the need for protection. ([Directive on the rights of victims](#), 2012)
- ✔ Bans hate speech, as well as the promotion of discrimination, in audio-visual media services and commercial communications ([Audio-visual Media Services Directive](#), 2010)
- ✔ Calls on social networks, e-commerce platforms and any host company to “act” as soon as they “notice” hate speech act through the “notice-and-action” procedure ([e-Commerce Directive](#), 2000)
- ✔ Engages with governments, civil societies and IT companies to counter online hate speech and protect the public from the online spread of terrorist material ([EU Colloquium on Fundamental Rights and EU Internet Forum](#)).

## WHOM IS THE EUROPEAN UNION SUPPORTING TO COUNTER HATE SPEECH

**LIGHT ON** has created toolkits to spot and deal with racism, including the images and language of “new racism”. It is helping citizens to take an active role to counter hate speech and racism.

**International Network Against Cyber Hate** promotes online respect, responsibility and citizenship by raising awareness about online discrimination. Through ‘[Research Report Remove](#)’, it is developing standards to document and analyse cyber hate and to improve procedures to remove it.

**ILGA Portugal’s** (its largest and oldest LGBT organisation) **Uni-Form** is monitoring and collecting comparable data on homophobic and transphobic hate crime and hate speech across several countries.

<sup>3</sup> Council Framework Decision (2010) on combating certain forms and expressions of racism and xenophobia by means of criminal law

### C.O.N.T.A.C.T. is

- setting up a hate crime recording website and phone app
- training and raising awareness among police, media professionals and youth
- researching hate speech and its perception.

**Research Centre on Security and Crime** analyses hate speech on a platform on online hate speech. **E-more** is developing a harmonised approach to combating hate-motivated offences across the EU.

## INTERNATIONAL LAW BALANCING FREEDOM AND FAKE AND HATE-INCITING “NEWS”

There is no universally accepted definition of the term ‘hate speech’ in international law. The term is usually used to refer to expression that is abusive, insulting, intimidating or harassing or which incites violence, hatred or discrimination against individuals or groups identified by a specific set of characteristics. Under international law, States are only required to prohibit the most severe forms of ‘hate speech’, namely the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

‘Hate speech’ legislation should not be abused by governments to discourage citizens from engaging in legitimate democratic debate on matters of general interest.

## BRIEF INFO ON THE INDONESIAN SITUATION

To prevent the situation from deteriorating, Indonesian civil society and the private sector are trying to limit the spread of hate speech. The Indonesian government established a Police Cybercrime Unit and started regulating online content through the revised Information Law (UU ITE 2016). The current legislation however focuses on individuals, and does not yet involve IT content providers.

## WHAT CAN YOU DO?

- ✔ **Understand and spot** hate speech, including the ‘newer’ forms of racism. For this, know the most recent symbols, pictures, words and expressions. See “Your turn to stop racism”<sup>4</sup>.
- ✔ **Report** all hate speech you come across to site administrators, internet service providers, relevant NGOs or the police. Check “Spot Racism”<sup>5</sup> or “Anti-Racism Toolkit”<sup>6</sup>
- ✔ **Spread the messages of tolerance and diversity.** Actions can be very wide, from providing direct counterarguments online to developing campaigns and awareness-raising.

Local civil society is best placed to fight hate speech, but national authorities can help. It is the responsibility of ALL to enable inclusive, diverse and open societies, in which all live together in peace.

**Follow #NoPlace4Hate and #WPFD on TWITTER**

<sup>4</sup> <http://www.lighton-project.eu/site/main/page/know-en>

<sup>5</sup> <http://www.lighton-project.eu/site/main/page/learn-en>

<sup>6</sup> <http://www.lighton-project.eu/uploads/File/Toolkit%20STAMPA.pdf>